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I hereby give notice that a hearing by commissioners will be held on:

**Date:** Wednesday 12 April 2023  
**Time:** 9.30am  
**Meeting room:** Warkworth Masonic Hall  
**Venue:** 3 Baxter Street, Warkworth, Auckland

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**PRIVATE PLAN CHANGE 84**  
**HEARING REPORT**  
**OMAHA SOUTH**  
**OMAHA BEACH RESIDENTS' SOCIETY**

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**COMMISSIONERS**

**Chairperson** David Wren (Chairperson)  
**Commissioners** Richard Blakey

**Yasmine Ali**  
**KAITOHUTOHU WHAKAWĀTANGA**  
**HEARINGS ADVISOR**

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**Note:** The reports contained within this document are for consideration and should not be construed as a decision of Council. Should commissioners require further information relating to any reports, please contact the hearings advisor.

## **WHAT HAPPENS AT A HEARING**

### **Te Reo Māori and Sign Language Interpretation**

Any party intending to give evidence in Māori or NZ sign language should advise the hearings advisor at least ten working days before the hearing so a qualified interpreter can be arranged.

### **Hearing Schedule**

If you would like to appear at the hearing please return the appearance form to the hearings advisor by the date requested. A schedule will be prepared approximately one week before the hearing with speaking slots for those who have returned the appearance form. If changes need to be made to the schedule the hearings advisor will advise you of the changes.

Please note: during the course of the hearing changing circumstances may mean the proposed schedule may run ahead or behind time.

### **Cross Examination**

No cross examination by the applicant or submitters is allowed at the hearing. Only the hearing commissioners are able to ask questions of the applicant or submitters. Attendees may suggest questions to the commissioners and they will decide whether or not to ask them.

### **The Hearing Procedure**

The usual hearing procedure is:

- **The chairperson** will introduce the commissioners and will briefly outline the hearing procedure. The Chairperson may then call upon the parties present to introduce themselves. The Chairperson is addressed as Madam Chair or Mr Chairman.
- **The applicant** will be called upon to present their case. The applicant may be represented by legal counsel or consultants and may call witnesses in support of the application. After the applicant has presented their case, members of the hearing panel may ask questions to clarify the information presented.
- **Submitters** (for and against the application) are then called upon to speak. Submitters' active participation in the hearing process is completed after the presentation of their evidence so ensure you tell the hearing panel everything you want them to know during your presentation time. Submitters may be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker.
  - Late submissions: The council officer's report will identify submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
  - Should you wish to present written evidence in support of your submission please ensure you provide the number of copies indicated in the notification letter.
- **Council Officers** will then have the opportunity to clarify their position and provide any comments based on what they have heard at the hearing.
- The applicant or their representative has the right to summarise the application and reply to matters raised by submitters. Hearing panel members may further question the applicant at this stage. The applicants reply may be provided in writing after the hearing has adjourned.
- **The chair** will outline the next steps in the process and adjourn or close the hearing.
- If adjourned the hearing panel will decide when they have enough information to make a decision and close the hearing. The hearings advisor will contact you once the hearing is closed.

### **Please note**

- that the hearing will be audio recorded and this will be publicly available after the hearing
- catering is not provided at the hearing.

**A LIMITED NOTIFIED PRIVATE PLAN CHANGE TO THE AUCKLAND UNITARY PLAN  
BY OMAHA BEACH RESIDENTS' SOCIETY**

<b>TABLE OF CONTENTS</b>		<b>PAGE NO.</b>
<b>Reporting officer's report</b>		5-42
<b>Attachment 1</b>	Proposed Private Plan Change 84 - Documents as Notified	43-106
<b>Attachment 2</b>	Existing Auckland Unitary Plan Precinct I528 Provisions, and Residential – Single House Zone, Residential – Mixed Housing – Suburban Zone provisions	107-174
<b>Attachment 3</b>	Planning evidence of Debra Yan for Auckland Council in relation to Topic 081b Precincts North & South to the Auckland Unitary Plan Independent Hearings Panel	175-210
<b>Attachment 4</b>	Reporting Planner Qualifications and Experience	211-216
<b>Attachment 5</b>	Local Board Minutes	217-220
<b>Attachment 6</b>	Submissions	221-254

**Reporting officer, Andrew Wilkinson, Planner**

Reporting on proposed Private Plan Change 84 to modify the Omaha South Precinct (I528), by including a diagram from the legacy district plan setting outside/rear yards specific to Omaha South, and to make other wording changes to make it clear that the Precinct standards replace the standards of the underlying zones and subdivision chapter but retain the Home Occupation standards of the underlying zones.

**APPLICANT:** OMAHA BEACH RESIDENTS' SOCIETY

<b>SUBMITTERS:</b>	
Page 223	Mark Douglas
Page 225	Colleen Kenny
Page 227	Bruce Munro
Page 229	Derek and Christine Nolan
Page 231	Andrew Reedy and Dr Jan Bryham
Page 233	Carla Crabb
Page 235	Brett Hyland
Page 237	Chris Beswick

Page 239	Fiona Hyland
Page 241	Lindy Leuschke
Page 243	Tony and Loma Chevin
Page 245	David John Cochrane and Janene Barbara Cochrane

<b>FURTHER SUBMITTERS:</b>	
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Page 249	Omaha Beach Residents Society Incorporated
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# Hearing Report for Proposed Private Plan Change 84: Omaha South, Omaha to the Auckland Unitary Plan (Operative in part)

Section 42A Hearing Report under the Resource Management Act 1991

**Report to:** Hearing Commissioners

**Hearing Date:** 12 April 2023

**File No:** Hearing Report – Proposed Private Plan Change 84 (PPC84)

**Report Author:** Andrew Wilkinson, Consultant Planner, Scott Wilkinson Planning for Plans and Places, Auckland Council

**Report Approver:** Peter Vari, Team Leader, Planning – Regional, North, West and Islands

**Report produced:**

# Summary of Proposed Private Plan Change 84: Omaha South, Omaha to the Auckland Unitary Plan (Operative in part)

<b>Plan subject to change:</b>	Auckland Unitary Plan (Operative in part), 2016
<b>Number and name of change:</b>	Proposed Private Plan Change 84 – Omaha South
<b>Status of Plan:</b>	Operative in part
<b>Type of change:</b>	Proposed Private Plan Change
<b>Clause 25 decision outcome:</b>	Accept
<b>Parts of the Auckland Unitary Plan affected by the proposed plan change:</b>	Chapter I Precincts – I528 Omaha South
<b>Was clause 4A complete:</b>	Yes
<b>Date of notification of the proposed plan change and whether it was publicly notified or limited notified:</b>	Limited notified on 9 September 2022
<b>Submissions received (excluding withdrawals):</b>	12
<b>Date summary of submissions notified:</b>	11 November 2022
<b>Number of further submissions received (numbers):</b>	1
<b>Legal Effect at Notification:</b>	No legal effect
<b>Main issues or topics emerging from all submissions</b>	<ul style="list-style-type: none"> <li>• Allows development to occur as originally intended / current yard rules not in-keeping with original intent;</li> <li>• Continuation of established pattern of development;</li> <li>• Avoid unnecessary resource consent applications;</li> <li>• Legacy rules are well defined,</li> <li>• Opposed to larger building platforms and restrictions on views that this would cause.</li> </ul>

# Contents

Hearing Report for Proposed Private Plan Change 84: Omaha South, Omaha to the Auckland Unitary Plan (Operative in part).....	0
Executive Summary .....	5
<b>1. Purpose of PPC84.....</b>	<b>6</b>
<b>2. Site description .....</b>	<b>8</b>
<b>3. Surrounding Area.....</b>	<b>9</b>
<b>4. Background to PPC84 Areas Existing AUP Zoning and Precinct.....</b>	<b>9</b>
<b>5. Existing Auckland Unitary Plan Provisions .....</b>	<b>11</b>
5.1 Precinct.....	12
5.2 Current Zoning .....	13
5.3 Overlays .....	15
5.4 Controls.....	15
5.5 Other features .....	17
<b>6. Auckland Unitary Plan Provisions Proposed by PPC84.....</b>	<b>18</b>
<b>7. Hearings and decision-making considerations .....</b>	<b>18</b>
<b>8. Statutory and policy framework .....</b>	<b>19</b>
8.1 Resource Management Act 1991.....	19
<b>8.1.1 Plan Change Matters – Regional and District Plans.....</b>	<b>19</b>
8.2 Resource Management Act 1991 – Regional Matters.....	22
8.3 Resource Management Act 1991 – District matters.....	22
<b>9. National Policy Statements .....</b>	<b>23</b>
9.1 National Policy Statement on Urban Development 2020 (NPS-UD) .....	23
9.2 National Policy Statement: Freshwater Management.....	24
9.2 New Zealand Coastal Policy Statement 2010 (NZCPS) .....	24
<b>10. National environmental standards or regulations.....</b>	<b>24</b>
<b>11. Auckland Unitary Plan.....</b>	<b>24</b>
11.1 Regional Policy Statement (RPS).....	24
11.2 Auckland Unitary Plan – Regional and District Plan.....	25
<b>12. Other relevant legislation.....</b>	<b>28</b>
<b>12.1 Resource Management (Enabling Housing Supply) Act 2021.....</b>	<b>28</b>
<b>13. Other Plans and Strategies .....</b>	<b>28</b>
13.1 The Auckland Plan 2050 .....	28
13.2 Rodney Local Board Plan 2020 .....	29
13.5 Iwi management plans .....	29

<b>14. Assessment of effects on the environment .....</b>	<b>30</b>
14.1 Character and Amenity .....	30
<b>15. Consultation .....</b>	<b>31</b>
15.1 Mana Whenua Consultation .....	31
15.2 Rodney Local Board Consultation .....	31
15.3 Residents of Omaha South Precinct.....	31
<b>16. Notification and Submissions .....</b>	<b>31</b>
16.1 Notification details.....	31
<b>17. Analysis of Submissions and Further Submissions.....</b>	<b>32</b>
17.1 Development.....	32
17.2 Analysis of the section 32 report and any other information provided by the requestor .....	34
<b>18. Conclusions.....</b>	<b>35</b>
<b>19. Recommendations.....</b>	<b>35</b>
<b>20. Signatories.....</b>	<b>36</b>



# Abbreviations

Abbreviations in this report include:

Abbreviation	Meaning
PPC84	Proposed Private Plan Change 84
RMA	Resource Management Act 1991
AUP	Auckland Unitary Plan (Operative in part) 2016
MCI	Macroinvertebrate Community Index
AUPIHP	Auckland Unitary Plan Independent Hearings Panel
NPS-UD	National Policy Statement on Urban Development 2020 (updated 2022)
NPS-FM	National Policy Statement on Freshwater Management
NES	National Environmental Standards
RPS	Regional Policy Statement

# Attachments

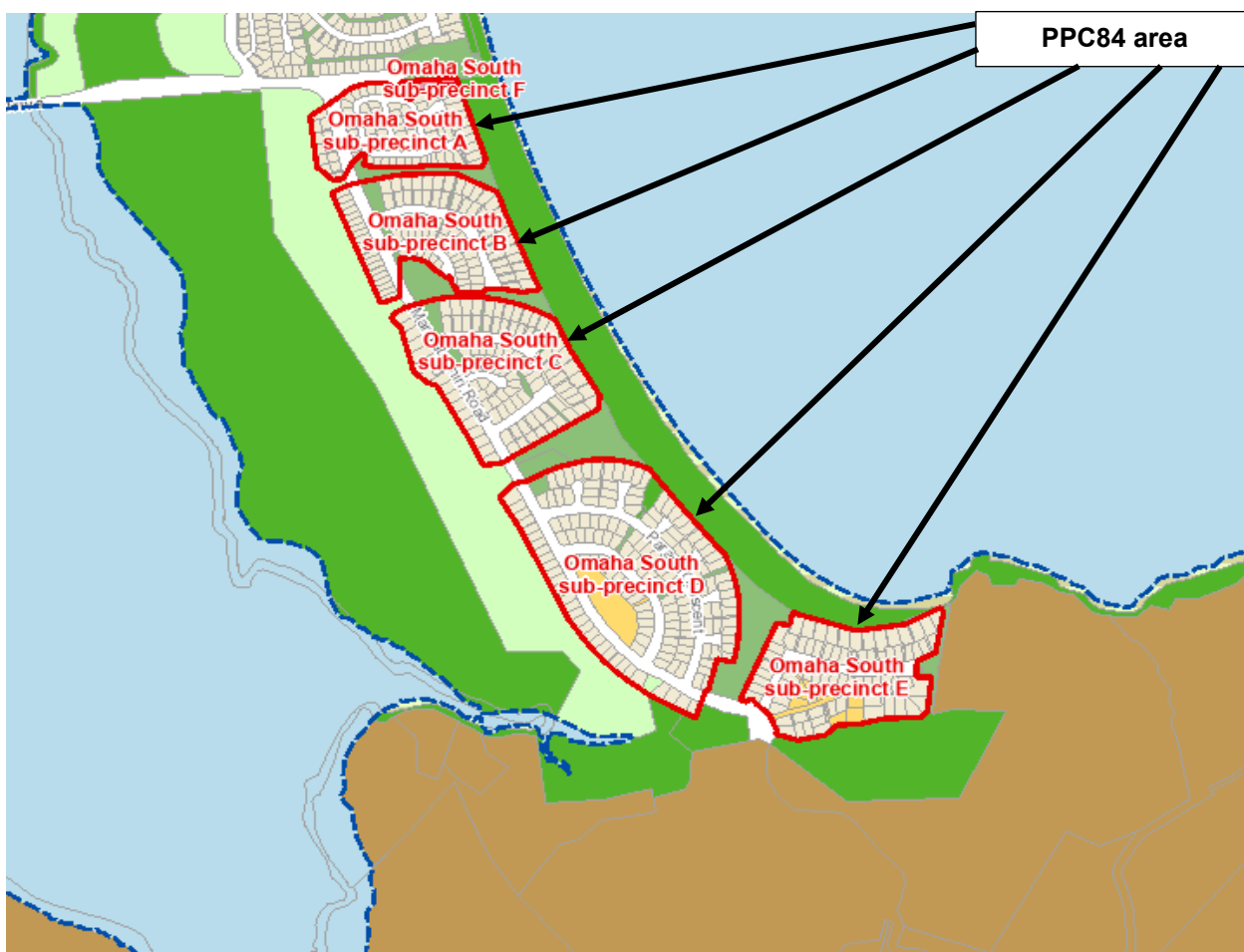
Attachments	
<b>Attachment 1</b>	Proposed Private Plan Change 84 - Documents as Notified
<b>Attachment 2</b>	Existing Auckland Unitary Plan Precinct I528 Provisions, and Residential – Single House Zone, Residential – Mixed Housing – Suburban Zone provisions
<b>Attachment 3</b>	Planning evidence of Debra Yan for Auckland Council in relation to Topic 081b Precincts North & South to the Auckland Unitary Plan Independent Hearings Panel
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<b>Attachment 5</b>	Local Board Minutes
<b>Attachment 6</b>	Submissions

# Executive Summary

1. Proposed Private Plan Change 84 (PPC84) to the Auckland Unitary Plan (Operative in Part) (**AUP**) seeks to resolve inconsistency in the application of yard requirements, where the current Auckland Unitary Plan definition of yards is leading to unintended outcomes, requiring additional consents, and which is generally not compatible with the shape of subdivided sites within the Omaha South Precinct.
2. The private plan change process set out in Part 2 of Schedule 1 of the Resource Management Act 1991 (**RMA**) was adhered to in developing PPC84.
3. PPC84 was accepted for processing under Clause 25 of Schedule 1 on 2 August 2022.
4. PPC84 was limited notified on 9 September 2022. The submission period ended on the 7 October 2022. The summary of submissions was notified on 11 November 2022 and closed for further submissions on 25 November 2022.
5. 12 submissions were received within time. No late submissions and one further submission was received.
6. In preparing for hearings on PPC84, this hearing report has been prepared in accordance with section 42A of the RMA.
7. This report considers the private plan change request and the issues raised by submissions on PPC84. The discussion and recommendations in this report are intended to assist the Hearing Commissioners, the requestor and those persons or organisations that lodged submissions on PPC84. The recommendations contained within this report are not the decisions of the Hearing Commissioners.
8. This report also forms part of council's ongoing obligations to consider the appropriateness of the proposed provisions, as well as the benefits and costs of any policies, rules or other methods, as well as the consideration of issues raised submissions on PPC84.
9. A report in accordance with section 32 of the RMA was prepared by the requestor as part of the private plan change request as required under clause 22(1) of Schedule 1 of the RMA. The information provided by the requestor in support of PPC84 (including the requestors Assessment of Environmental Effects, s32 Report and Statutory Analysis) is attached in **Attachment 1**.
10. In accordance with the evaluation in this report, I consider that the incorporation of changes to the Omaha South Precinct proposed by PPC84 is the most appropriate way of achieving the objectives of the AUP and the purpose of the RMA.
11. Subject to the additional information provided at the hearing, it is recommended that PPC84 be **approved** for the reasons set out in this report.

## 1. Purpose of PPC84

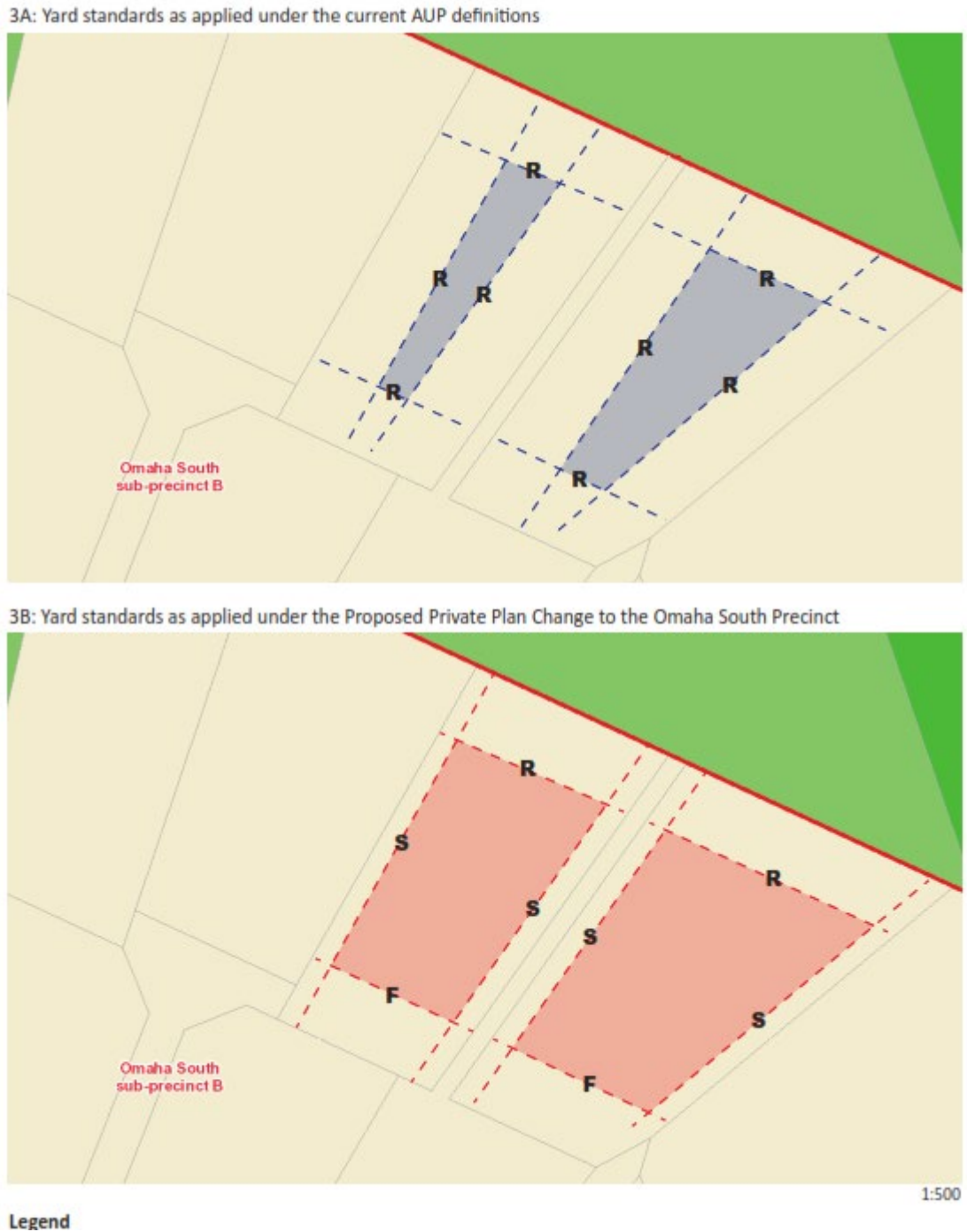
12. The Campbell Brown Planning Limited report supporting the request was written on behalf of the requestor: The Omaha Beach Residents' Society. The report advises in section 6.0 (on page 8) (refer to **Attachment 1**) that the purpose of the Proposed Private Plan Change 84 (PPC 84) to the Auckland Unitary Plan (Operative in Part) (**AUP**) is to resolve inconsistency in the application of yard requirements. In particular, the current Auckland Unitary Plan definition of yards has resulted in unintended outcomes, requiring additional consents for buildings, and is generally not compatible with the site shapes of land within the Omaha South Precinct. The private plan change applies to land contained in the Omaha South Precinct Area (I528), Omaha. The majority of land is zoned Residential – Single House Zone, with small areas of land zoned Residential – Mixed Housing Suburban, Business – Local Centre, Open Space – Informal Recreation Zone, and Open Space – Conservation Zone. The area currently consists of Omaha South sub-precincts A, B, C, D and E as shown below in **Figure 1**.



**Figure 1:** Zoning Map of Area  
Source: Auckland Council Unitary Plan

13. The Requestor provided an example in **Figure 2** of the change request, showing the buildable areas of sites using the current AUP definition, in comparison to the proposed plan change's buildable areas. A snippet of the Appendix is shown below. It can be seen from that example that in certain instances where the current AUP yard standards are applied, resulting buildable

areas are as narrow as 3.5m in width (refer western Lot example). The buildable area widens to a more practical 13m when applying the proposed plan change yards.



**Figure 2:** Yards Diagram

14. Campbell Brown Planning Limited has provided the documents and reports listed in **Table 1** below to support the private plan change request.

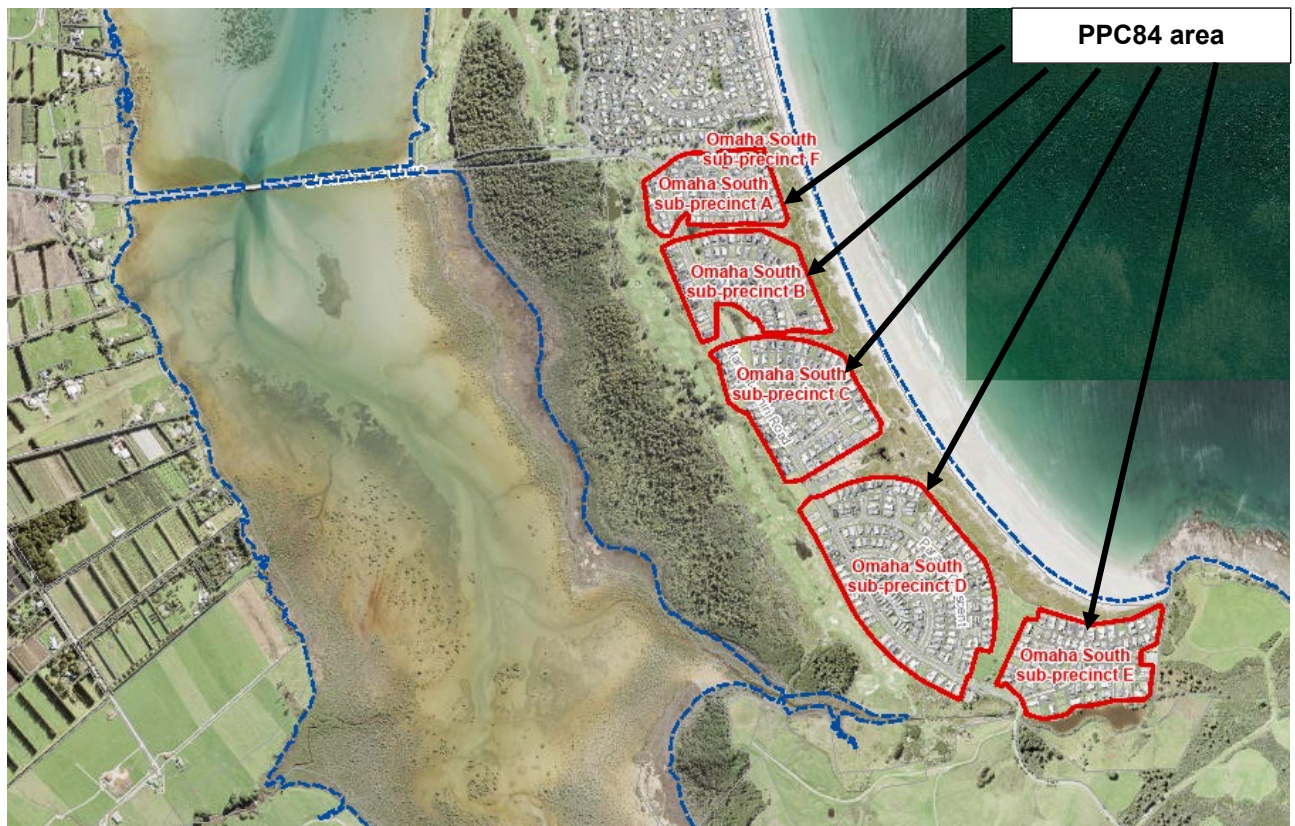
**Table 1:** Information provided by the requestor for PPC84

Document Name	Prepared By	Revision and Date
Proposed PPC – Omaha South	Campbell Brown Planning Limited	13 July 2022
Appendix A – Proposed Plan Change text	Campbell Brown Planning Limited	Not stated
Appendix B – S32 Option Evaluation Table	Campbell Brown Planning Limited	Not stated
Appendix C – Summary of Consultation	Campbell Brown Planning Limited	Not stated
Appendix D – Precinct and Zone provisions comparison table	Campbell Brown Planning Limited	Not stated
Appendix E – Yard setback diagram	Campbell Brown Planning Limited	Not stated
Appendix F – AUP yard	Campbell Brown Planning Limited	Not stated

15. The documents listed are the notified documents provided in **Attachment 1**.

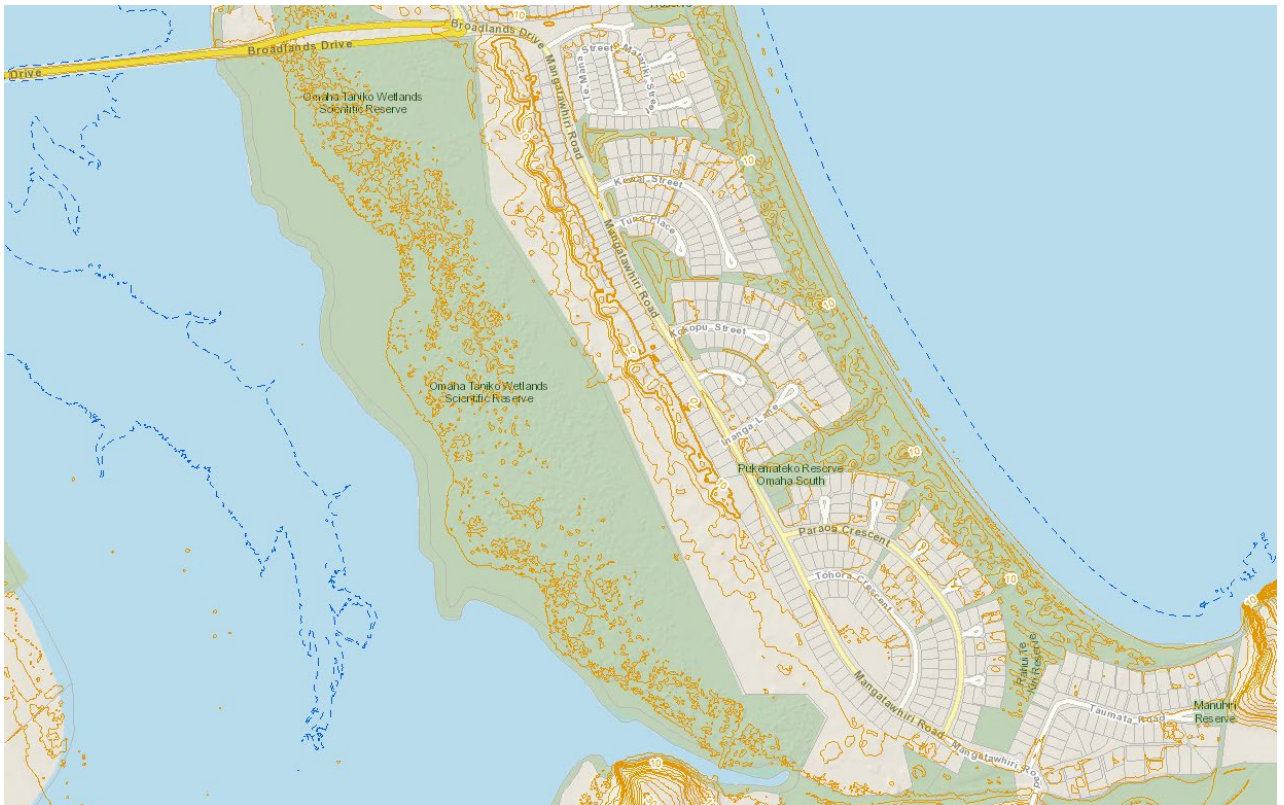
## 2. **Site description**

16. As identified in **Figure 3** below, the PPC84 land at Omaha South is located south of Broadlands Drive, Omaha. The majority of land is zoned Residential – Single House Zone, with small areas of land zoned Residential – Mixed Housing Suburban Zone, Business – Local Centre Zone, Open Space – Informal Recreation Zone, and Open Space – Conservation Zone.



**Figure 3:** Location of Plan Change Area

17. In the Omaha South area land contour is generally flat with only with gentle slopes, as illustrated by the contours in **Figure 4** below.



**Figure 4:** Auckland Council Geomaps identifying PPC84 land contours  
Source: Auckland Council Geomaps

### **3. Surrounding Area**

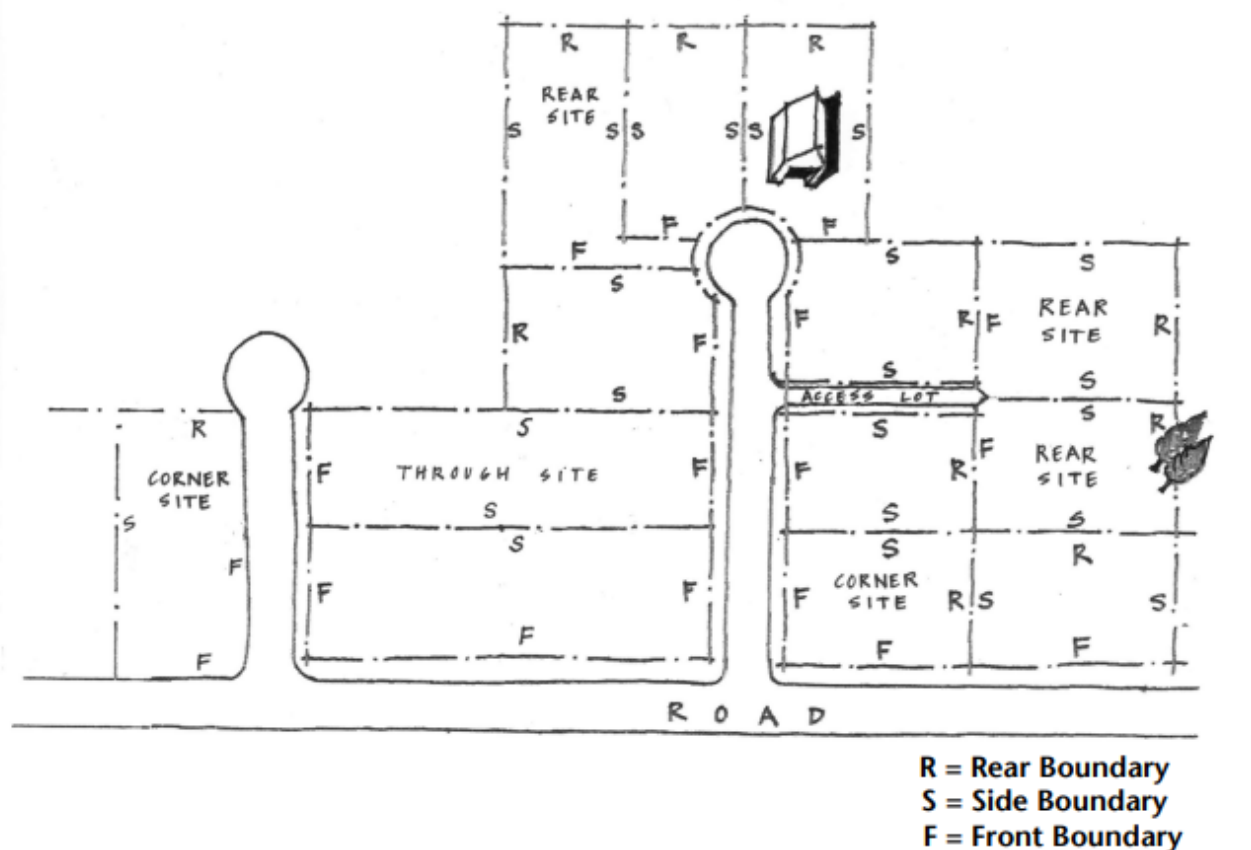
18. Omaha South (Sub-precincts A-E) is comprised primarily of two residential zones, with the Residential – Single House Zone predominant (and existing development having one to two storey dwellings consistent with a suburban built character), while there are portions that are zoned Residential – Mixed Housing Suburban Zone. There are also small pockets of Open Space Informal Recreation Zone and Open Space – Conservation Zone.
19. Surrounding the PPC84 area there is an Open Space – Informal Recreation Zone and an Open Space – Conservation Zone (Omaha Taniko Wetlands Scenic Reserve, Pukemateko Reserve Omaha South and Rahui Te Kiri Reserve). At the northern edge of the Precinct there is a pocket of Business – Neighbourhood Centre Zone. This area consists of local shops and cafés.
20. Surrounding the precinct is the Omaha Bay which consists of Omaha Beach that adjoins the Tawharanui Peninsula to the south.

### **4. Background to PPC84 Areas Existing AUP Zoning and Precinct**

21. The northern portion of Omaha was developed in the late 1960s and the southern portion was developed in the late 1990s.

22. A plan change for the introduction of a Special Zone within the legacy district plan providing for residential development at Omaha South became operative on 24 January 2000 as the Special 16 zone.
23. The plan change provided for coastal residential and small-scale local commercial development in Omaha South.
24. As part of the original development agreement made with the former Rodney District Council, the Design Control Committee was responsible for approving building plans which fit within the scope of the Plan Change.
25. The land became the Omaha South Precinct under the AUP. The precinct was intended to translate the Special 16 zone in the Auckland Council District Plan – Operative Rodney Section into the AUP, as the Omaha South Precinct. The Special 16 zone provided for the comprehensive development of up to 600 household units, and a small local commercial development on the Omaha Sandpit between the foreshores of Little Omaha Bay and the inner Whangateau Harbour. The provisions were based on development of individual neighbourhood units in a comprehensive manner with each unit having a variety of different site sizes with areas of open space separating each unit and providing amenity to the development as a whole. The Omaha South Precinct was intended to carry forward the Special Purpose – Special 16 (Ōmaha South) zone in the Auckland Council District Plan - Operative Rodney Section 2011 into the Auckland Unitary Plan.
26. The Special 16 zone included its own interpretation of front/side/rear yards, with diagrams included. A copy of that is shown in **Figure 9** below. The yards developed for the Special 16 zone recognised the particular subdivision pattern to be established in Omaha South, and enabled dwellings of typical size to be established on every site.

**SPECIAL 16 (OMAHA SOUTH DEVELOPMENT) ZONE  
IDENTIFICATION OF FRONT, REAR AND SIDE BOUNDARIES**



**Figure 5: Special 16 Yard Definition**

27. The inclusion of the Precinct into the Unitary Plan is covered in Topic 081 Rezoning and Precincts (Geographical Areas) to the Auckland Unitary Plan Independent Hearings Panel (**AUPIHP**), and in particular, the evidence of Debra Yan (Refer to **Attachment 3**). Therein, at paragraphs 8.4 and 10.3, Ms Yan's evidence recognises the intent to translate the Special 16 zone into the Unitary Plan.
28. I note that there is no detail in evidence to recommend any inclusion or exclusions for the interpretation of yards, but in the creation of the Precinct, the bespoke yard provisions for the Special 16 zone were not included.

**5. Existing Auckland Unitary Plan Provisions**

29. As identified in **Figure 1** above, the land in the PPC84 area is currently zoned Residential – Single House Zone, Residential – Mixed Housing Suburban Zone, Business – Neighbourhood Centre Zone, Open Space – Informal Recreation Zone and Open Space – Conservation Zone.



Importantly, and of relevance to the consideration for PPC84, the area is located within the Omaha South Precinct (I528).

## 5.1 Precinct

30. The PPC84 area is located within the I528 Omaha South Precinct. A copy of the Omaha South Precinct provisions is also provided in **Attachment 2**. The Omaha South Precinct is described in I528.1 as follows:

*This precinct applies to land south of Broadlands Drive, Omaha. The land is located in a sensitive coastal environment and the precinct provisions enable comprehensive residential and small scale commercial development to occur in a sustainable manner that is complimentary to the coastal location. This has and will be achieved through:*

- a) *clearly defining a dune protection line and requiring all development to occur inland of the defined coastal hazard; appropriate planting of foreshore areas and limiting access across the dunes to defined points with appropriately constructed access structures (paths/boardwalks);*
- b) *enabling a range of residential subdivision development types (from cluster housing in the large lot development), with an upper limit on the proportion of each type that can occur, and an absolute limit of 600 household units specified for the entire precinct;*
- c) *substantial areas of open space, including the kahikatea forest/wetland vested in the Crown as reserve, the recreation reserve vested in the Council (for the purpose of an additional nine golf holes), and the areas vested as neighbourhood reserves and pedestrian access. Some of the areas are located outside the precinct boundaries;*
- d) *retaining control over the visual impact of development, to protect the broad landscape values of Omaha and to ensure compatibility between the variety and form of coastal residential development; and*
- e) *limiting commercial development to the area identified for that purpose on the Precinct Plan.*

*The standards of the proposed precinct are designed to ensure that all potential adverse effects of residential development within Omaha South, such as those associated with stormwater generation, are dealt with in a manner that does not adversely affect the coastal environment of the kahikatea forest/wetland. This is achieved through a series of controls requiring on-site water storage for water supply and on-site soakage areas. There has also been an upgrade to the existing sewage treatment plant to provide for the additional sewage generated along with provision for the full development of Omaha North and Point Wells, and for disposal of the effluent in accordance with any consent obtained from the Auckland Council.*

*Omaha South precinct has six sub-precincts:*

- *Sub-precincts A – E provide for residential activities and allow for comprehensive development of large areas within the precinct; and*
- *Sub-precinct F provides for commercial activities. 1528 Omaha South Precinct Auckland Unitary Plan Operative in part 2.*

*The Omaha South: Precinct Plan 1 identifies these sub-precincts as well as neighbourhood reserve development areas and access reserve development areas that link the sub-precincts.*

*The zoning of land within this precinct is Residential – Single House Zone, Residential – Mixed Housing Suburban Zone, Business – Neighbourhood Centre Zone, Open Space – Informal Recreation Zone and Open Space – Conservation Zone.*

31. The purpose of the precinct is to manage residential and small scale commercial development to ensure it is sustainable and complements the coastal character and landscape values of the area. There is a limit on the total number of dwellings that can be developed due to limited wastewater infrastructure and on-site stormwater soakage constraints. In addition, it manages stormwater discharge effects from development to minimise adverse effects on the Omaha groundwater aquifer and the adjacent kahikatea forest/wetland.
32. The development cap in the precinct is managed by applying minimum site size and density controls across five different sub-precincts (A-E). This is also supported by limiting the opportunity to convert any dwelling into two dwellings. Development in close proximity to the fore dune area of Omaha Beach is limited so that buildings do not dominate the fore dune area and residential properties can achieve a reasonable sharing of views of Omaha Beach.

## **5.2 Current Zoning**

33. As previously noted, the area of the precinct contains a range of zones, although a synopsis of the zoning pattern would describe the area as of a lower intensity residential nature (in the Auckland zoning context), with fingers of open space zoning through the area, and larger areas of open space land flanking the western and eastern extents of the area. In the context of what is proposed, it is relevant to contemplate the underlying residential zones.
34. A copy of the Residential – Single House Zone provisions is also provided as **Attachment 2** to this report. The Residential – Single House Zone is described in H1.1 as follows:

*The purpose of the Residential – Single House Zone is to maintain and enhance the amenity values of established residential neighbourhoods in number of locations. The particular amenity values of a neighbourhood may be based on special character informed by the past, spacious sites with some large trees, a coastal setting or other factors such as established neighbourhood character. To provide choice for future residents, Residential House Zone zoning may also be applied in greenfield developments.*

*To support the purpose of the zone, multi-unit development is not anticipated with additional housing limited to the conversion of an existing dwelling into two*

*dwellings and minor dwelling units. The zone is generally characterised by one to two storey high buildings consistent with a suburban built character.*

35. The objectives of the Residential – Single House Zone (H3.2) seek development that maintains and is in keeping with the amenity values of established residential neighbourhoods including those based on special character informed by the past, spacious sites with some large trees, a coastal setting or other factors such as established neighbourhood character. In addition, they seek that development is in keeping with the neighbourhood's existing or planned suburban built character of predominantly one to two storeys buildings; and that development provides quality on-site residential amenity for residents and for adjoining sites and the street. In respect of non-residential activities, it seeks to provide for the community's social, economic and cultural well-being, while being in keeping with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.

36. A copy of the Residential – Mixed Housing Suburban Zone provisions is provided as **Attachment 2** to this report. The Residential – Mixed Housing Suburban Zone is described in H4.1 as follows:

*The Residential – Mixed Housing Suburban Zone is the most widespread residential zone covering many established suburbs and some greenfields areas. Much of the existing development in the zone is characterised by one or two storey, mainly standalone buildings, set back from site boundaries with landscaped gardens. The zone enables intensification, while retaining a suburban built character. Development within the zone will generally be two storey detached and attached housing in a variety of types and sizes to provide housing choice. The height of permitted buildings is the main difference between this zone and the Residential – Mixed Housing Urban Zone which generally provides for three storey predominately attached dwellings. Up to three dwellings are permitted as of right subject to compliance with the standards. This is to ensure a quality outcome for adjoining sites and the neighbourhood, as well as residents within the development site. Resource consent is required for four or more dwellings and for other specified buildings in order to:*

- achieve the planned suburban built character of the zone;*
- achieve attractive and safe streets and public open spaces; • manage the effects of development on neighbouring sites, including visual amenity, privacy and access to daylight and sunlight; and*
- achieve high quality on-site living environments.*

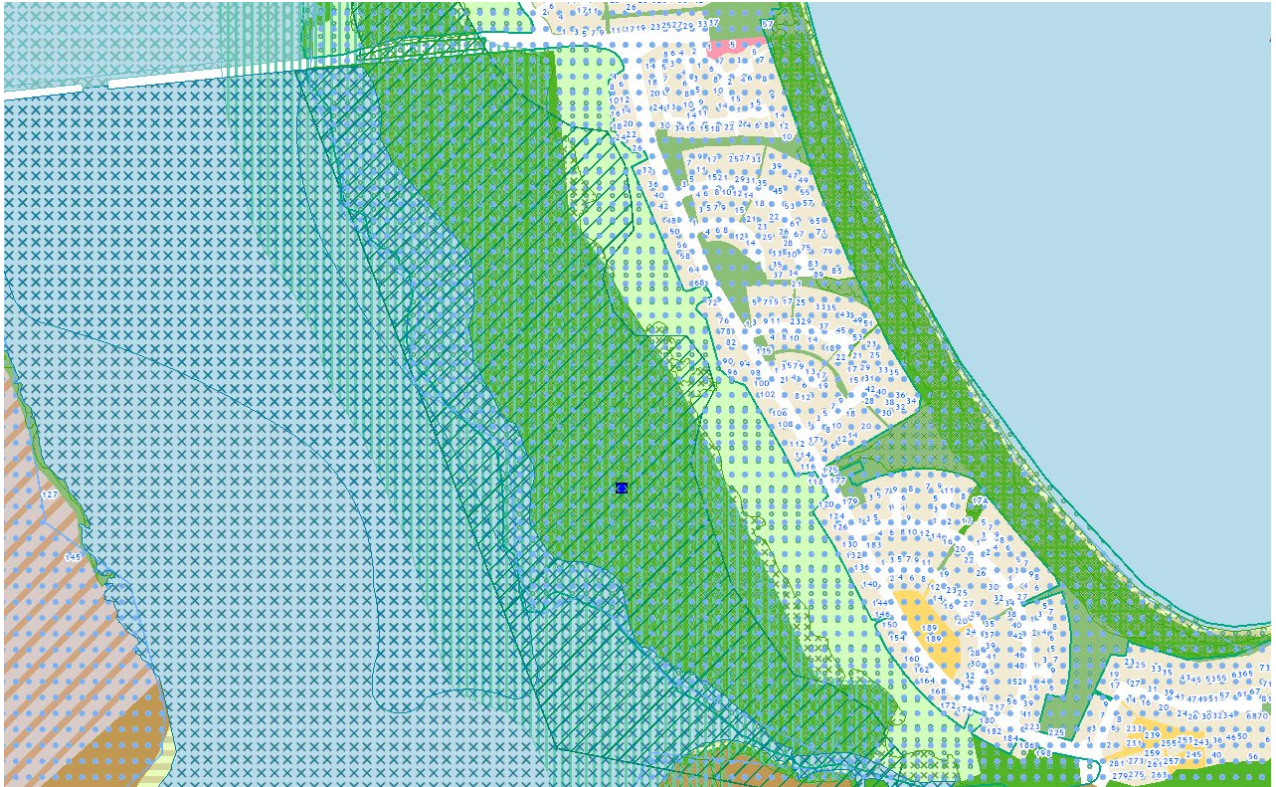
*The resource consent requirements enable the design and layout of the development to be assessed; recognising that the need to achieve a quality design is increasingly important as the scale of development increases.*

37. The objectives of the Residential – Mixed Housing Suburban Zone (H4.2) seek housing capacity, intensity and choice in the zone is increased; development is in keeping with the neighbourhood's planned suburban built character of predominantly two storey buildings, in a variety of forms (attached and detached). It seeks to allow development that provides quality on-site residential amenity for residents and adjoining sites and the street. Again, in respect of non-residential activities it seeks to provide for the community's social, economic and cultural well-being, while

being compatible with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.

### 5.3 Overlays

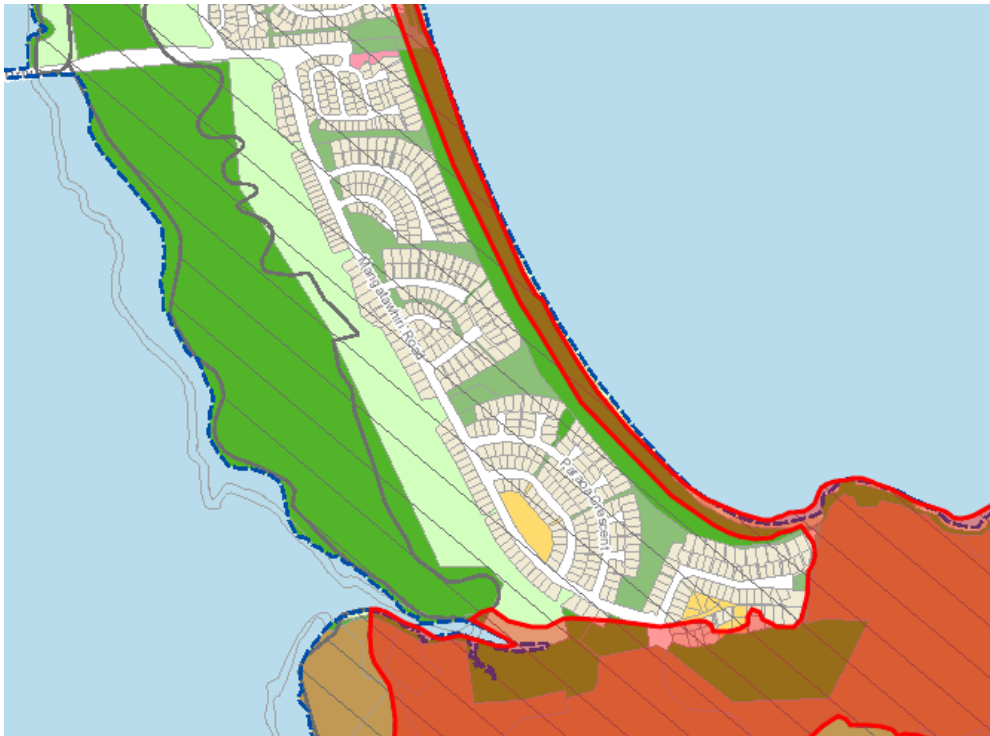
38. As identified in **Figure 5** the PPC area has only minimal AUP overlays, with the sites being subject only to an Aquifer Management Areas Overlay that does not impose any material restrictions on the use or zoning of the land subject to the plan change.



**Figure 6:** Auckland Council Geomaps identifying overlays  
Source: Auckland Council Geomaps

### 5.4 Controls

39. As identified in **Figures 6 and 7** below, the Macroinvertebrate Community Index (MCI) – Rural and Urban also applies in various areas over the PPC84 area.



**Figure 7: MCI – Rural**  
 Source: Auckland Council Geomaps



**Figure 8: MCI – Urban**  
 Source: Auckland Council Geomaps

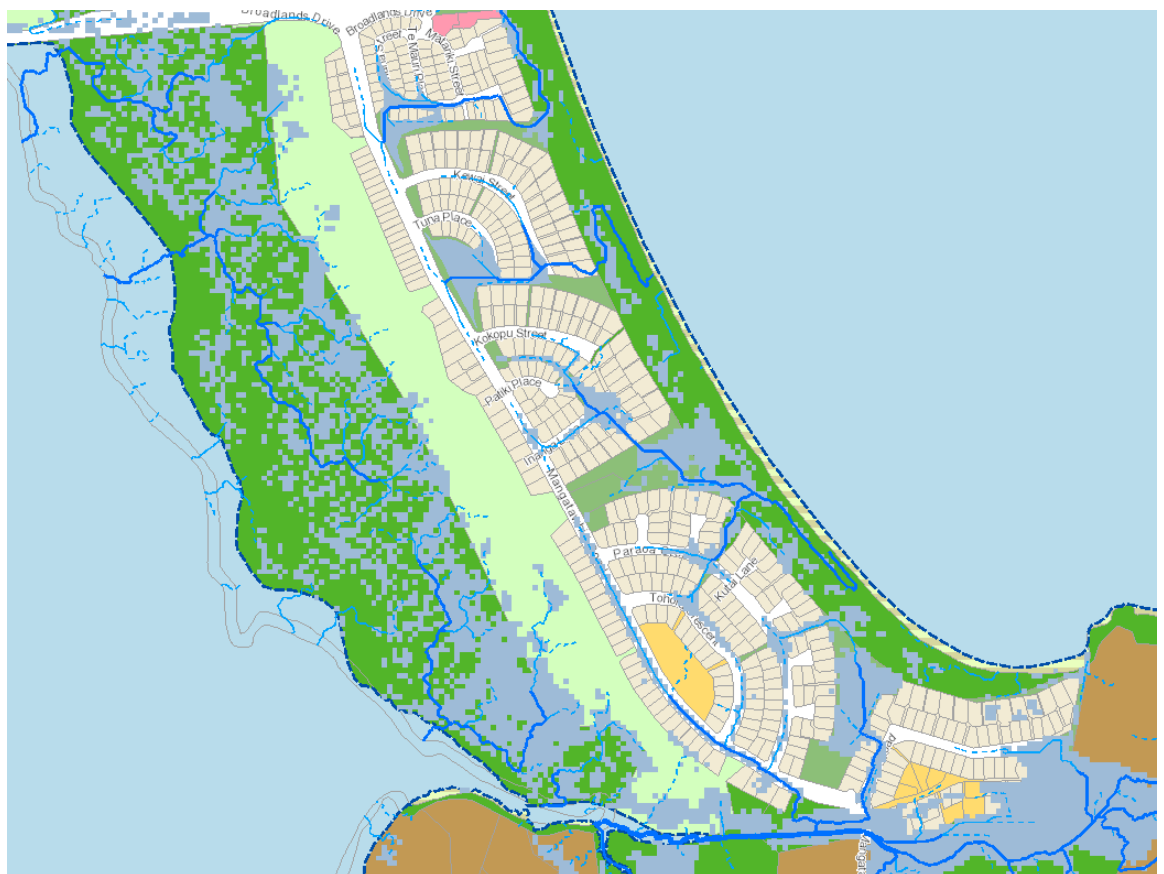
40. The MCI is used as an indicator of water quality and overall stream health. The objectives and policies in E1 Water quality and integrated management require the management of discharges,

subdivision, use and development that affect freshwater systems to maintain or enhance water quality, flows, stream channels and their margins and other freshwater values where the current condition is above National Policy Statement for Freshwater Management National Bottom Lines and the relevant MCI guideline.

41. The mapping in Figures 6 and 7 indicate that with the exception of small of properties in the southern extent of the Precinct area, the area has an MCI – Urban index, consistent with the residential zoning.

## 5.5 Other features

42. Finally, as identified in **Figure 8** below, there are also overland flow paths and flood plains within the locality of the PPC84 area.



**Figure 9: Overland Flow paths and Flood Plains in PPC84 area**

43. The provisions relating to overland flow paths are contained in E36 Natural Hazards and Flooding. The relevant objectives and policies require an assessment of the risk, so that the risk of adverse effects from natural hazards to people, buildings, infrastructure and the environment from subdivision, use and development in an urban area, are not increased overall and where practicable are reduced, taking into account climate change. In addition, the safety and conveyance functions of floodplains and overland flow paths are required to be managed to be maintained.

44. The diversion of an entry or exit point of an overland flow path; and buildings to other structures located within or over an overland flow path require resource consent as a Restricted Discretionary Activity.

## **6. *Auckland Unitary Plan Provisions Proposed by PPC84***

45. As outlined in paragraph 1; and identified in **Figure 2** above, PPC84 seeks to resolve inconsistency in the application of yard requirements, where the current Auckland Unitary Plan definition of yards is leading to unintended outcomes, requiring additional consents, and which is generally not compatible with the shape of subdivided sites within the Omaha South Precinct I528.
46. The plan change request seeks to modify the existing Precinct by incorporation of the previous interpretation of the yards into the Precinct, so that the permitted form of development of individual lots would continue to follow the form that was initially envisaged through the former district plan provisions, and for which a large number of sites have been developed.
47. This is proposed to be undertaken by adjustment to the I528.6.9 Yard standard of the Precinct, by adding a point (being Point (4) to 528.6.9 Yards within the Precinct, and to include the diagram at **Figure 9** above into the Precinct to specify the application of yards.
48. In addition to this, the requestor seeks to avoid overlap with the underlying zone, and ensure that the Precinct can more fully be relied upon rather than having consenting requirements of the zone and precinct overlapping and potentially being in conflict. In this regard, they seek wording adjustment within the Precinct provision to make it clear that the Precinct takes precedence, and to include the activity of home occupations within the Precinct to mirror that of the underlying zones due to the precedence that would occur.
49. This is to be carried out by inclusion at the start of the Standards section of the precinct to include wording that the standards of the precinct replace all underlying zone standards of the activities listed in the Activity table. The intent here is to avoid the duplication of standards whereby development would need to be considered against the standards of both the underlying zone and the precinct, as is presently the case. The existing Precinct wording would not resolve the purpose of the plan change if the diagram was simply to be added.
50. Given that the activity table of the precinct would effectively replace the underlying zone.
51. The description of the Precinct has been set out at paragraphs 21 to 23 above, and therefore not repeated here. However, it is noted that the requestor is not seeking to adjust the yield, site coverage or any other aspect of the Precinct that might modify its purpose.

## **7. *Hearings and decision-making considerations***

52. Clause 8B of Schedule 1 of RMA requires that a local authority shall hold hearings into submissions on private plan changes.
53. Auckland Council's Combined Chief Executives' Delegation Register delegates to hearing commissioners all powers, duties and functions under the Resource Management Act 1991. This delegation includes the authority to determine decisions on submissions on a plan change, and the authority to approve, decline, or approve with modifications, a private plan change request.

Hearing Commissioners will not be recommending a decision to the council but will be issuing the decision.

54. In accordance with s42A(1) of the RMA, this report considers the information provided by the requestor, the reporting provided by council's technical experts, and summarises and discusses the submissions received on PPC84. It makes recommendations on whether to accept, in full or in part; or reject, in full or in part; each submission. This report also identifies what amendments, if any, can be made to address matters raised in submissions. This report makes a recommendation on whether to approve, decline, or approve with modifications PPC84. Any conclusions or recommendations in this report are not binding to the Hearing Commissioners.
55. The Hearing Commissioners will consider all the information submitted in support of PPC84, information in this report, and the information in submissions, together with evidence presented at the hearing.
56. In this instance, due to the nature of the changes sought to the Precinct, the matters for consideration have been of a planning nature only, and therefore not required technical advice from any other experts.
57. My qualifications and experience are provided in **Attachment 4**.

## **8. *Statutory and policy framework***

58. Private plan change requests can be made to the Council under clause 21 of Schedule 1 of the RMA. The provisions of a private plan change request must comply with the same mandatory requirements as Council initiated plan changes, and the private plan change request must contain an evaluation report in accordance with section 32 and clause 22(1) in Schedule 1 of the RMA.
59. Clause 29(1) of Schedule 1 of the RMA provides "except as provided in subclauses (1A) to (9), Part 1, with all necessary modifications, shall apply to any plan or change requested under this Part and accepted under clause 25(2)(b)".
60. The RMA requires territorial authorities to consider a number of statutory and policy matters when developing proposed plan changes. There are slightly different statutory considerations if the plan change affects a regional plan or district plan matter.
61. PPC84 matters are district plan matters, with respect to introducing changes to the Precinct provisions which relate to residential activity. However, the consideration of how the proposed private plan change gives effect to a Regional Policy Statement is also required.
62. The following sections summarises the statutory and policy framework, relevant to PPC84.

### **8.1 Resource Management Act 1991**

#### **8.1.1 Plan Change Matters – Regional and District Plans**

63. In the development of a proposed plan change to a regional and / or district plan, the RMA sets out mandatory requirements in the preparation and process of the proposed plan change. **Table 3** below summarises matters for plan changes to regional and district plan matters.



**Table 3:** Plan change matters relevant to regional and district plans

Relevant Act/Policy/Plan	Section	Matters
Resource Management Act 1991	Part 2	Purpose and intent of the Act
Resource Management Act 1991	Section 32	Requirements preparing and publishing evaluation reports. This section requires councils to consider the alternatives, costs and benefits of the proposal
Resource Management Act 1991	Section 80	Enables a 'combined' regional and district document. The Auckland Unitary Plan is in part a regional plan and district plan to assist Council to carry out its functions as a regional council and as a territorial authority
Resource Management Act 1991	Schedule 1	Sets out the process for preparation and change of policy statements and plans by local authorities

64. The mandatory requirements for plan preparation are comprehensively summarised by Environment Court in *Long Bay-Okura Great Park Society Incorporated and Others v North Shore City Council* (Decision A078/2008)<sup>1</sup>, where the Court set out the following measures for evaluating objectives, policies, rules and other methods. This is outlined below:

**A. General requirements**

1. *A district plan (change) should be designed to accord with, and assist the territorial authority to carry out its functions so as to achieve, the purpose of the Act.*
2. *When preparing its district plan (change) the territorial authority must give effect to any national policy statement or New Zealand Coastal Policy Statement.*
3. *When preparing its district plan (change) the territorial authority shall:*
  - (a) *have regard to any proposed regional policy statement;*
  - (b) *not be inconsistent with any operative regional policy statement.*
4. *In relation to regional plans:*
  - (a) *the district plan (change) must not be inconsistent with an operative regional plan for any matter specified in section 30(1) [or a water conservation order]; and*
  - (b) *must have regard to any proposed regional plan on any matter of regional significance etc.;*
5. *When preparing its district plan (change) the territorial authority must also:*
  - *have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to*

<sup>1</sup> Subsequent cases have updated the Long Bay summary, including *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55.

*various fisheries regulations; and to consistency with plans and proposed plans of adjacent territorial authorities;*

- *take into account any relevant planning document recognised by an iwi authority; and*
- *not have regard to trade competition;*

6. *The district plan (change) must be prepared in accordance with any regulation (there are none at present);*
7. *The formal requirement that a district plan (change) must also state its objectives, policies and the rules (if any) and may state other matters.*

**B. Objectives [the section 32 test for objectives]**

8. *Each proposed objective in a district plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.*

**C. Policies and methods (including rules) [the section 32 test for policies and rules]**

9. *for achieving the objectives of the district plan taking into account:*
  - *the benefits and costs of the proposed policies and methods (including rules); and*
  - *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

**D. Rules**

11. *In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.*

**E. Other statutes:**

12. *Finally territorial authorities may be required to comply with other statutes. Within the Auckland Region they are subject to:*
  - *the Hauraki Gulf Maritime Park Act 2000;*
  - *the Local Government (Auckland) Amendment Act 2004.*

65. When considering changes to district plans, the RMA sets out a wide range of issues to be addressed. The relevant sections of the RMA include 31-32 and 72-76.

66. The tests are the extent to which the objective of PPC84 is the most appropriate way to achieve the purpose of the Act (s32(1)(a)) and whether the provisions:

- accord with and assist the Council in carrying out its functions (under s 31) for the purpose of giving effect to the RMA;
- accord with Part 2 of the RMA (s 74(1)(b));
- give effect to the AUP regional policy statement (s 75(3)(c));
- give effect to any national policy statement (s 75(3)(a));

- have regard to the Auckland Plan 2050 (being a strategy prepared under another Act (s 74(2)(b)(i));
- have regard to the actual or potential effects on the environment, including, in particular, any adverse effect (s 76(3));
- are the most appropriate method for achieving the objectives of the AUP, by identifying other reasonably practicable options for achieving the objectives (s 32(1)(b)(i)); and by assessing their efficiency and effectiveness (s 32(1)(b)(ii)); and:
- identifying and assessing the benefits and costs of environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for:
  - economic growth that are anticipated to be provided or reduced (s 32(2)(a)(i)); and
  - employment that are anticipated to be provided or reduced (s 32(2)(a)(ii));
- if practicable, quantifying the benefits and costs (s 32(2)(b)); and
- assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions (s 32(2)(c)).

67. Under section 74(1)(e) the decision maker must also have particular regard to the section 32 evaluation report prepared in accordance with s32 (s74(1)(e)).

## 8.2 Resource Management Act 1991 – Regional Matters

68. While there are mandatory considerations in the development of a proposed plan change to regional matters, PPC84 does not seek to change any regional plan provisions or matters.

## 8.3 Resource Management Act 1991 – District matters

69. There are mandatory considerations in the development of a proposed plan change to district plans and rules. **Table 4** below summarises district plan matters under the RMA, relevant to PPC84.

**Table 4:** Plan change – District plan matters under the RMA

Relevant Act/Policy/Plan	Section	Matters
Resource Management Act 1991	Part 2	Purpose and intent of the Act
Resource Management Act 1991	Section 31	Functions of territorial authorities in giving effect to the Resource Management Act 1991
Resource Management Act 1991	Section 73	Sets out Schedule 1 of the RMA as the process to prepare or change a district plan
Resource Management Act 1991	Section 74	Matters to be considered by a territorial authority when preparing a change to its district plan. This includes its functions under section 31, Part 2 of the RMA,

		national policy statement, other regulations and other matter
Resource Management Act 1991	Section 75	Outlines the requirements in the contents of a district plan
Resource Management Act 1991	Section 76	Outlines the purpose of district rules, which is to carry out the functions of the RMA and achieve the objective and policies set out in the district plan. A district rule also requires the territorial authority to have regard to the actual or potential effect (including adverse effects), of activities in the proposal, on the environment

## 9. **National Policy Statements**

70. The relevant National Policy Statements (NPS) must be considered in the preparation, and in considering submissions on PPC84. The National Policy Statement on Urban Development 2020 is of relevance to PPC84.

### 9.1 **National Policy Statement on Urban Development 2020 (NPS-UD)**

71. The National Policy Statement on Urban Development 2020 (**NPS-UD**) seeks to ensure that New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of diverse communities. It also seeks to remove barriers to development to allow growth 'up' and 'out' in locations that have good access to existing services, public transport networks and infrastructure.

72. The Council's notification of Plan Change 78 responds to the Government's NPS-UD and the requirements of the RMA.

73. It is noted that the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 requires a council in New Zealand's largest urban areas to adopt medium density residential standards (MDRS) to boost housing supply and enable more types of housing. However, it is recognised that this does not apply to areas where 2018 census records indicate that the resident population of an area is less than 5,000 persons. The requestor's material confirms that the relevant population was 753 persons at the time of the 2018 census, and therefore the MDRS requirements do not apply.

74. The requestor has provided an assessment against the NPS-UD on page 18 of the Request for Private Plan Change Proposed Plan Change: Omaha South Precinct (refer to **Attachment 1**). This assessment concludes that:

- *The PPC will enable the continued use of existing urbanised land in an efficient manner which supports provision of appropriate housing;*
- *The PPC will enable the development of land that is in accordance with the planned built form that is envisaged by the Omaha South Precinct.*

75. Based on all the information provided, I generally agree with the requestor's conclusion, and I agree that PPC84 will give effect to the NPS-UD, and in particular will make an efficient use of existing urbanised land. It is my conclusion that the changes proposed will deliver on Objective 1 an ensure that a well-functioning urban environment is achieved.

## **9.2 National Policy Statement: Freshwater Management**

76. The proposal does not modify the extent of developable land in the location, only the manner in which individual existing subdivided sites are developed. In this regard, a modification to a yard requirement, or inclusion of home occupation activities is not going to alter the relationship between freshwater environments and existing sites. Were there to be any location in proximity to a freshwater environment, the provisions of the NPS-FM would still be triggered and require assessment/consideration.

## **9.3 New Zealand Coastal Policy Statement 2010 (NZCPS)**

77. The location is one that is adjacent to the coast, and therefore the New Zealand Coastal policy Statement (NZCPS) is relevant. In this instance, the minor changes proposed to the Precinct will not intensify development of the land within the subject area, or result in future activity that impacts on the coastal environment to any degree greater than can currently occur. In this regard, the plan change is not considered to impact on the purpose of the NZCPS.

## **10. National environmental standards or regulations**

78. Under section 44A of the RMA, local authorities must observe national environmental standards in its district / region. No rule or provision may duplicate or be in conflict with a national environmental standard or regulation.
79. The proposal does not modify the extent of developable land in the location, and to this extent the proposed change is not in conflict with any NES, including National Environmental Standard on Air Quality, the National Environmental Standard on Sources of Drinking Water; the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health; and an assessment of the provisions of the National Environmental Standards for Freshwater Regulations can still be undertaken.
80. As a result of this assessment, it is considered that PPC84 is consistent with the NES's. It is also noted that this matter will be further considered at any resource consent stage should any such consents be triggered.

## **11. Auckland Unitary Plan**

### **11.1 Regional Policy Statement (RPS)**

81. Section 75(3)(c) of the RMA requires that a district plan must give effect to any Regional Policy Statement (RPS). The requestor has provided an assessment against the relevant RPS provisions in section 8.8 of the report entitled 'Request for Private Plan Change Proposed Plan Change: Omaha South Precinct' (refer to **Attachment 1**).

82. Also noting the assessments provided by the requestor, I agree with requestor's assessment that PPC84 is consistent with the following RPS provisions:
- B2.2 Urban growth and form;
  - B2.4 Residential growth;
  - B2.6 Rural and coastal towns and villages
83. I note that the plan change request is only for minor amendments to the Precinct altering yard standards through the Precinct area and does not impact upon the scale and intensity of development within the locality.
84. I also am of the opinion that PPC84 is consistent with B6 Mana Whenua, noting that the requestor has consulted with iwi, with details of the consultation set out in Appendix C to the requestors Proposal in **Attachment 1**.
85. Overall, I am of the opinion that PPC84 is consistent with the relevant provisions of the RPS.

## **11.2 Auckland Unitary Plan – Regional and District Plan**

86. The AUP operative and proposed provisions are described in sections 5 and 6 of this report. The current AUP definition of yards is leading to unintended outcomes, is requiring additional consents for buildings, and is generally incompatible with the shape of subdivided sites of land within the Omaha South Precinct.
87. The proposed provisions for the Omaha South Precinct therefore seek to resolve inconsistency in the application of yard requirements by reinstating the bespoke yard provisions created for the Omaha South development when initially established.
88. Noting the reasons for the existing zoning and precinct provisions and the objectives and policies, the requestor has provided expert assessment as listed in **Table 1** above.
89. In this instance all assessment matters are planning matters only, not requiring any other specialist assessment.
90. The specific issue with the yard provisions being addressed by the Plan Change is that the layout of the subdivided sites (subdivided under the previous planning provisions) within the Precinct area is such that a number of sites are "rear" sites, meaning that in applying the Unitary Plan's current region wide definition, all boundaries of the rear sites are a "Rear yard" as per **Figure 10** below.

Figure J1.4.7 Yards

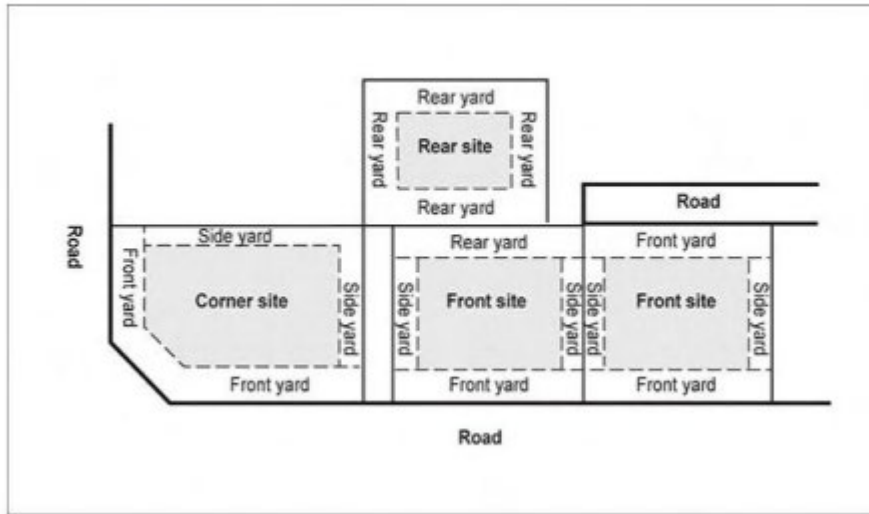


Figure 10: Figure J1.4.7

91. In the context of the number of “rear” sites within the Precinct area, Table I528.6.9.1 sets out minimum side and rear yard requirements, which is the continuation of the same yard requirements imposed by the former Special 16 zone. The yard requirements vary for Types A to D of between 1.5m, and 7.5m for side yards, but start at a minimum of 5m as a rear yard.

Table I528.6.9.1 Yards

Use	Front yard	Side yard	Rear yard
Type A	5m	5m	10m
Type B	7.5m	2m	7.5m
Type C	2.5m	1.5m	5m
Type D	7.5m	7.5m	7.5m

92. Consequently, as shown at **Figure 2** above, the developable area as a permitted activity becomes significantly compressed due to the minimum rear yard setbacks.
93. As the requestor’s diagram at **Appendix E** of **Attachment 1** and at **Figure 2** above shows, the effect of the interpretation is such that impractical permitted building footprints as narrow as 3.5m will result on rear sites, unless resource consent is obtained.
94. Recognising that all of the underlying residential zones allow for residential dwellings to be permitted activities subject to compliance with zone standards, it is my opinion that there is an obvious conflict to apply standards in a manner which means that resource consent would almost inevitably be required. By comparison, the legacy provisions appear to have had regard to the likely outcome for these rear sites, so as to not overly restrict the ability to undertake development of individual sites without needing a resource consent. I consider that as evidenced from the requestors copy of **Appendix E** there is an unreasonable limitation placed on development options for rear sites.

95. Having reviewed evidence prepared in respect of the Precinct for the PAUP, there was no obvious intent to dispense with the former Special 16 zone yard interpretation, and it appears most likely that the current outcome was not anticipated when the Precinct was crafted.
96. In this regard, I consider that to reinsert the diagram from the former Special 16 zone into the Omaha South Precinct would allow for the greater possibility to develop the rear sites within the Precinct in a manner that can be permitted and would allow for the reasonable expectation to develop the individual lots without need for consent.
97. Development of the southern portion of Omaha has been occurring since the adoption of the Special 16 zone into the legacy district plan, and it is evident having visited the area that development has generally relied upon the yard interpretation of the legacy plan. As such, it is considered that the reinsertion of the diagram would allow for further development of the Precinct area to remain consistent with the character and visual amenity that does prevail.
98. The other changes proposed to the Precinct are intended to avoid duplication between the Precinct and the underlying zones. Recognising the recent 'Budden' decision, I consider that the requestor's changes have planning merit by avoiding duplication of provisions that apply to a single site. It will avoid a scenario where two sets of standards are applied to the site, which has the potential to lead to inconsistent (or conflicting) considerations of proposals.
99. Given the above, in relying on the Precinct activities and standards, it is accepted that including Home Occupations within the Precinct will mean that activity can be accommodated consistent with the range of residential uses that is currently provided for.
100. Noting that the PPC84 changes do not lead to the creation of additional development yield beyond that already anticipated, it is considered that the change would not impact on the infrastructure provision for the locality. The proposal also does not enable additional impervious surface areas on lots, with the yard changes only likely to result in differing configurations of building platforms within the limits of the established coverage limits.
101. Overall, I consider that the adjustments to the Precinct will lead to development of properties within the Precinct in a manner that is consistent with the original intent behind the Special 16 zone, and the carrying of the legacy provision into the AUP, and will lead to greater consistency for ongoing use of land within the Precinct area. The adjustments will not lead to a greater level of intensification than can currently occur (with core standards such as Height, Height in Relation to Boundary and site coverages unchanged). The change allows for the anticipated typical house to be created on an already subdivided site, so it is enabling recognised potential to occur, rather than increasing density.
102. In my opinion, the existing AUP regional and district plan provisions contain sufficient requirements with regard to vegetation management, land disturbance, noise and vibration, and natural hazards to enable a detailed environmental evaluation of any future development within the locality, and the adjustments to the Precinct do not affect such analyses.
103. Overall, as a result of the above, I am of the opinion that the proposed changes to the Precinct are appropriate and consistent with the objectives and policies of the Auckland Unitary Plan, as set out in **Attachment 2**.



## **12. Other relevant legislation**

104. In considering a plan change, a territorial authority must have considered any regulation that is relevant to a regional or district plan change.

### **12.1 Resource Management (Enabling Housing Supply) Act 2021**

105. On 20 December 2021 the government passed the Resource Management (Enabling Housing Supply and Other Matters) Act. This Act requires that Council enable more medium-density housing in urban areas outside of walkable catchments. This requires Auckland Council to review the zoning and rules associated with all of its residential zones, except the Residential – Large Lot Zone, which is excluded from consideration by the Act; and prepare and notify plan changes to give effect to the new Act by 20 August 2022.

106. Section 77F (1) of the Bill states “Every relevant residential zone of a specified territorial authority must have the MDRS incorporated into that zone.”

107. The definition of relevant residential zone under Part 1 Urban intensification policies and other matters Subpart 1 – Interpretation and definitions Section 2 amended (Interpretation) details that the relevant residential zone does not include “an area predominantly urban in character that the 2018 census recorded as having a resident population of less than 5,000, unless a local authority intends the area to become part of an urban environment.” The 2018 census records Omaha as having a resident population of 753 people therefore the MDRS will not apply to Omaha as the population is less than 5,000.

## **13. Other Plans and Strategies**

### **13.1 The Auckland Plan 2050**

108. In considering a plan change, a territorial authority must have regard to plans and strategies prepared under other Acts.

109. The Auckland Plan 2050 was adopted in June 2018. It is a long-term spatial plan which considers how Auckland will address key challenges over the next 30 years. These challenges include high population growth, shared prosperity, and environmental degradation. The Auckland Plan includes a development strategy and identifies six outcomes sought. These are described further as follows.

110. The Development Strategy in the Auckland Plan is intended to show how Auckland will physically grow and change over the next 30 years. It takes account of the above listed outcomes, as well as population growth and the provisions of the Auckland Unitary Plan to provide a pathway for Auckland’s future physical development and a framework to prioritise and co-ordinate the required supporting infrastructure.

111. The Development Strategy states that Auckland will take a quality compact approach to growth and development. Where compact development will be focused in existing and new urban areas within the urban footprint, limiting expansion into rural areas. While quality means that:

- most development occurs in areas that are easily accessible by public transport, walking and cycling;

- most development is within reasonable walking distance of services and facilities including centres, community facilities, employment opportunities and open space;
- future development maximises efficient use of land; and
- delivery of necessary infrastructure is coordinated to support growth in the right place at the right time.

112. While additional growth is not anticipated or planned in the Omaha South Precinct, provisions will enable land to be utilised efficiently for residents.

### **13.2 Rodney Local Board Plan 2020**

113. The Rodney Local Board Plan has not specifically been addressed by the requestor.

114. The Rodney Local Board Plan focuses on five outcomes. These are:

*Outcome 1: Safe, improved transport options connect our communities*

*Outcome 2: Our natural environment is healthy and protected*

*Outcome 3: Infrastructure and development meets the needs of our growing communities*

*Outcome 4: Our communities are resilient and have access to what they need*

*Outcome 5: Our local parks and recreation facilities meet the needs of our growing community*

115. The plan does not make any specific reference to Omaha.

116. The Precinct has recognised the limitations on infrastructure, and the cap on the yield in the Precinct area was put in place to recognise those limitations. The plan change does not seek to adjust that yield limit, and no adjustments are proposed to the site coverages. As such, the PPC is considered to continue to respond to those identified limitations. With no yield change, the environment, parks and facilities can be expected to experience no change to the level of demand on these, and likewise, place no greater expectation on transport options. Overall, the proposal is considered to be consistent with the outcomes sought by the Local Board Plan.

117. Overall, I am of the opinion that the adjustments proposed by PPC84, will continue to be consistent with the aspirations of the Rodney Local Board Plan.

### **13.3 Iwi management plans**

118. At the time of writing this report, I have been advised that while Council has record of some iwi management plans, council is in a process of validating the accuracy and currency of these plans with mana whenua.

119. I have also undertaken an online search of all iwi identified as having an association with the Omaha area and can find no reference to iwi management plans on their websites to enable a review of these documents as they relate to PPC84.

120. I also note that no iwi groups have made a submission on PPC84; and note the comments also contained below in section 14.1 regarding mana whenua consultation.

## **14. Assessment of effects on the environment**

121. Clause 22 of Schedule 1 to the RMA requires private plan changes to include an assessment of environmental effects that are anticipated by the Plan Change, taking into account clause 6 and 7 of the Fourth Schedule of the RMA.
122. The requestor has provided an assessment of actual and potential effects on the environment in section 9.0 of their Assessment of Environmental Effects, S32 Option Evaluation Table (refer to **Attachment 1**).
123. In summary, the requestor's assessment has been that the current determination of yards means that it results in development that was not compatible with the original intent of the Omaha South Precinct; and the amendment proposed would bring the provisions into line with the original intent for the Precinct. The inclusion of Home Occupations would maintain consistency with the underlying zones. Overall, the requestor considers that the proposal will not have significant adverse effects on character or amenity.
124. I agree with the assessment and conclusions in the following sections of the requestor's Assessment of Environmental Effects, S32 Option Evaluation Table.

### **14.1 Character and Amenity**

125. I consider that the extent of change sought by the requestor is sufficiently limited in this instance to mean that the only potential effects relate to character and visual amenity. In this regard, I note that the requestor's Assessment of Environmental Effects has stated at section 9.1 of Attachment 1:

*The change in the determination of the yard setbacks resulted in certain sites now being undevelopable (if Council did not grant resource consents to deviate from the yard standards), and would result in development that was not compatible with the original intent of the Omaha South Precinct.*

...

*As such, the proposed amendment of the Precinct text would not result in any adverse character or visual amenity effects as it would bring the Precinct provisions back in line with the original intent and application of the Precinct standards since their conception.*

126. For reasons set out above, the analysis of the situation not being compatible with the original intent for Omaha South is agreed with. In turn, I also agree that the proposal will not result in an adverse character or visual amenity effects.
127. I consider that the changes proposed will lead to future development of land (either new dwellings or additions to existing), where compliant with other standards, having site layouts generally consistent with development that has occurred within the locality.
128. I also agree with the requestor that to incorporate the underlying zone provision for home occupations into the Precinct recognises the shift generally by people to carry out remote working from home to a greater degree. I therefore consider that the activity would not result in any

adverse character or amenity effects as it only provides for very limited business occupations at a scale that maintains residential character and amenity.

129. Overall, I conclude that the changes proposed are sufficiently limited in their nature that they will not result in any obvious adverse character or visual amenity effects arising.

## **15. Consultation**

### **15.1 Mana Whenua Consultation**

130. The requestor has advised that they contacted 13 iwi or Mana Whenua groups in the preparation of PPC84. Those Mana Whenua groups that provided a response are outlined in Appendix C of Attachment 1. It is noted that two Mana Whenua Groups responded to the requestor, and in both instances, the groups deferred to others. Ngai Tai ki Tamaki and Te Kawerau ā Maki both deferring to Ngāti Manuhiri (no response was received from Ngāti Manuhiri).

### **15.2 Rodney Local Board Consultation**

131. The Rodney Local Board were contacted, and a presentation was made to outline the details of the PPC84 to the Board. Minutes from the Board's meeting of December 2022 recorded that the Board supported the intent of the plan change. A copy of those Minutes are contained at **Attachment 5**.

### **15.3 Residents of Omaha South Precinct**

132. An outline of the proposal was sent (Consultation letter – Proposed Private Plan Change – Omaha Precinct – 21092021) inviting feedback from residents. A number of queries were received regarding clarifications around the proposed scope of the application. Queries were received regarding currently operative rules and standards which were not intended to form part of the proposed Plan Change. On the basis of this feedback, Appendix A was amended to better clarify the proposed changes sought were limited to the highlighted sections only. A number of queries were received querying the outcome, if any, on individual properties as a result of the proposed changes to the application of the yard setbacks. These queries were answered with an explanation of the current vs proposed. Two emails were received confirming support of the direction of the proposed plan change. Two emails were received advising the residents would seek to make a formal submission once notified.

## **16. Notification and Submissions**

### **16.1 Notification details**

133. Details of the notification timeframes and number of submissions received is outlined in Table 6 below.

**Table 6: Notification dates and submission numbers**

Date of limited notification for submissions	9 September 2022
Closing date for submissions	7 October 2022

Number of submissions received	12
Date of limited notification for further submissions	11 November 2022
Closing date for further submissions	25 November 2022
Number of further submissions received	1

134. All submissions were received within time and there were no late submissions. Copies of the submissions are provided as **Attachment 6** to this report.

## **17. Analysis of Submissions and Further Submissions**

135. The following sections address the submissions received on PPC84. It discusses the relief sought in the submissions and makes recommendations to the Hearing Commissioners in terms of accepting or rejecting the submission.

136. Submissions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12 support PPC84 in its entirety.

137. Submission 11 seeks that PPC84 be declined.

138. Further Submission FS1, supports the primary submissions in support.

139. Submissions that address the same issues and seek the same relief have been grouped together in this report under the following topic heading:

- Development

### **17.1 Development**

#### **Submissions and Further Submission in Support**

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>
1	Mark Phillip Douglas	Support the plan change for the Omaha South Precinct rule.
2	Colleen Kenny	Support the plan change for the Omaha South Precinct rule.
3	BC Munro & CE Munro	Support the plan change as they see that it will allow development to take place as it was originally intended.
4	Derek and Christine Nolan	Support the plan change in the Omaha South Precinct as it will ensure that there are no unnecessary resource consents. In turn benefiting new houses still to be built on vacant lots and also renovations and extensions of existing houses and re-

		development of sites with new houses following demolition of existing houses.
5	Bryham Reedy Family Trust	Support the plan change as it provides well defined protection and standards.
6	Carla Crabb	Support the plan change as they see that it will allow development to take place as it was originally intended. This will ensure that there are no unnecessary resource consents particularly for those on rear sites, needing to obtain resource consent for new builds, additions and alterations where this was not previously required. This is subjecting them to additional cost and delay with their building projects.
7	Brett Carl Andrew Hyland	Support the plan change as there has been an unintentional impact of unbuildable platforms on some sites and other sites are made to be outside of the normal and expected neighbourhood design.
8	Chris Beswick	Support the plan change as it maintains fairness to property owners and the overall high quality of the Omaha south precinct.
9	Fiona M Hyland	Support the plan change as they see that it will allow development to take place as it was originally intended. Some sites have been left without a buildable platform. Other sites impacted are unintentionally not in line with the Omaha South building rules and intended neighbourhood overall amenity.
10	Lindy Leuschke	Support the plan change as it restores the yard setbacks to those that existed pre-Unitary plan.
12	David John Cochrane and Janene Barbara Cochrane	Supports the plan change as they want the rule to exist as it did when the Rodney District Council approved it.

140. One Further Submission was received, from the requestor, the Omaha Beach Residents Society Incorporated. The Further Submission FS1 supported the primary submissions 1-10 and 12 above, and opposed Submission 11 below.

## Submission in Opposition

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter
11	Mr Tony and Mrs Loma Chevin	Oppose the plan change. The submitter explains that it would change the building platform and have adverse effects on the environment and neighbouring properties by allowing larger building dimensions and restricting view lines which have been protected under the current Omaha Building Society rules. All the homes have been built specifically allowing for these existing view lines. This will have adverse effects on the value of the neighbouring properties that have been built specifically to the Omaha Building Society standards.

141. Submissions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12 and Further Submission FS1 highlight that the current provisions have created unnecessary resource consent requirements and that the current yard rule goes against the original intention of development.
142. Submission 11 opposes the plan change as it is seen as restricting view lines which have been protected under the current Omaha Building Society rules. In turn having adverse effects on the value of the neighbouring properties that have been built specifically to the Omaha Building Society standards. The current development at Omaha South has been created under the former Special 16 yard requirements (and the original Plan Change 76) and the Omaha Building Society rules referred to and reflected those provisions. As such the reinstatement of those yard provisions recognises and enables the predominate form of development to continue. The revised provisions still result in separation between buildings so amenity is still recognised.
143. For the reasons set out in the foregoing assessment, I consider that the rationale for the plan change has merit and will allow for the reasonable development of existing subdivided lots within the Omaha South development area. The request will not facilitate additional density. As such, it is recommended that Submissions 1-10 and 12 and Further Submission FS1 be accepted. In turn it is recommended that Submission 11 be rejected.

### 17.2 Analysis of the section 32 report and any other information provided by the requestor

144. As identified throughout this report, the requestor has provided an Assessment of Environmental Effects, S32 Option Evaluation Table (refer to **Attachment 1**) and this includes a Section 32 Analysis at section 7 of their report.
145. With reference to the comments made throughout my report that the changes are only limited adjustments to the Precinct to reflect the legacy planning provisions for the area and will allow for a consistent approach to development of the area; and environmental matters can continue to be

assessed under other provisions of the AUP and these are not proposed to be amended, I agree with the requestor's Section 32 analysis, including the assessment against Part 2 of the RMA; and that PPC84 is the most appropriate option to achieve the objective of the plan change and the purpose of the RMA.

## **18. Conclusions**



146. Having considered all of the information provided by the requestor, carried out an assessment of effects, reviewed all relevant statutory and non-statutory documents and made recommendations on submissions; I recommend that PPC84 should be approved as notified.
147. With reference to the comments made throughout my report that the changes are only limited adjustments to the Precinct to reflect the legacy planning provisions for the area and will allow for a consistent approach to development of the area; and environmental matters can continue to be assessed under other provisions of the AUP and these are not proposed to be amended, I consider that PPC84 will:
- give effect to Part 2 of the RMA;
  - give effect to the NPS-UD, in particular Policy 1 with regard to enabling a variety of homes that would be achieved under the rewording of the Precinct;
  - give effect to the NPS-FM, as the development of the PPC84 area can be undertaken in a manner that protects the existing streams / overland flow paths and the ecology of these as no changes to existing yields or intensity of development will occur;
  - be consistent with the National Environmental Standard on Air Quality, the National Environmental Standard on Sources of Drinking Water; the National Environmental Standard on assessing and managing contaminants into soil to protect human health; and an assessment of the provisions of the National Environmental Standards for Freshwater Regulations can still be undertaken; and
  - give effect to the relevant provisions of the RPS and regional and district level objectives and policies of the AUP; and other relevant statutory documents such as the Auckland Plan 2050 and the Rodney Local Board plan.

## **19. Recommendations**

1. That, the Hearing Commissioners accept or reject submissions as outlined in section 17 of this report.
2. That, subject to additional information presented by parties at the hearing; and as a result of the recommendations on the submissions, **PPC84 be approved** and the Auckland Unitary Plan be amended by:
  - Inclusion of changes to Precinct I528 Omaha South to redefine the Yard requirements, through inclusion of a specific diagram, and associated adjustments to ensure that the Precinct standards and activities take precedence over the underlying zones; all as identified in the Appendix A – Proposed Plan Change Text provided by the requestor (refer to **Attachment 1**).



## 20. Signatories

	Name and title of signatories
Author	 Andrew Wilkinson, Consultant Planner, Scott Wilkinson Planning Limited
Reviewer / Approved for release	 Peter Vari, Team Leader, Planning – Regional, North, West and Islands



# **ATTACHMENT 1**

**Proposed Private Plan Change 84 - Documents as Notified**



# Request for Private Plan Change

Proposed Plan Change: Omaha South Precinct

**Omaha Beach Residents' Society**

For land contained within the Omaha South Precinct

**Prepared by:**

Michael Campbell

Director

Campbell Brown Planning Ltd

and

Yujie Gao

Senior Planner

Campbell Brown Planning Ltd

**Date of Issue:**

13 July 2022

## Table of Contents

1.0	Executive Summary.....	3
2.0	Private Plan Change Applicant and Property Details.....	4
3.0	Site Location.....	5
4.0	Description of the PPC Land and Surrounding Environment.....	6
4.1	The PPC Site.....	6
4.2	Surrounding Environment .....	6
4.3	Zoning and Overlays .....	6
4.4	Flooding .....	7
5.0	Background .....	7
5.1	Site History and Rodney District Council Plan Change.....	7
5.2	Auckland Unitary Plan .....	8
6.0	Private Plan Change Request.....	8
6.1	Introduction.....	8
6.2	Requirements of the Act .....	9
6.3	Nature and Purpose of the PPC.....	12
6.4	Notification.....	12
6.5	PPC Conclusion .....	13
7.0	Section 32 Evaluation.....	13
7.1	Scope and Purpose .....	13
7.2	Development of Options .....	14
7.3	Evaluation of Options .....	14
7.4	Risk of Acting or Not Acting.....	16
7.5	Evaluation of the Alternatives and Reasons for the Preferred Option .....	17
7.6	Overall Conclusions of s32 Evaluation .....	17
8.0	Resource Management Framework .....	18
8.1	Part 2 of the RMA.....	18
8.2	Other Relevant Sections of the RMA.....	18
8.3	National Policy Statements .....	18
8.3.1	National Policy Statement on Urban Development 2020 .....	19

8.4	National Environmental Standards .....	20
8.5	National Planning Standards .....	20
8.6	Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill .....	21
8.7	The Auckland Plan .....	22
8.8	The Auckland Unitary Plan – Regional Policy Statement .....	23
8.9	The Auckland Unitary Plan – Objectives and Policies .....	26
9.0	Environmental Effects.....	28
9.1	Character and Visual Amenity Effects .....	28
9.2	Community and Social Effects .....	29
9.3	Overall Environmental Effects Conclusion .....	29
10.0	Consultation .....	30
11.0	Conclusion.....	30

## List of Appendices

<b>Appendix A:</b>	Proposed Plan Change text
<b>Appendix B:</b>	Section 32 Option Evaluation Table
<b>Appendix C:</b>	Summary of Consultation
<b>Appendix D:</b>	Precinct and Zone provisions comparison table
<b>Appendix E:</b>	Diagram of yard setbacks
<b>Appendix F:</b>	Yards as defined under the AUP

## 1.0 Executive Summary

Omaha South is part of a coastal settlement, south of Broadlands Drive, on Omaha Bay adjoining Tawharanui Peninsula to the south, and surrounded by coastline on all other sides.

The land was developed with the approval of a plan change for the introduction of a Special Zone providing for residential development under the legacy Rodney District Plan. During the Auckland Unitary Plan process, the land was rolled over into the Omaha South Precinct under the AUP.

The precinct is intended to translate the Special 16 zone in the Auckland Council District Plan - Operative Rodney Section into the PAUP, as the Omaha South Precinct.

Special 16 zone was not fully translated into the PAUP, with the exclusion of a diagram which determined the application of the yard setbacks. This diagram differs from the determination of yard setbacks under the Chapter J – Definitions of the AUP.

Additionally, the current wording of the precinct text indicates the provisions of the underlying zone standards are applicable in addition to the precinct provisions. This results in inconsistency and superfluous standards, which were not intended by the inception of the Omaha South Precinct.

This PPC seeks to clarify the above matters to simplify the application of the Omaha South Precinct provisions.



## 2.0 Private Plan Change Applicant and Property Details

<b>Applicant:</b>	Omaha Beach Residents' Society
<b>Address for Service:</b>	C/- Campbell Brown Planning Limited P O Box 147001 Ponsonby AUCKLAND 1144 Attention: Yujie Gao  Email: <a href="mailto:yujie@campbellbrown.co.nz">yujie@campbellbrown.co.nz</a> <i>(all written correspondence via email please)</i>
<b>Site Location:</b>	Land located in the Omaha South Precinct
<b>Current Unitary Plan Zoning:</b>	Residential – Single House Zone Residential – Mixed Housing Suburban Zone Business – Local Centre Zone Open Space – Informal Recreation Zone
<b>Unitary Plan Overlays:</b>	Natural Resources: High-Use Aquifer Management Areas Overlay – Omaha Waitemata Aquifer
<b>Controls:</b>	Macroinvertebrate Community Index – Rural
<b>Designations:</b>	None

### 3.0 Site Location



Figure 1: Site location (Auckland Council Geomaps. Omaha South Precinct identified in red.



Figure 2: Zoning maps under the Auckland Unitary Plan. Omaha South Precinct identified in red.

## **4.0 Description of the PPC Land and Surrounding Environment**

### **4.1 The PPC Site**

The PPC site comprises the land contained within the Omaha South Precinct. The precinct applies to land south of Broadlands Drive, Omaha, identified in Figure 2 above.

The majority of land is Residential – Single House Zone, with small areas of land zoned Mixed Housing Suburban, Local Centre, and Open Space.

Omaha South was subject to a plan change providing for residential development in 2000. The plan change provides for coastal residential and small-scale local commercial development in Omaha South.

Omaha has a boat ramp, surf club, and other sports amenities such as golf course, tennis courts, bowling club and playgrounds.

Of note, land within the Omaha South Precinct is subject to a number of private covenants which require that all new development or additions to buildings be reviewed by the Design Review Committee (DCC), and as part of that design review owners must show compliance with the Omaha Beach Design Guidelines (the Design Guidelines). The Design Guidelines control matters such as impervious areas, landscaping, and fencing.

### **4.2 Surrounding Environment**

Omaha is a small beach settlement on Omaha Bay adjoining Tawharanui Peninsula to the south, and surrounded by coastline on all other sides.

The nearest township is Warkworth, located approximately 17km south west of Omaha.

### **4.3 Zoning and Overlays**

The PPC land is largely zoned Residential Single House zone, with a small number of lots zoned Mixed Housing Suburban, and Business – Local Centre. It is subject to the Omaha South Precinct.

The PPC land is largely free of any AUP overlays or controls, with the sites being subject only to an Aquifer Management Areas Overlay that does not impose any material restrictions on the use or zoning of the land.

#### 4.4 Flooding

There are localised areas of flood plain and a network of overland flow paths across the Omaha South Area. These are shown on Council's GIS and reproduced in **Figure 3** below.

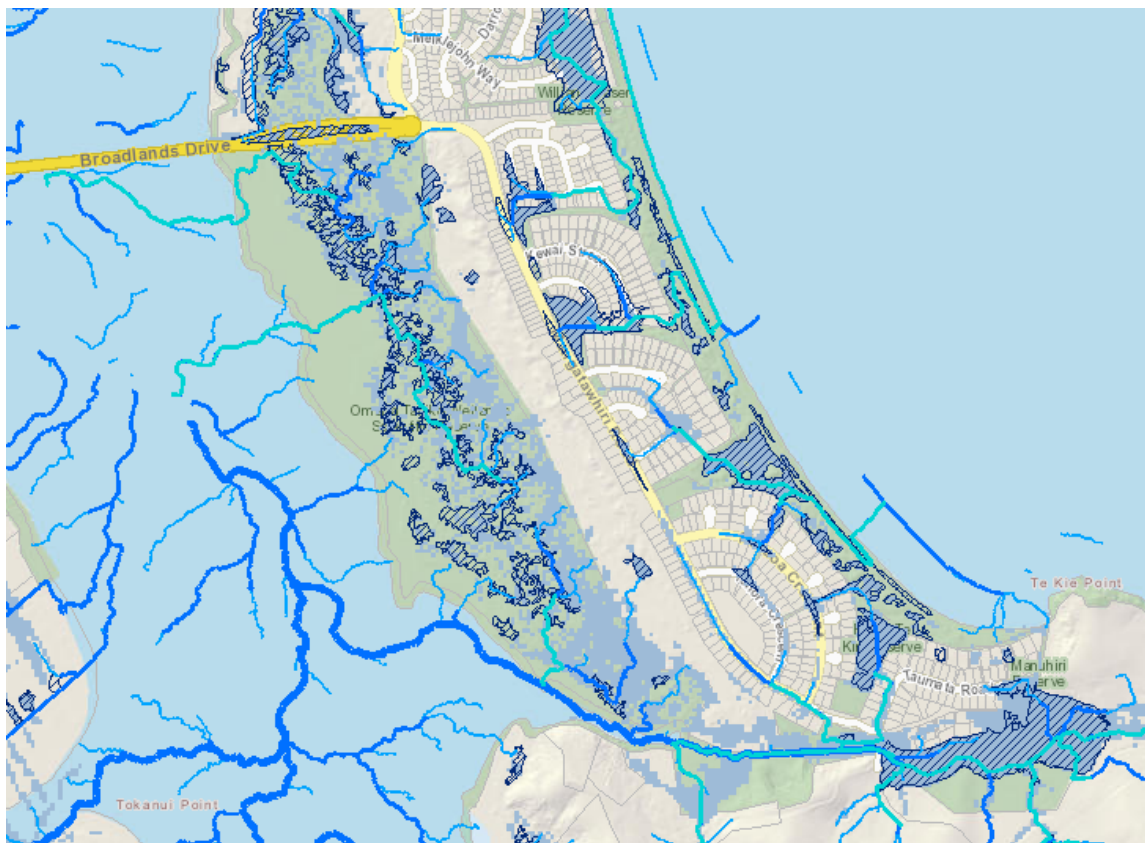


Figure 3: Flood plain and OLFP extent in Omaha

## 5.0 Background

### 5.1 Site History and Rodney District Council Plan Change

The northern portion of Omaha was developed in the late 1960s, with the southern portion developed in the late 1990s.

A plan change for the introduction of a Special Zone providing for residential development at Omaha South became operative on 24 January 2000.

The plan change provided for coastal residential and small-scale local commercial development in Omaha South.

As part of the original development agreement made with the Rodney District Council, the Design Control Committee was responsible for approving building plans which fit within the scope of the Plan Change.

## 5.2 Auckland Unitary Plan

During the Auckland Unitary Plan process, the land was rolled over into the Omaha South Precinct under the AUP.

The precinct is intended to translate the Special 16 zone in the Auckland Council District Plan - Operative Rodney Section into the PAUP, as the Omaha South Precinct. The Special 16 zone provided for the comprehensive development of up to 600 household units, and a small local commercial development on the Omaha Sandpit between the foreshores of Little Omaha Bay and the inner Whangateau Harbour. The provisions were based on development of individual neighbourhood units in a comprehensive manner with each unit having a variety of different site sizes with areas of open space separating each unit and providing amenity to the development as a whole.

The Omaha South Precinct was intended to carry forward the Special Purpose - Special 16 (Ōmaha South) zone in the Auckland Council District Plan - Operative Rodney Section 2011 into the proposed Auckland Unitary Plan Unitary Plan.

## 6.0 Private Plan Change Request

### 6.1 Introduction

The applicant makes this request, seeking a plan change to the Auckland Unitary Plan.

The plan change is referred to as 'Proposed Plan Change [*number to be assigned by Council*] (Private): Omaha South Precinct ('PPC').

The application seeks the following:

- Insertion of text to clarify that the Precinct standards replace all of the standards of E38 Subdivision – Urban, H3 Residential – Single House Zone, H5 Residential – Mixed Housing Suburban Zone and H12 Business – Neighbourhood Centre Zone, for activities listed in Table I528.4.1 Activity Table.
- Insertion of text to note that standards H3.6.3 and H4.6.2 (Home Occupations) still apply.
- Insertion of 'Appendix 12M' from the legacy Rodney District Plan into the provisions of the Omaha South Precinct to clarify the determination of yards within the Omaha South Precinct.

## 6.2 Requirements of the Act

Part 2 of Schedule 1 to the RMA sets out the procedure to be followed when making a request to change a Plan. Key elements of the process, in the context of this proposal, are noted below:

- Any person may request a change to the AUP;<sup>1</sup>
- The request shall be in writing to the Council;<sup>2</sup>
- The request shall explain the purpose of the proposed plan change and the reasons for the change;<sup>3</sup>
- The request shall include an evaluation report prepared in accordance with s32 RMA;<sup>4</sup>
- The request shall include a description of the environmental effects anticipated from implementation of the plan change;<sup>5</sup>
- The Council can require the applicant to provide further information;<sup>6</sup>
- The Council shall either adopt the request, accept the request, deal with the request as if it were an application for resource consent, or reject the request;<sup>7</sup>
- Notification of the Plan Change will occur if the Council decides to adopt or accept the request, and any submissions will be considered by the Council at a hearing;

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<sup>1</sup> Clause 21(1), Schedule 1, RMA

<sup>2</sup> Clause 22(1), Schedule 1, RMA

<sup>3</sup> Clause 22(1), Schedule 1, RMA

<sup>4</sup> Clause 22(1), Schedule 1, RMA

<sup>5</sup> Clause 22(2), Schedule 1, RMA

<sup>6</sup> Clause 23, Schedule 1, RMA

<sup>7</sup> Clause 25, Schedule 1, RMA

- The Council may decline the plan change, approve it, or approve it with modifications.<sup>8</sup>

An important part of the plan change process is the s32 RMA requirement to undertake an evaluation of the costs and benefits of alternatives. The most relevant parts of s32 in terms of process are set out in clauses (1)-(3), which state as follows:

**32 Requirements for preparing and publishing evaluation reports**

- (1) *An evaluation report required under this Act must—*
- (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
  - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
    - (i) *identifying other reasonably practicable options for achieving the objectives; and*
    - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
    - (iii) *summarising the reasons for deciding on the provisions; and*
  - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1)(b)(ii) must—*
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
    - (i) *economic growth that are anticipated to be provided or reduced; and*
    - (ii) *employment that are anticipated to be provided or reduced; and*
  - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*

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<sup>8</sup> Clause 29(4), Schedule 1, RMA

- (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- (3) *If the proposal (an amending proposal) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—*
- (a) *the provisions and objectives of the amending proposal; and*
- (b) *the objectives of the existing proposal to the extent that those objectives—*
- (i) *are relevant to the objectives of the amending proposal; and*
- (ii) *would remain if the amending proposal were to take effect.*

The PPC is simple in its form, as it seeks only to re-insert a diagram from the former Rodney District Plan into the Omaha South Precinct text, and insert text to clarify the application of the precinct standards relative to the underlying zone and subdivision standards. No changes are proposed to the planning maps.

In this context the 'proposal' means the nature of the change, being the proposed amendments to the Omaha South Precinct text. The 'objectives' of the proposal refers to its purpose, which is to clarify the application of provisions for a functioning precinct.

Based on this explanation of the PPC proposal and its objectives, s32 requires the following assessment:

- Whether the proposed amendment to the Precinct text is the most appropriate way to achieve the purpose of the RMA;
- Evaluation of the costs and benefits of the effects anticipated from the implementation of the PPC;
- Quantification of benefits and costs if practicable; and
- Assessment of the risks associated with proceeding or not proceeding with the PPC.

The s32 evaluation relating to the PPC is contained in section 7.0 of this report.



### 6.3 Nature and Purpose of the PPC

The PPC relates only to Chapter I528. Omaha South Precinct. There are no changes proposed to the planning maps.

The proposed changes to the precinct text are as follows:

- Proposed changes to text on pages 8 and 12 of the Omaha South Precinct Chapter.
- Insertion of Figure 12M of the Rodney Legacy Plan as Figure I528.6.9.1 of the Omaha South Precinct Plan.

### 6.4 Notification

Pursuant to section 5A of Schedule 1 of the RMA, a plan change may be limited notified if it is able to identify all persons directly affected by the proposed plan change.

In this instance, the PPC relates to the Omaha South Precinct provisions only. The purpose of the PPC is to reinstate previous provisions of the legacy Rodney District Council Plan – Special Zone 16, and to clarify the standards of the precinct rules in relation to the current AUP rules.

Land contained within the Omaha South Precinct has clear boundaries, therefore all persons within the Omaha South Precinct can be clearly identified.

While the application of the previous yard standards of the legacy Rodney District Plan may influence built form which would be visible from public spaces (such as roads, and Open Space reserves), in my opinion the visibility of buildings itself does not necessarily mean other persons are directly affected. In this instance it is considered that limited notification is suitable as the PPC merely seeks to reinstate previous provisions.

Of note, the Omaha South Precinct area masterplan was originally designed and developed on the basis of the previous provisions and the current application of the provisions result in unintended consequences and unworkable sites. Although built form may be visible from public spaces, it is considered that the PPC is correcting an unintended consequence.

All other layers and controls of the AUP would continue to apply in accordance with Chapter C – General Rules.

In this case, it is considered that limited notification to the residents of the Omaha South Precinct is the most suitable and efficient process for the PPC.

## 6.5 PPC Conclusion

Based on the evaluation contained in section 7.0 of this report, it is considered that the PPC is the most appropriate means to achieve the purpose of the RMA. It would be the best available option to clarify the provisions of the Omaha South Precinct so they are functional and certain.

Given the discrete nature of the proposed changes, it is considered that limited notification of this plan change is appropriate to those residents of the Omaha South Precinct.

## 7.0 Section 32 Evaluation

### 7.1 Scope and Purpose

This s32 evaluation report is prepared to fulfil the statutory requirements of s32 RMA in respect of the PPC.

The PPC seeks to amend the text within section I528 – Omaha South precinct. No changes to the AUP planning maps are proposed.

Section 32 RMA requires that before adopting any objective, policy, rule or other method, regard shall be had to the extent to which each objective is the most appropriate way to achieve the purpose of the RMA, and whether the policies and rules or other methods are the most appropriate way of achieving the objectives. A report must be prepared summarising the evaluation and giving reasons for the preferred option.

In accordance with s32(6) RMA and for the purposes of this report:

- the 'proposal' means the PPC;

- the 'objectives' means the purpose of the proposal/PPC; and
- the 'provisions' means the change to the existing AUP provisions that implements, or gives effect to the objectives of the proposal.

This s32 evaluation will continue to be refined in relation to any consultation that occurs, and in relation to any new information or changes that may arise, including through submissions and during the hearing. This approach of further evaluation is anticipated under the requirements of s32AA RMA.

## 7.2 Development of Options

In addition to consideration of the extent to which the objectives of the PPC are the most appropriate way to achieve the purpose of the RMA, s32 requires an examination of whether the provisions in the PPC are the most appropriate way to achieve the objectives of the proposed plan change by identifying other reasonably practical options for achieving the objective. In the preparation of the PPC, the following options have been identified:

- **Option 1** – do nothing/retain the status quo.
- **Option 2** – insert 'Appendix 12M' into Omaha South Precinct Provisions of the AUP, and clarify the application of the Precinct provisions.
- **Option 3** – amend yard definitions of the AUP.

## 7.3 Evaluation of Options

In accordance with s32(1)(b) and 32(2) of the RMA, the options have been assessed on their appropriateness, efficiency, effectiveness, costs, benefits and risks. The results of this evaluation are discussed in this section and summarised in table form in **Appendix C**. There are no realistic non-regulatory methods that could deliver the outcome sought by the PPC.

### ***Option 1 – Adopt a 'do nothing' approach/retain the status quo***

This option would retain the status quo, being the application of the yards and standards as defined under the AUP (**Appendix F**) being applicable to land within the Omaha South Precinct.

The current wording implies that the provisions of the underlying zone and subdivision standards continue to apply – in addition to the provisions of the Omaha South Precinct.

The yard setbacks under the precinct were determined specifically to suit the anticipated outcomes of the Omaha South precinct, and the subdivision pattern has taken these yard setbacks into account.

The application of the yards under the current AUP definitions are leading to unintended outcomes, by requiring additional consents, and are generally not compatible with the site shapes of the Omaha South Precinct.

The present Auckland Unitary Plan definition for yards is inconsistent with the historic development pattern of buildings in Omaha South generally, in particular on corner sites. The present definition for yards also fails in many instances to provide for practical building platforms. The diagram attached at **Appendix E** provides an example of the AUP yard definition (**Appendix F**) on rear sites. The remaining site shape available for building would conflict with the purpose and intention of the Omaha South Precinct.

Additionally, the current application of the standards requires compliance with both Precinct and Zone standards, where the Precinct provisions were originally developed to stand alone. This option would result in additional resource consent applications above the level originally anticipated when the Omaha South Precinct was created.

***Option 2 – insert 'Appendix 12M' into the Omaha South Precinct Provisions and clarify the application of the provisions***

This option would insert 'Appendix 12M' from the legacy Rodney District Plan into the provisions of the Omaha South Precinct chapter.

Given that the Omaha South Precinct has been brought forward from the legacy Rodney District Plan, with one diagram excluded, the reinsertion of the diagram is considered to be practical and appropriate.

Development outcomes are more likely to be in line with the planned outcome of the Omaha South Precinct as land owners would likely adhere to the development standards of the Precinct, with no inconsistency between the Precinct and the underlying Zone standards. In particular, development on corner sites will be in line with the historic development pattern and development intention for Omaha South, and rear sites will

be afforded a practical building platform that does not necessitate a resource consent application.

An assessment of the provisions of the Omaha South Precinct provisions compared to the underlying Zone provisions (attached at **Appendix E**) confirms that each respective zone standard is adequately addressed by the Omaha South Precinct and the private covenants that apply to land contained in the Omaha South Precinct. Given the contradictions between the zone and Precinct standards, it is considered that the application of both is superfluous and would result in unnecessary resource consent requirements.

The retention of the application of the Home Occupations standard would enable and support the ability of permanent residents to work from home at a scale where the residential character and amenity is maintained. Given changing business operation trends, this standard is considered to be appropriate to retain and would support the social and economic needs of residents of Omaha South.

For these reasons, Option 2 provides the most appropriate means of achieving the purpose of the RMA.

### ***Option 3 – amend the yard definitions of the AUP***

This option would amend the general yard definitions of the AUP to be in line with 'Appendix 12M' from the legacy Rodney District Plan.

This option has an implication on all land and all rules pertaining to yard definitions.

Altering the general yard definitions under the AUP definitions is not considered to be appropriate as the precinct provisions are specific to the Omaha South Precinct, whereas the yard provisions affect all other zones under the AUP.

Option 3 would not be the most appropriate means of achieving the purpose of the RMA.

## **7.4 Risk of Acting or Not Acting**

Section 32(2)(c) RMA requires this evaluation to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

It is considered there is sufficient information about the proposed amendment to proceed with the PPC. The proposed amendment to the precinct provisions is neither unclear or uncertain. This s32 evaluation will continue to be refined in relation to any new information that may arise following notification, including during hearings.

### **7.5 Evaluation of the Alternatives and Reasons for the Preferred Option**

The current application of the provisions of the Omaha South Precinct result in contradictions with both the original intent and planned outcomes of the Omaha South Precinct, and also within the AUP itself between the Precinct and underlying zone and subdivision standards.

While the retention of the current Omaha South Precinct provisions would avoid the need for a PPC, the outcome is undesirable and would continue to be so into the future.

Amending AUP wide provisions would have far reaching consequences, and is not considered to be appropriate given the limited extent of the Omaha South Precinct area. Additionally, amending AUP wide provisions would not resolve the conflicts of the Omaha South Precinct and underlying zone provisions.

As such the most suitable method to clarify the application of the Omaha South Precinct provisions is to amend the wording of the Omaha South Precinct text.

### **7.6 Overall Conclusions of s32 Evaluation**

The evaluation of options undertaken in this report demonstrates that the preferred option for meeting the objectives of the PPC is a plan change to the AUP to amend the provisions of the Omaha South Precinct text. In accordance with section 32(1)(a), the objectives of the proposal are considered to be the most appropriate way to achieve the purpose of the RMA.

## 8.0 Resource Management Framework

### 8.1 Part 2 of the RMA

The purpose of the RMA is to promote the sustainable management of natural and physical resources, as defined in section 5(2) of the Act. Part 2 matters relevant to the PPC include:

- enabling people and communities to provide for their social, economic, and cultural well-being (s5(2));
- safeguarding the life-supporting capacity of air, water, soil, and ecosystems (s5(2)(b));
- avoiding, remedying, or mitigating any adverse effects of activities on the environment (s5(2)(c));
- the efficient use and development of natural and physical resources (s7(b)); and
- the maintenance and enhancement of amenity values (s7(c)).

The PPC is considered to be aligned with Part 2 of the RMA as it seeks to provide for the social and economic well-being of the community in a way that mitigates adverse effects, maintains amenity values, and uses land efficiently.

### 8.2 Other Relevant Sections of the RMA

Section 75(3) of the RMA sets out the matters to be given effect to by a district plan:

- any national policy statement;
- any New Zealand coastal policy statement;
- a national planning standard; and
- any regional policy statement.

It is proposed that the PPC would have legal effect only once a decision on submissions is made, as is the default position under section 86B(1).

### 8.3 National Policy Statements

National policy statements ('NPS') are instruments issued under section 52(2) of the RMA and state objectives and policies for matters of national significance. There are

currently five national policy statements in place. The policy statements relevant to the PPC are identified and discussed below:

- National Policy Statement on Urban Development 2020
- New Zealand Coastal Policy Statement 2010

### 8.3.1 National Policy Statement on Urban Development 2020

The National Policy Statement on Urban Development 2020 ('**NPS-UD**') seeks to ensure that New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities. It removes overly restrictive barriers to development to allow growth 'up' and 'out' in locations that have good access to existing services, public transport networks and infrastructure. The NPS-UD is also intended to improve the responsiveness and competitiveness of land and development markets.

In particular, it requires Tier 1, 2 and 3 local authorities (Auckland is recognised as a 'Tier 1' authority) to provide sufficient development capacity within urban environments, so more homes can be built in response to demand. The NPS-UD provides direction to ensure capacity is provided in accessible places, helping New Zealanders build homes in the places they want – close to jobs, community services, public transport, and other amenities our communities enjoy.

The NPS-UD replaces the National Policy Statement on Urban Development Capacity 2016 ('**NPS-UDC**'), but maintains and builds on some of its policies. Several policies are more directive than those in the NPS-UDC, particularly in New Zealand's largest and fastest growing urban environments such as Auckland.

Overall, the PPC is consistent with the NPS-UD and gives effect to its aspirations and directive policies as follows:

- The PPC will enable the continued use of existing urbanised land in an efficient manner which supports provision of appropriate housing;
- The PPC will enable the development of land that is in accordance with the planned built form that is envisaged by the Omaha South Precinct.

Based on the above assessment, it is considered that the PPC is consistent with the NPS-UD and will give effect to the outcomes that it seeks.



## 8.4 National Environmental Standards

National environmental standards ('NES') are regulations that prescribe standards for environmental matters. There are currently eight NES in force as regulations, covering the following issues:

- Soil contamination;
- Air quality;
- Electricity transmission;
- Freshwater;
- Marine aquaculture;
- Plantation forestry;
- Sources of human drinking water; and
- Telecommunication facilities.

There is no change to the extent of developable land and each NES would continue to be applicable, where relevant.

Overall, the PPC does not raise any concerns in respect of any of the national environmental standards that are currently in force.

## 8.5 National Planning Standards

The purpose of the National Planning Standards is to improve consistency in plan and policy statement structure, format and content so they are easier to prepare, understand, compare and comply with. The Standards will also support implementation of national policy statements and help people observe the procedural principles of the RMA. National Planning Standards must be given effect to by district plans, in accordance with s75(3) RMA.

The Standards are a form of national direction that was introduced as part of the 2017 amendments to the Act. The first set of Standards was released in November 2019, and comprised 17 separate Standards.

There are specified timeframes for implementation of the Standards. In the case of Auckland, a period of 10 years is in place before the Standards need to be adopted in recognition that the AUP is a relatively newly minted statutory plan. As a consequence,

none of the National Planning Standards are directly relevant to the PPC at this time and the form and content of the PPC is not influenced by the existence of the Standards.

The PPC is seeking a change to specific provisions within the Precinct. The purpose of Precincts is to provide specific rules for areas with particular characteristics that require a deviation from the underlying AUP provisions. Therefore, the insertion of 'Appendix 12M' is considered to be appropriate, as it is specific to the Omaha South Precinct. The inclusion of a diagram would not undermine the text or any other provisions of the AUP. When the 10-year transitional period expires and amendments are required to the AUP, it is likely that the provisions of the Omaha South Precinct would be carried forward.

For these reasons, it is considered that the Standards will have no effect on the development of the PPC at the current time.

#### **8.6 Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill**

The Medium Density Residential Standards (MDRS) as provided for by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill are not applicable to Omaha for the following reasons.

The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 requires councils in New Zealand's largest urban areas to adopt medium density residential standards (MDRS) to boost housing supply and enable more types of housing.

Section 77F (1)<sup>9</sup> of the Bill states "Every relevant residential zone of a specified territorial authority must have the MDRS incorporated into that zone."

Relevant residential zone is defined under Section 2 as:

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<sup>9</sup> <https://www.legislation.govt.nz/bill/government/2021/0083/latest/whole.html#LMS612049>, (accessed 11/03/2022)

**relevant residential zone—**

(a) means all residential zones in an urban environment (within the meaning of section 77E); but

(b) does not include—

(i) a large lot residential zone:

(ia) an area predominantly urban in character that the 2018 census recorded as having a resident population of less than 5,000, unless a local authority intends the area to become part of an urban environment;

(ib) an offshore island;

(ii) to avoid doubt, a settlement zone

Omaha already has an urban zoning (being largely Residential – Single House Zone, with some areas of Mixed Housing Suburban and Business – Neighbourhood Centre), however the 2018 census<sup>10</sup> records Omaha as having a resident population of 753 people.

**Age and sex by ethnic group (grouped total response), for census usually resident population counts, 2006, 2013, and 2018 Censuses (urban rural areas)** <sup>i</sup>

Customise Export

Age group	Total people - age group
Sex	Total people - sex
Ethnic group	Total people - ethnic group
Year	2018
Area	
Omaha	753

Therefore, the MDRS will not apply to Omaha, as the 2018 census records Omaha as having a resident population of less than 5,000.

### 8.7 The Auckland Plan

The Auckland Plan 2050 is a long-term spatial plan for Auckland for the next 30 years.

The development strategy contained in the Auckland Plan sets out the approach to residential growth in rural Auckland,<sup>11</sup> noting that such growth will be focused mainly in the towns which provide services for the wider rural area. While additional growth is not

<sup>10</sup> NZ.Stat, (accessed 11/03/2013).

<sup>11</sup> Auckland Plan 2050, Development Strategy, Rural Auckland, Approach to rural growth

anticipated or planned for in the Omaha South Precinct, the amendment of the precinct provisions will enable land to be utilised efficiently for the residents.

## 8.8 The Auckland Unitary Plan – Regional Policy Statement

When preparing or changing a district plan, Council must give effect to any Regional Policy Statement ('RPS').<sup>12</sup> The RPS seeks to achieve the purpose of the RMA by providing an overview of the resource management issues for the region, and establishing policies and methods to achieve integrated management of the region's natural and physical resources.

The RPS contains a number of higher order objectives and policies, including in relation to urban form.

The PPC does not seek to rezone land therefore does not affect natural and physical resources that have been scheduled in the Unitary Plan.

The relevant objectives and policies are set out below.

### **B2.2. Urban growth and form**

#### **B2.2.1. Objectives**

- (1) *A quality compact urban form that enables all of the following:*
  - (a) *a higher-quality urban environment;*
  - (b) *greater productivity and economic growth;*
  - (c) *better use of existing infrastructure and efficient provision of new infrastructure;*
  - (d) *improved and more effective public transport;*
  - (e) *greater social and cultural vitality;*
  - (f) *better maintenance of rural character and rural productivity; and*
  - (g) *reduced adverse environmental effects.*
- (2) *Urban growth is primarily accommodated within the urban area 2016 (as identified in Appendix 1A).*
- (3) *Sufficient development capacity and land supply is provided to accommodate residential, commercial, industrial growth and social facilities to support growth.*
- (4) *Urbanisation is contained within the Rural Urban Boundary, towns, and rural and coastal towns and villages.*

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<sup>12</sup> s75(3)(c) RMA

- (5) *The development of land within the Rural Urban Boundary, towns, and rural and coastal towns and villages is integrated with the provision of appropriate infrastructure.*

...

#### **B2.2.2. Policies**

##### *Quality compact urban form*

- (4) *Promote urban growth and intensification within the urban area 2016 (as identified in Appendix 1A), enable urban growth and intensification within the Rural Urban Boundary, towns, and rural and coastal towns and villages, and avoid urbanisation outside these areas.*

...

#### **B2.4. Residential growth**

##### **B2.4.1. Objectives**

- (1) *Residential intensification supports a quality compact urban form.*
- (2) *Residential areas are attractive, healthy and safe with quality development that is in keeping with the planned built character of the area.*

...

#### **B2.6. Rural and coastal towns and villages**

##### **B2.6.1. Objectives**

- (1) *Growth and development of existing or new rural and coastal towns and villages is enabled in ways that:*
- (a) *avoid natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage or special character unless growth and development protects or enhances such values; and*
  - (b) *avoid elite soils and avoid where practicable prime soils which are significant for their ability to sustain food production; and*
  - (c) *avoid areas with significant natural hazard risks;*
  - (d) *are consistent with the local character of the town or village and the surrounding area; and*
  - (e) *enables the development and use of Mana Whenua's resources for their economic well-being.*
- (2) *Rural and coastal towns and villages have adequate infrastructure.*

**B2.6.2. Policies**

- (1) *Require the establishment of new or expansion of existing rural and coastal towns and villages to be undertaken in a manner that does all of the following:*
  - (a) *maintains or enhances the character of any existing town or village;*
  - (b) *incorporates adequate provision for infrastructure;*
  - (c) *avoids locations with significant natural hazard risks where those risks cannot be adequately remedied or mitigated;*
  - (d) *avoids elite soils and avoids where practicable prime soils which are significant for their ability to sustain food production;*
  - (e) *maintains adequate separation between incompatible land uses;*
  - (f) *is compatible with natural and physical characteristics, including those of the coastal environment; and*
  - (g) *provides access to the town or village through a range of transport options including walking and cycling.*
- (2) *Avoid locating new or expanding existing rural and coastal towns and villages in or adjacent to areas that contain significant natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage or special character, unless the growth and development protects or enhances such resources including by any of the following measures:*
  - (a) *the creation of reserves;*
  - (b) *increased public access;*
  - (c) *restoration of degraded environments;*
  - (d) *creation of significant new areas of biodiversity;*
  - (e) *enablement of papakāinga, customary use, cultural activities and appropriate commercial activities.*
- (3) *Enable the establishment of new or significant expansions of existing rural and coastal towns and villages through the structure planning and plan change processes in accordance with Appendix 1 Structure plan guidelines.*
- (4) *Enable small-scale growth of and development in rural and coastal towns and villages without the need for structure planning, in a manner consistent with policies B2.6.2(1) and (2).*
- (5) *Enable papakāinga, marae, customary use, cultural activities and appropriate commercial activities on Māori land and on other land where Mana Whenua have collective ownership.*

The PPC involves minor amendments to the Omaha South Precinct text to clarify the application. The Omaha South Precinct would continue to remain, enabling growth and development in coastal towns as enabled by the RPS.

The scope of the PPC does not involve any changes to zoning maps or the extent of the Omaha South Precinct, as such the precinct would continue to give effect to the RPS.

## 8.9 The Auckland Unitary Plan – Objectives and Policies

### *Omaha South Precinct*

The PPC seeks to amend provisions within the Omaha South Precinct. Relevant AUP objectives and policies for the precinct are:

#### **I528.2. Objectives**

- (1) *Coastal, residential and small scale local commercial development recognises the social, environmental and cultural values apparent in Omaha South.*
- (2) *The cultural values and the relationship of Mana Whenua with the Omaha Spit and its coastal environs are recognised, respected and protected.*
- (3) *The natural environment at Omaha South, particularly the coastline, Kahikatea forest/wetland and Omaha aquifer, is protected from potential adverse effects which could arise as a result of residential/commercial development.*
- (4) *Amenity values within neighbourhoods and residential areas in the Omaha South Precinct are maintained and enhanced.*
- (5) *The existing level of natural character associated with the coastal environment of Omaha South is preserved.*
- (6) *Development within the Omaha South Precinct does not generate new or worsen existing natural hazards.*

#### **I528.3. Policies**

*Require development and subdivision to be designed to:*

- (a) *protect and enhance the kahikatea forest/wetland; and*
- (b) *protect and enhance the significant coastal landscapes and landforms within Omaha South; and*

*(c) not accelerate, worsen or generate any natural hazards; and  
(d) protect the quantity and quality of water in the Omaha aquifer.*

*(5) Require development and subdivision to be designed and constructed to ensure that all adverse effects on the items listed in 4(a)-(d) above and the remaining environmental values of local significance are avoided, remedied or mitigated.*

*(9) Encourage development and subdivision to contribute to the amenity of Omaha South by:*

*(a) incorporating identifiable neighbourhood edges and boundaries; and  
(b) optimising access to community facilities, the coastal environment of Little Omaha Bay and public open space; and (c) maintaining and enhancing identifiable linkages with the existing development in Omaha North.*

*(10) Require buildings to be designed and sited to:*

*(a) prevent overshadowing of adjacent outdoor living areas and buildings; and  
(b) maintain the level of visual and aural privacy currently experienced within adjacent properties.*

*(11) Require all activities to be sited, designed and operated to avoid, remedy or mitigate adverse noise and/or lighting effects on the health of people and amenity values of the area.*

*(12) Require commercial and residential subdivision and development to be designed, sited and arranged to minimise any adverse effects on the wider neighbourhood and residential areas; in particular, by achieving an overall compatibility in building scale and design.*

The PPC will give effect to the relevant AUP objectives and policies as:

- It will enable development that is consistent with the established character of Omaha South. The majority of residential dwellings established in Omaha South have been established under the legacy Rodney District Plan.
- It will enable development that is designed and in accordance with the anticipated outcome of Omaha South.
- It will ensure that amenity within the Omaha South area is maintained.



## 9.0 Environmental Effects

Given the limited extent of the proposed change, no additional specialist reports were considered to be necessary.

This AEE has considered the potential environmental effects of the PPC, and concludes that the zone change will not give rise to any significant adverse environmental effects. The environmental effects of the PPC are addressed below.

### 9.1 Character and Visual Amenity Effects

Development in Omaha South is characterised by traditional residential development patterns. Of note, both the subdivision and development of Omaha South was enabled by and occurred in accordance with the provisions of the legacy Special 16 zone in the Auckland Council District Plan - Operative Rodney Section.

Whilst the majority of the provisions of the legacy Special 16 zone were rolled forward into the PAUP, the exclusion of 'Appendix 12M', which determined yard setbacks as applicable to the Omaha South precinct, was excluded.

This had notable consequences as the determination of yards under the AUP – Chapter J – definitions differs from the determination of yards under Appendix 12M. The change in the determination of the yard setbacks resulted in certain sites now being undevelopable (if Council did not grant resource consents to deviate from the yard standards), and would result in development that was not compatible with the original intent of the Omaha South Precinct.

The wording of the current precinct provisions also implies that the underlying zone rules are still applicable. These standards (such as height in relation to boundary) had never historically been applicable to the Omaha South Precinct and the Precinct standards had been written to address the equivalent matters. As demonstrated in the attached comparison table at **Appendix E**, each respective matter of the underlying zone is adequately managed by a combination of the existing standards of the Omaha South Precinct, and the land covenants which apply to all land contained within the Omaha South Precinct.

As such, the proposed amendment of the Precinct text would not result in any adverse character or visual amenity effects as it would bring the Precinct provisions back in line with the original intent and application of the Precinct standards since their conception.

The only additional amendment is to enable Home Occupations, as provided for by standards H3.6.3 and H4.6.2 of the Single House zone and Mixed Housing Suburban zones respectively. Due to the increased numbers of permanent residents of Omaha South, and changing characteristics of business operations resulting in more remote working, this standard is considered to be relevant and appropriate to retain. The retention of this standard would not result in any adverse character or amenity effects as it provides for very limited business occupations at a scale that the residential character and amenity is maintained.

For the reasons outlined above, it is considered that the PPC will have no significant adverse effects in relation to landscape character and visual amenity.

## 9.2 Community and Social Effects

The PPC would provide a number of community and economic effects for the residents of Omaha South.

In particular, the amended wording would simplify standards and bring the provisions back in line with the original intended and anticipated outcomes of the Precinct, and avoid unnecessary resource consent applications. This benefits landowners by reducing the financial cost required to develop and redevelop sites.

The retention of the application of the Home Occupations standard would enable and support the ability of permanent residents to work from home at a scale where the residential character and amenity is maintained. Given changing business operation trends, this standard is considered to be appropriate to retain and would support the social and economic needs of residents of Omaha South.

## 9.3 Overall Environmental Effects Conclusion

On the basis of the technical information that has been provided, it is concluded that the PPC will not generate any significant adverse environmental effects.

## 10.0 Consultation

In preparing the PPC, the applicant has commenced consultation and engagement with a number of parties, including iwi, the Rodney Local Board and the residents of the Omaha South precinct.

A summary of consultation undertaken to date is included within **Appendix C**. That appendix will be updated as additional responses are received.

## 11.0 Conclusion

It is considered that the proposed amendments to the provisions of the Omaha South Precinct are the most appropriate means to achieve the purpose of the RMA. It would be the best available option to enable and facilitate the use of the land for residential development as envisaged by the Omaha South Precinct.

it is considered that limited notification to the residents of the Omaha South Precinct is the most suitable and efficient process for the PPC.

PPC assessment undertaken by:



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**Director**  
**Campbell Brown Planning Limited**



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**Campbell Brown Planning Limited**

**(For and on behalf of the Omaha Beach Residents Society)**

## Appendix A – Proposed Plan Change Text

*n.b. only text and diagrams in yellow highlight are proposed as part of this Plan Change application.*

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### I528.6. Standards

The overlay, zone and Auckland-wide standards apply in this precinct, except that the standards below replace **all** the standards of [E38 Subdivision – Urban](#), [H3 Residential – Single House Zone](#), [H5 Residential – Mixed Housing Suburban Zone](#) and [H12 Business – Neighbourhood Centre Zone](#), **for activities listed in Table I528.4.1 Activity Table.**

**The Home Occupation Standards of H3.6.3 and H4.6.2 do still apply, for activities listed in Table I528.4.1 Activity Table.**

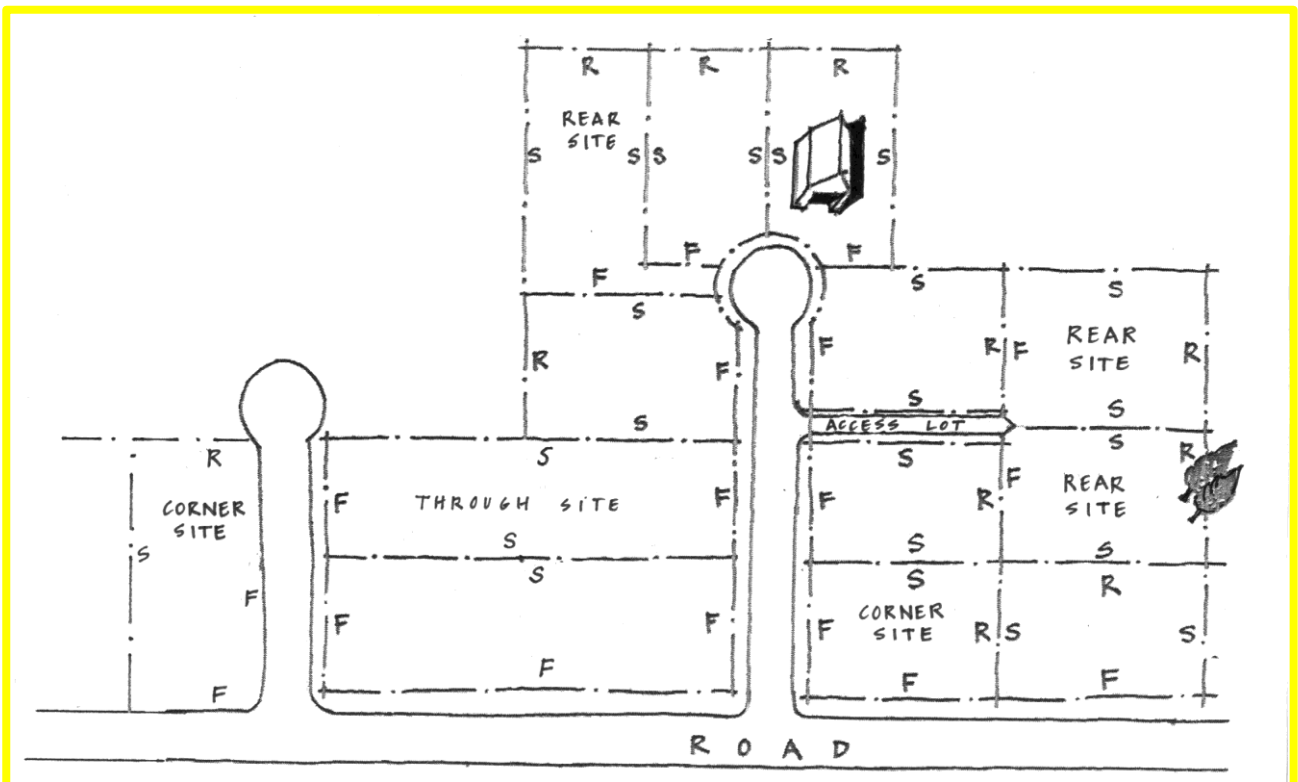
All activities listed in Table I528.4.1 must comply with the following permitted activity standards.

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### I528.6.9. Yards

- (1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table I528.6.9.1 Yards below.
- (2) All yards must remain unobstructed by buildings except as provided for in Standard I528.6.9 (3)(a) and (b) below.
- (3) The following can be built in any yard for Type A to Type D development:
  - (a) decks, unroofed terraces, landings, steps or ramps with a maximum height of 0.3 metres provided they do not prevent vehicular access to a required parking space; and
  - (b) fascia, gutters, downpipes, eaves; masonry chimney backs, flues, pipes, domestic fuel tanks, cooling or heating appliances or other services; light fittings, electricity or gas meters, aerials or antennae, pergolas or sunblinds provided they do not encroach into the yard by more than 0.3 metres.
- (4) For the purpose of Table I528.6.9.2 Yards shall be determined in accordance with Figure I528.6.9.1 below which replaces the front, side, and rear yard definitions in Chapter J.**

**Figure I528.6.9.1: Omaha South Precinct Identification of Front, Rear, and Side boundaries**



**R = Rear Boundary**  
**S = Side Boundary**  
**F = Front Boundary**

**Note 1: On corner sites, the longer internal boundary shall be the side boundary. If both internal boundaries are the same length then one shall be a rear boundary and the other a side boundary.**

**Note 2: On rear sites, the longer pair of opposing boundaries (excluding those on the access leg) shall be side boundaries.**



**Appendix B – S32 Option Evaluation Table**

	<b>Option 1 – Do Nothing/ Status Quo</b>	<b>Option 2 – Insert ‘Appendix 12M’ into Omaha South Precinct Provisions and clarify the application of the provisions</b>	<b>Option 3 – Amend yard definitions of the AUP</b>
<b>Description</b>	<p>This option would retain the status quo, being the application of the yards and standards as defined under the AUP (<b>Appendix F</b>) being applicable to land within the Omaha South Precinct.</p> <p>The current wording implies that the provisions of the underlying zone and subdivision standards continue to apply – in addition to the provisions of the Omaha South Precinct.</p>	<p>This option would insert ‘Appendix 12M’ from the legacy Rodney District Plan into the provisions of the Omaha South Precinct chapter.</p> <p>This option also seeks to clarify the exclusion of underlying zone and subdivision standards from land in the Precinct area.</p> <p>This option has an implication on land contained within the Omaha South Precinct.</p>	<p>This option would amend the general yard definitions of the AUP to be in line with ‘Appendix 12M’ from the legacy Rodney District Plan.</p> <p>This option has an implication on all land and all rules pertaining to yard definitions.</p>
<b>Appropriateness</b> <i>(whether the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a))</i>	<p>The application of the yard rules under the AUP to the Omaha South Precinct would result in adverse land use outcomes.</p> <p>The yard setbacks under the precinct were determined specifically to suit the planned outcomes of the Omaha South precinct, and the subdivision pattern had also been designed to take these yard setbacks into account.</p> <p>The application of the yards under the AUP (<b>Appendix F</b>) would lead to unintended outcomes and are generally not compatible with the site shapes of the Omaha South Precinct.</p> <p>The present Auckland Unitary Plan definition for yards is inconsistent with the historic development pattern of buildings in Omaha South. The application of the yard setback standards under the AUP fail to provide for practical building platforms on rear sites, as shown in <b>Appendix E</b>, and results in development inconsistent with historic development patterns and the intended outcome of the Omaha South Precinct, particularly on corner sites.</p> <p>If the yard rules were applied based on the AUP definitions, a number of sites would have a very limited area to build on as a permitted activity. The remaining site shape available for building would conflict with the purpose and intention of the Omaha South Precinct.</p>	<p>Given that the Omaha South Precinct has been brought forward from the legacy Rodney District Plan, with one diagram excluded, the reinsertion of the diagram is considered to be practical and appropriate.</p> <p>For these reasons, Option 2 provides the most appropriate means of achieving the purpose of the RMA.</p> <p>In relation to the other standards, these standards (such as Height in Relation to Boundary) have never historically been applicable to the Omaha South Precinct, and the Precinct Standards have also been written to address the equivalent matters. The attached document at <b>Appendix D</b> provides a summary of how each respective matter is addressed by an equivalent standard in the Omaha South Precinct and by the land covenants which apply to all land contained within the Omaha South Precinct.</p> <p>This option also seeks that the Home Occupations standards of H3.6.3 and H4.6.2 are applicable to the Omaha South Precinct. Due to the increased numbers of permanent residents of Omaha South, and changing characteristics of business operations resulting in more remote working, this standard is considered to be relevant and appropriate to retain.</p>	<p>Altering the general yard definitions under the AUP definitions is not considered to be appropriate as the precinct provisions are specific to the Omaha South Precinct, and it is noted that the respective yard setbacks were defined specifically with consideration to the planned outcomes of the Precinct.</p> <p>Yards as defined under Chapter J, Definitions, affect all other zones under the AUP, outside of the Omaha South Precinct.</p> <p>Option 3 would not be the most appropriate means of achieving the purpose of the RMA.</p>
<b>Efficiency and effectiveness</b> <i>(whether the provisions are the most efficient and effective means of</i>	<p>Based on the outcomes of implementing the yard setbacks under the AUP and the limited land area available for building, it is expected that development or additions on many sites would result in an infringement to the yard setbacks.</p>	<p>Option 2 would clarify the application of the Precinct rules, in particular the yard rules, and bring them in line with the original intention of the Omaha South Precinct.</p>	<p>Option 3 would have implications for all other sites contained within Auckland by altering the yard definitions. Other rules related to the identification of yards / boundaries would also be affected.</p>

	Option 1 – Do Nothing/ Status Quo	Option 2 – Insert ‘Appendix 12M’ into Omaha South Precinct Provisions and clarify the application of the provisions	Option 3 – Amend yard definitions of the AUP
<i>achieving the objectives of the proposal (s32(1)(b))</i>	<p>The majority of provisions contained within the underlying zone standards have equivalents in the Omaha South Precinct. The attached document at <b>Appendix D</b> provides a summary of how each respective matter is addressed. The provisions themselves have conflicting standards, so that it could be possible to have a permitted development in accordance with the Precinct standards, while still requiring resource consent for an infringement of the zone standards.</p> <p>This option would result in additional resource consent applications above the level originally anticipated when the Omaha South Precinct was created. The provisions of the Omaha South Precinct were written to be able to stand alone.</p> <p>Each resource consent application would be considered on its merits, and cumulatively may result in an outcome contrary to the intention of the Omaha South Precinct as planned.</p> <p>In this regard, Option 1 would not be efficient or effective in achieving the objective of the proposal.</p>	<p>Amending the application of the yard setback standards would avoid the need for resource consents which were not originally anticipated.</p> <p>The proposed amendments to the wording of the precinct are considered to be minimal, and overall do not seek to change the intention or outcomes of the Precinct Provisions, however will clarify their application.</p>	<p>This option would not address the application of the Precinct provisions in relation to the underlying zone and subdivision provisions.</p> <p>Given the wide-ranging potential effects of Option 3, this is not considered to be an efficient or effective option.</p>
<p><b>Benefits</b> <i>Assessment of benefits of the anticipated environmental, economic, social, and cultural effects of the provisions, including economic growth and employment (s32(2)(a) and (b)).</i></p>	<p>Option 1 would not require a Plan Change.</p>	<p>Option 2 would simplify standards and bring the provisions in line with the anticipated outcomes of the Precinct. Option 2 would be in accordance with the planned and historic development pattern for the Omaha South Precinct, particularly on corner sites, and provide for a practical building platform and avoid unnecessary resource consents, in particular on rear sites.</p> <p>This would benefit landowners by reducing the financial cost required to develop and redevelop sites.</p> <p>Development outcomes are more likely to be inline with the planned outcome of the Omaha South Precinct as land owners would likely adhere to the development standards of the Precinct, with no inconsistency between the Precinct and the underlying Zone standards.</p> <p>The retention of the application of the Home Occupations standard would enable and support the ability of permanent residents to work from home at a scale where the residential character and amenity is maintained. Given changing business operation trends, this standard is considered to be appropriate to retain and would support the social and economic needs of residents of Omaha South.</p>	<p>Option 3 would not require amendments to the Omaha South Precinct by having one set of yard rules applicable to all areas in the AUP.</p>



	Option 1 – Do Nothing/ Status Quo	Option 2 – Insert ‘Appendix 12M’ into Omaha South Precinct Provisions and clarify the application of the provisions	Option 3 – Amend yard definitions of the AUP
<b>Costs</b> <i>Assessment of costs of the anticipated environmental, economic, social, and cultural effects of the provisions, including economic growth and employment (s32(2)(a) and (b))</i>	<p>Costs would be the loss of developable area on the private sites due to the current definition of the Yards. Refer <b>Appendix E</b> for an example of the outcome of the current application of the yard setback provisions.</p> <p>Other costs may be unintentional and inefficient land use outcomes in order to comply with the definition of the Yard setback provisions, which are not in line with the intended outcome of the Omaha South Precinct.</p>	<p>This option would minimise costs, by avoiding the need for unnecessary resource consent applications or specialist advice to understand the applicability of various AUP provisions when undertaking development on sites in Omaha South.</p>	<p>The direct costs of Option 3 would be that every other zone and site would be implicated by the changing definition of yard determinations.</p> <p>Adverse land use outcomes may result to other zones as the relevant yard standards will not reflect the intended outcome of the respective zones.</p> <p>As there are yard rules applying to the majority of all zones, all other landowners in the Auckland Region will be affected and likely want to participate in the PPC process.</p>
<b>Risk</b> <i>Assessment of the risk of acting or not acting if there is uncertain or insufficient information about the provisions (s32(2)(c))</i>	<p>There is no uncertain information or insufficiency of information about the proposal to amend the Omaha South Precinct, and no identified risks arise as a consequence.</p>	<p>There is no uncertain information or insufficiency of information about the proposal to amend the Omaha South Precinct, and no identified risks arise as a consequence.</p>	<p>There is no uncertain information or insufficiency of information about the proposal to amend the Omaha South Precinct, and no identified risks arise as a consequence.</p>
<b>Summary</b>	<p>While the retention of the current Omaha South Precinct provisions would avoid the need for a PPC, the outcome would be undesirable.</p>	<p>Option 2 would have few costs and substantial benefits by simplifying the precinct provisions for the land owners of the Omaha South Precinct.</p> <p>In terms of economic, environmental, social and cultural matters. It provides the most effective and efficient means of achieving the objective of the proposal and the purpose of the RMA.</p> <p>Option 2 is the preferred option for these reasons.</p>	<p>Option 3 would provide for insufficient benefits to justify amending the yard definitions under the AUP. It would be neither effective nor efficient and result in widespread consequences over all other zones, and is not the preferred option for these reasons.</p> <p>This option also does not clarify the application of the Precinct standards.</p>

## Appendix C – Summary of Consultation

Persons/Organisation	Outcome	Contact Details	Response
<b>MANA WHENUA</b>			
<b>Ngāi Tai ki Tāmaki</b>	Confirm relevant mana whenua who wish to engage with the project.	Ngāi Tai Ki Tamaki Tribal Trust 09 537 9485 <a href="mailto:kaitiaki@ngaitai-ki-tamaki.co.nz">kaitiaki@ngaitai-ki-tamaki.co.nz</a>	Email sent on 6/10/2021 outlining proposal (Consultation letter – Proposed Private Plan Change – Omaha Precinct – 21092021).  Response received 7/10/2021: <i>Thanks for your email in regards the above proposal. Ngāi Tai defer to Ngāti Manuhiri for further engagement.</i>
<b>Ngāti Maru</b>	Confirm relevant mana whenua who wish to engage with the project.	Ngāti Maru Runanga Trust 07 867 9104 <a href="mailto:office@ngatimaru.iwi.nz">office@ngatimaru.iwi.nz</a>	Email sent on 6/10/2021 outlining proposal (Consultation letter – Proposed Private Plan Change – Omaha Precinct – 21092021).
<b>Ngāti Manuhiri</b>	Confirm relevant mana whenua who wish to engage with the project.	Ngati Manuhiri Settlement Trust 0508 MANUHIRI <a href="mailto:kaitiaki@ngatimanuhiri.iwi.nz">kaitiaki@ngatimanuhiri.iwi.nz</a>	Email sent on 6/10/2021 outlining proposal (Consultation letter – Proposed Private Plan Change – Omaha Precinct – 21092021).
<b>Ngāti Tamaoho</b>	Confirm relevant mana whenua who wish to engage with the project.	Ngāti Tamaoho Trust 092744220 <a href="mailto:hero@tamaoho.maori.nz">hero@tamaoho.maori.nz</a> <a href="mailto:rmaofficer@tamaoho.maori.nz">rmaofficer@tamaoho.maori.nz</a>	Email sent on 6/10/2021 outlining proposal (Consultation letter – Proposed Private Plan Change – Omaha Precinct – 21092021).
<b>Ngāti Te Ata</b>	Confirm relevant mana whenua who wish to engage with the project.	Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohua 021 208 5606 <a href="mailto:teararangatu15@gmail.com">teararangatu15@gmail.com</a> <a href="mailto:edith71@hotmail.com">edith71@hotmail.com</a>	Email sent on 6/10/2021 outlining proposal (Consultation letter – Proposed Private Plan Change – Omaha Precinct – 21092021).
<b>Ngāti Pāoa</b>	Confirm relevant mana whenua who wish to engage with the project.	Ngāti Paoa Iwi Trust <a href="mailto:Taiao@ngatipaoaiwi.co.nz">Taiao@ngatipaoaiwi.co.nz</a>	Email sent on 6/10/2021 outlining proposal (Consultation letter – Proposed Private Plan Change – Omaha Precinct – 21092021).
<b>Ngāti Pāoa</b>	Confirm relevant mana whenua who wish to engage with the project.	Ngāti Paoa Trust Board <a href="mailto:NPTB@ngatipaoatrustboard.co.nz">NPTB@ngatipaoatrustboard.co.nz</a>	Email sent on 6/10/2021 outlining proposal (Consultation letter – Proposed Private Plan Change – Omaha Precinct – 21092021).
<b>Ngātiwai</b>	Confirm relevant mana whenua who wish to engage with the project.	Ngātiwai Trust Board 09 430 0939 <a href="mailto:raukura@ngatiwai.iwi.nz">raukura@ngatiwai.iwi.nz</a>	Email sent on 6/10/2021 outlining proposal (Consultation letter – Proposed Private Plan Change – Omaha Precinct – 21092021).
<b>Ngāti Whātua o Kaipara</b>	Confirm relevant mana whenua who wish to engage with the project.	Ngā Maunga Whakahii o Kaipara Development Trust 09 420 8410 Ext.4503 <a href="mailto:tetaritaiao@kaiparamoana.com">tetaritaiao@kaiparamoana.com</a>	Email sent on 6/10/2021 outlining proposal (Consultation letter – Proposed Private Plan Change – Omaha Precinct – 21092021).
<b>Ngāti Whātua Ōrākei</b>	Confirm relevant mana whenua who wish to engage with the project.	Ngāti Whātua Ōrākei Trust 09 336 1670 <a href="mailto:tokitaiao@ngatiwhatuorakei.com">tokitaiao@ngatiwhatuorakei.com</a>	Email sent on 6/10/2021 outlining proposal (Consultation letter – Proposed Private Plan Change – Omaha Precinct – 21092021).
<b>Te Kawerau ā Maki</b>	Confirm relevant mana whenua who wish to engage with the project.	Te Kawerau Iwi Settlement Trust <a href="mailto:tiaki@tekawerau.iwi.nz">tiaki@tekawerau.iwi.nz</a>	Email sent on 6/10/2021 outlining proposal (Consultation letter – Proposed Private Plan Change – Omaha Precinct – 21092021).  Response received 6/10/2021:

Persons/Organisation	Outcome	Contact Details	Response
			<i>Thanks for your email. While this is within our area of shared ancestral interest, I'll defer to Ngati Manuhiri to lead this.</i>
<b>Ngāti Whanaunga</b>	Confirm relevant mana whenua who wish to engage with the project.	Ngāti Whanaunga Incorporated <a href="mailto:hrenata@ngaatiwhanaunga.maori.nz">hrenata@ngaatiwhanaunga.maori.nz</a> <a href="mailto:mbaker@ngaatiwhanaunga.maori.nz">mbaker@ngaatiwhanaunga.maori.nz</a>	Email sent on 6/10/2021 outlining proposal (Consultation letter – Proposed Private Plan Change – Omaha Precinct – 21092021).
<b>Te Rūnanga o Ngāti Whātua</b>	Confirm relevant mana whenua who wish to engage with the project.	Te Rūnanga o Ngāti Whātua 09 470 0720 <a href="mailto:runanga@ngatiwhatua.iwi.nz">runanga@ngatiwhatua.iwi.nz</a>	Email sent on 6/10/2021 outlining proposal (Consultation letter – Proposed Private Plan Change – Omaha Precinct – 21092021).
<b>AUCKLAND COUNCIL</b>			
<b>Local Boards – Rodney</b>	Inform Local Board of the project and obtain any feedback or queries they may have on the proposals.	<a href="mailto:Rodneylocalboard@aucklandcouncil.govt.nz">Rodneylocalboard@aucklandcouncil.govt.nz</a>	No response.
<b>Plans and Places Team</b>	Confirm process, information requirements and gain initial feedback to the proposal.	Austin Fox <a href="mailto:Austin.fox@aucklandcouncil.govt.nz">Austin.fox@aucklandcouncil.govt.nz</a>  Peter Vari <a href="mailto:Peter.vari@aucklandcouncil.govt.nz">Peter.vari@aucklandcouncil.govt.nz</a>	Draft precinct provisions and outline of proposal provided by email 2/07/2021. Feedback received 19/08/2021.  Comments relating to style guide were adopted (cross referencing figures, location of proposed figure).  Updated plan change documents, draft PPC, and s32 evaluation provided by email 25/01/2022.
<b>RESIDENTS OF OMAHA SOUTH PRECINCT</b>			
Residents of Omaha South Precinct	Inform residents of the proposed plan change and obtain any feedback or queries they may have.	Provided by the OBRS	An outline of the proposal was sent (Consultation letter – Proposed Private Plan Change – Omaha Precinct – 21092021) inviting feedback from residents.  A number of queries were received regarding clarifications around the proposed scope of the application. Queries were received regarding currently operative rules and standards which were not intended to form part of the proposed Plan Change. On the basis of this feedback, Appendix A was amended to better clarify the proposed changes sought were limited to the highlighted sections only.  A number of queries were received querying the outcome, if any, on individual properties as a result of the proposed changes to the application of the yard setbacks. These queries were answered with an explanation of the current vs proposed.  Two emails were received confirming support of the direction of the proposed plan change. Two emails were received advising the residents would seek to make a formal submission once notified.



## Appendix D – Precinct and Zone provisions comparison table

### H3 - Single House Zone

Omaha South Precinct		Single House Zone	
I528.6.1	Maximum yield		-
I528.6.2	Mix of dwellings		-
I528.6.3	Archaeological sites		-
I528.6.4	Beach amenity protection line		-
I528.6.5	Land disturbance		-
I528.6.6	Potable water supply		-
I528.6.7	Stormwater disposal		-
I528.6.8	Height	H3.6.6	Building height
I528.6.9	Yards	H3.6.8	Yards
I528.6.10	Building coverage	H3.6.10	Building coverage
I528.6.11	Floor Area Ratio		-
I528.6.12	Building separation		-
I528.6.13	Outdoor living space and service areas		-
I528.6.14	Maximum dwellings per building	H3.6.3	The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings.
I528.6.15	Density	H3.6.4	Minor dwellings

I528.6.16	Separation from utilities		-	
I528.6.17	Screening		-	
I528.6.18	Verandahs		-	
I528.6.19	Subdivision site area and frontage		See subdivision chapter comments.	
I528.6.20	Subdivision shape factor			
I528.6.21	Recreation use height		-	
I528.6.22	Recreation use gross floor area		-	
I528.6.23	Recreation use subdivision		-	
	-	H3.6.2	<p>Home occupations</p> <p>Purpose: to enable people to work from home at a scale that the residential character and amenity is maintained.</p>	<p>Not currently provided for in the precinct.</p> <p>It is proposed to enable this activity in the Omaha South Precinct by amending the wording of the exclusions.</p> <p><b>H3.6.2. Home occupations</b>  Purpose: to enable people to work from home at a scale that the residential character and amenity is maintained.  (1) A home occupation must comply with all the following standards:</p>

				<p>(a) at least one person engaged in the home occupation must use the dwelling on the site as their principal place of residence;</p> <p>(b) no more than two people who do not use the dwelling as their principal place of residence may work in the home occupation;</p> <p>(c) no more than four people in total may work in the home occupation;</p> <p>(d) the sale of goods or services from the home occupation that requires customers to come to the site and the delivery of goods to and from the site may not occur before 7am or after 7pm;</p> <p>(e) car trips to and from the home occupation activity must not exceed 20 per day;</p> <p>(f) heavy vehicle trips must not exceed two per week;</p> <p>(g) no more than one commercial vehicle associated with the home occupation may be on site at any one time;</p> <p>(h) storage for rubbish and recycling associated with the home occupation must be provided on site and screened from public view;</p> <p>(i) materials or goods manufactured, serviced or repaired in the home occupation must be stored and worked on within a building on the same site; and</p> <p>(j) goods sold from the home occupation must be:</p> <ul style="list-style-type: none"> <li>(i) goods produced on site; or</li> <li>(ii) goods that are primarily ordered by mail or electronic transaction and redistributed by post or courier; or</li> <li>(iii) goods ancillary and related to a service provided by the home occupation.</li> </ul>
	-	H3.6.5	Offices within the Centre Fringe Control Area	n/a

	-	H3.6.7	<p>Height in relation to boundary</p> <p>Purpose: to manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access and minimise adverse visual dominance effects to immediate neighbours.</p>	<p>Controlled by Building coverage (1528.6.10), Floor Area Ratio (1528.6.11), Yards (1528.6.9) &amp; Height (1258.6.8) standards to ensure an adequate sense of space is achieved between buildings on adjoining properties assisting to maintain satisfactory access to sunlight and to minimise visual dominance effects.</p> <p>In particular, the floor area standards have been designed to restrict the area of the first floor of dwellings, particularly where a building occupies the full extent of the available building coverage and corresponding floor area on the ground floor. For example, a on a Type B Lot the maximum permitted building coverage is 30% of the net site area and the maximum floor area is 0:0.40 (40% of the net site area).</p>
	-	H3.6.9	<p>Maximum impervious area</p> <p>Purpose:</p> <ul style="list-style-type: none"> <li>• to manage the amount of stormwater runoff generated by a development, particularly in relation to the capacity of the stormwater network and potential flood risks;</li> </ul>	<p>In relation to management of stormwater runoff, this is managed by 1528.6.7. Stormwater Disposal where on-site soakage areas are required (except in Sub precinct E and the southern third of Sub precinct D) Density (1528.6.15) &amp; Building coverage (1528.6.10) standards.</p> <p>The storage of potable water supply is required under the Omaha South Precinct standard 1528.6.6. The rooftop</p>



			<ul style="list-style-type: none"> <li>• to support the functioning of riparian yards, lakeside yards and coastal protection yards and water quality and ecology;</li> <li>• to reinforce the building coverage and landscaped area standards; and</li> <li>• to limit paved areas on a site to improve the site’s appearance and cumulatively maintain amenity values in a neighbourhood.</li> </ul>	<p>drainage for all dwellings in Omaha South is directed to these potable water storage tanks.</p> <p>In addition, all new development or additions to buildings are subject to review by the Design Review Committee (the <b>DCC</b>) and as part of that design review owners must show compliance with the Omaha Beach Design Guidelines (the <b>Design Guidelines</b>). Under clause 2.2 Paving &amp; Drainage, impervious services and all rooftop drainage must be directed to storage tanks for domestic water supply.</p> <p>The Design Guidelines also requires that all impervious areas on sites should be minimised and the DCC review process considers this aspect of developments with a view to ensuring that this occurs, minimising stormwater runoff from sites and assisting to maintain the amenity values of the neighbourhoods.</p> <p>Restrictive covenants also apply on properties that prohibit any buildings within riparian margins in flood susceptible areas e.g. those properties that adjoin the stormwater pond in sub-precinct E.</p>
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	-	H3.6.11	<p>Landscaped area</p> <p>Purpose:</p> <ul style="list-style-type: none"> <li>• to provide for quality living environments consistent with the planned suburban built character of buildings;</li> <li>• to maintain the landscaped character of the streetscape within the zone.</li> </ul>	<p>Controlled by a combination of Density (1258.6.15), Building coverage (1528.6.10) &amp; Yards (1528.6.9) standards.</p> <p>Density is limited to one dwelling per site, and the building coverage and yard standards allow for generous areas of open space around buildings that is available for landscaping.</p> <p>It is reasonable to assume that property owners would retain a reasonable amount of on-site landscaping, given properties are not being developed as multi-dwelling redevelopments where yield is paramount.</p> <p>Clause 2.5 of the Design Guidelines requires owners to submit a landscape plan for the approval of the DCC as part of its design review process. The Design Guidelines also requires that all planting is to be completed within the next planting season following the completion of the building. There are also plant maintenance and plant replacement requirements under clause 5.2.</p> <p>The Design Guideline fencing clauses at 2.3 are also relevant as they seek to minimise fencing, particularly in areas adjacent to street frontages and reserve land, keeping these areas open. Landscaping is encouraged</p>
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				within these areas to enhance & maintain the landscape values and character of the streetscape and public reserves.
	-	H3.6.12	Front, side and rear fences and walls	<p>There are private covenants that have restrictions in relation to fencing, especially those adjoining beach front and golf course reserves. Fence heights in these covenant areas are generally restricted to either 1.2m or 1.5m depending on the location of the site.</p> <p>The OBRS Design Review Process also regulates fence heights by requiring compliance with the Design Guidelines. Section 2.3 of the Design Guidelines addresses fencing in detail. In particular, fences are not encouraged in front of the front façade of dwellings and where they are required that they are as low as possible and less than 1.4m in height. Higher fencing up to 1.8m may be approved in areas where additional privacy is required e.g. rear outdoor living areas.</p>

#### H4 - Mixed Housing Suburban Zone

Omaha South Precinct		Mixed Housing Suburban Zone	
I528.6.1	Maximum yield		-
I528.6.2	Mix of dwellings		-
I528.6.3	Archaeological sites		-
I528.6.4	Beach amenity protection line		-
I528.6.5	Land disturbance		-
I528.6.6	Potable water supply		-
I528.6.7	Stormwater disposal		-
I528.6.8	Height	H4.6.4	Building height
I528.6.9	Yards	H4.6.7	Yards
I528.6.10	Building coverage	H4.6.9	Building coverage
I528.6.11	Floor Area Ratio		-
I528.6.12	Building separation		-
I528.6.13	Outdoor living space and service areas		-
I528.6.14	Maximum dwellings per building	H4.6.3	The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings.
I528.6.15	Density		-
I528.6.16	Separation from utilities		-
I528.6.17	Screening		-

I528.6.18	Verandahs		-	
I528.6.19	Subdivision site area and frontage		See subdivision comments	
I528.6.20	Subdivision shape factor			
I528.6.21	Recreation use height		-	
I528.6.22	Recreation use gross floor area		-	
I528.6.23	Recreation use subdivision		-	
	-	H4.6.2	Home occupations	<p>Not currently provided for in the precinct.</p> <p>It is proposed to enable this activity in the Omaha South Precinct by amending the wording of the exclusions.</p>
	-	H3.6.5	Offices within the Centre Fringe Control Area	n/a
	-	H4.6.5	Height in relation to boundary	Controlled by Building coverage (1528.6.10), Floor Area Ratio (1528.6.11), Yards (1528.6.9) & Height (1258.6.8) standards to ensure an adequate sense of space is retained between adjoining properties to maintain sunlight access and minimise visual dominance effects.
		H4.6.6	Alternative height in relation to boundary	<p>In particular, the floor area standards have been designed to restrict the area of the first floor of dwellings, particularly where a building occupies the full extent of the available building coverage and corresponding floor area on the ground floor. For example, a on a Type B Lot the maximum permitted</p>

				building coverage is 30% of the net site area and the maximum floor area is 0:0.40 (40% of the net site area).
	-	H4.6.8	Maximum impervious area	<p>In relation to management of stormwater runoff, this is managed by standard I528.6.7. Stormwater Disposal (except in Sub precinct E and the southern third of Sub precinct D) in conjunction with Density (1528.6.15) &amp; Building coverage (1528.6.10) standards.</p> <p>The storage of potable water supply is required under the Omaha South Precinct standard I528.6.6. The rooftop drainage for all dwellings in Omaha South is directed to these potable water storage tanks.</p> <p>In addition, all new development or additions to buildings are subject to review by the Design Review Committee (the DCC) and as part of that design review owners must show compliance with the Omaha Beach Design Guidelines (the Design Guidelines). Under clause 2.2 Paving &amp; Drainage, impervious services and all rooftop drainage must be directed to storage tanks for domestic water supply.</p> <p>The Design Guidelines also requires that all impervious areas on sites should be minimised and the DCC review process considers this aspect of developments with a view to ensuring that this occurs, minimising stormwater runoff from sites and</p>

				<p>assisting to maintain the amenity values of the neighbourhoods.</p> <p>Restrictive covenants also apply on properties that prohibit any buildings within riparian margins in flood susceptible areas e.g. those properties that adjoin the stormwater pond in sub-precinct E.</p>
		H4.6.10	Landscaped Area	<p>Controlled by a combination of Density (1258.6.15), Building coverage (1528.6.10) &amp; Yards (1528.6.9) standards .</p> <p>Density is limited to one dwelling per site, and the building coverage and yard standards allow for generous areas of open space around buildings that is available for landscaping.</p> <p>It is reasonable to assume that property owners would retain a reasonable amount of on-site landscaping, given properties are not being developed as multi-dwelling redevelopments where yield is paramount.</p> <p>Clause 2.5 of the Design Guidelines requires owners to submit a landscape plan for the approval of the DCC as part of its design review process. The Design Guidelines also requires that all planting is to be completed within the next planting season following the completion of the building. There are also plant</p>

				<p>maintenance and plant replacement requirements under clause 5.2.</p> <p>The Design Guideline fencing clauses at 2.3 are also relevant as they seek to minimise fencing, particularly in areas adjacent to street frontages and reserve land, keeping these areas open. Landscaping is encouraged within these areas to enhance &amp; maintain the landscape values and character of the streetscape and public reserves.</p>
	-	H4.6.11	<p>Outlook space</p> <p>Purpose:</p> <ul style="list-style-type: none"> <li>• to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites; and</li> <li>• in combination with the daylight standard, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space</li> </ul>	<p>Controlled by a combination of Density (I528.6.15), Building coverage (1528.6.10), Floor Area Ratio (1528.6.11), Yards (1528.6.9) &amp; Height (1258.6.8) standards, that collectively provide for a satisfactory standard of visual privacy and minimise visual dominance effects for Type A-C lots.</p> <p>For Type D lots – the above-mentioned standards also apply along with the Outdoor living Space and service areas standard (1258.6.13) and the Building separation standard (1528.6.12) where more than 1 dwelling is proposed on a site requires a minimum separation distance of 5m between buildings on the same site.</p>
	-	H4.6.12	<p>Daylight</p> <p>Purpose:</p>	



			<ul style="list-style-type: none"> <li>• to ensure adequate daylight for living areas and bedrooms in dwellings, supported residential care and boarding houses; and</li> <li>• in combination with the outlook standard, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.</li> </ul>	
	-	H4.6.13	Outdoor living space	<p>Controlled by Density (1258.15), Building Coverage (1528.6.10), Floor Area Ratio (1528.6.11), Yards (1528.6.9) &amp; Height (1258.6.8) standards for Type A-C lots, which ensure an adequate amount of on site area will remain as outdoor living space.</p> <p>The Outdoor living space and service areas standard (1258.6.13) also applies for Type D lots.</p>
		H4.6.14	Front, side, and rear fences and walls	<p>There are private covenants that have restrictions in relation to fencing, especially those adjoining beach front and golf course reserves. Fence heights in these covenant areas are generally restricted to either 1.2m or 1.5m depending on the location of the site.</p>

				<p>The OBRS Design Review Process also regulates fence heights by requiring compliance with the Design Guidelines. Section 2.3 of the Design Guidelines addresses fencing in detail. In particular, fences are not encouraged in front of the front façade of dwellings and where they are required that they are as low as possible and less than 1.4m in height. Higher fencing up to 1.8m may be approved in areas where additional privacy is required e.g. rear outdoor living areas.</p>
		H4.6.15	<p>Minimum dwelling size</p> <p>Purpose: to ensure dwellings are functional and of a sufficient size to provide for the day to day needs of residents, based on the number of occupants the dwelling is designed to accommodate.</p>	<p>Clause 3.3 of the OBRS Design Guideline requires that where the staged construction of a dwelling is proposed, that stage one must not be less than 50m<sup>2</sup>.</p> <p>For all other development, given that density controls limit dwellings to one unit per site it is unlikely that the dwelling would be of a small size. If an owner did decide to construct a smaller dwelling that would be of their own decision in the knowledge that it meets their needs.</p>

## H12 - Neighbourhood Centre Zone

Omaha South Precinct		Neighbourhood Centre Zone	
I528.6.1	Maximum yield		-
I528.6.2	Mix of dwellings		-
I528.6.3	Archaeological sites		-
I528.6.4	Beach amenity protection line		-
I528.6.5	Land disturbance		-
I528.6.6	Potable water supply		-
I528.6.7	Stormwater disposal	H12.6.6	Maximum impervious in the riparian yard
I528.6.8	Height	H12.6.1	Building height
I528.6.9	Yards	H12.6.4	Yards
I528.6.10	Building coverage	H4.6.9	Building coverage
I528.6.11	Floor Area Ratio		-
I528.6.12	Building separation		-
I528.6.13	Outdoor living space and service areas		-
I528.6.14	Maximum dwellings per building	H4.6.3	The conversion of a principal dwelling existing as at 30

			September 2013 into a maximum of two dwellings.	
I528.6.15	Density		-	
I528.6.16	Separation from utilities		-	
I528.6.17	Screening	H12.6.5	Landscaping	<p>I528.6.17. Screening requires a 1.8m high solid fence to screen all service areas in retail, office, and restaurant activities.</p> <p>The purpose of the landscaping standard H12.6.5 is to screen and provide a buffer to car parking, loading, and service areas which are visible from the street frontage.</p> <p>I528.6.17. Screening standard will screen service areas, achieving the same purpose of H12.6.5.</p> <p>In relation to the site layout and screening of car parking, and loading spaces:</p> <ul style="list-style-type: none"> <li>• The OBRS also regulates fence heights by requiring compliance with the Design Guidelines.</li> <li>• The Design Guidelines also requires that all impervious areas on sites should be minimised and the DCC review process considers this aspect of developments with a view to ensuring that this occurs, minimising stormwater runoff from sites and assisting to maintain the amenity values of the neighbourhoods.</li> </ul> <p>In relation to the purpose of ensuring landscaping is of sufficient quality to make a positive contribution to the streetscape:</p>

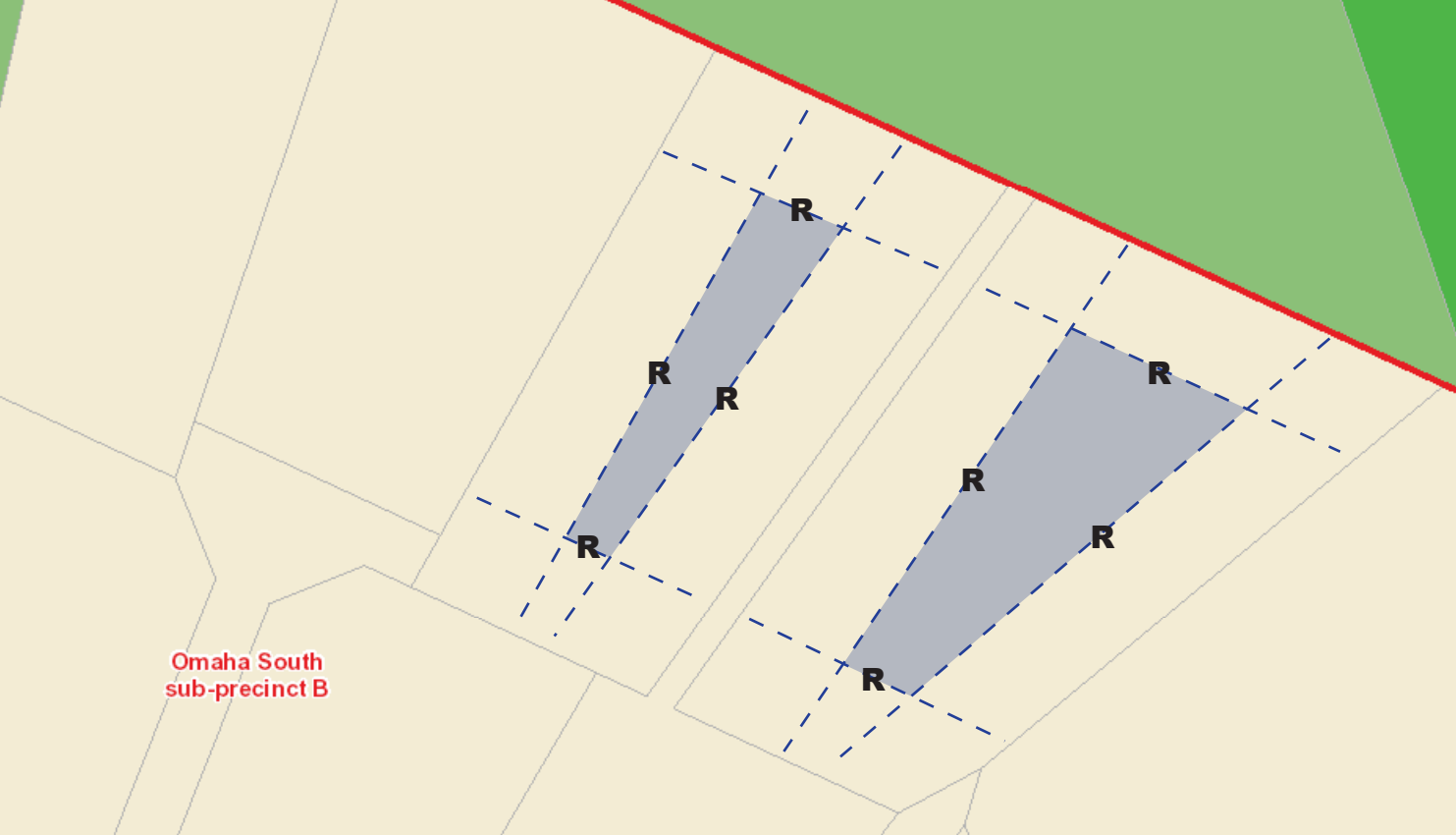
				<ul style="list-style-type: none"> <li>Clause 2.5 of the Design Guidelines requires owners to submit a landscape plan for the approval of the DCC as part of its design review process. The Design Guidelines also requires that all planting is to be completed within the next planting season following the completion of the building. There are also plant maintenance and plant replacement requirements under clause 5.2</li> </ul> <p>The purpose of H12.6.5 can be achieved through the above mechanisms.</p>
I528.6.18	Verandahs		-	
I528.6.19	Subdivision site area and frontage		Replaces standards in the E38 subdivision chapter.	
I528.6.20	Subdivision shape factor		Replaces standards in the E38 subdivision chapter.	
I528.6.21	Recreation use height		-	
I528.6.22	Recreation use gross floor area		-	
I528.6.23	Recreation use subdivision		-	
	-	H12.6.0	Activities within 30m of a residential zone	Only applies to Outdoor Eating Areas accessory to restaurants, no other listed activities are provided for in the precinct. Auckland wide Noise standards (E25) apply.
	-	H12.6.2	Height in relation to boundary	Controlled by Building coverage (1528.6.10), Floor Area Ratio (1528.6.11), Yards (1528.6.9) & Height (1258.6.8) standards to ensure an adequate sense of space is achieved between buildings

				<p>on adjoining properties assisting to maintain satisfactory access to sunlight and to minimise visual dominance effects.</p> <p>In particular, the floor area standards have been designed to restrict the area of the first floor of dwellings, particularly where a building occupies the full extent of the available building coverage and corresponding floor area on the ground floor. For example, a on a Type B Lot the maximum permitted building coverage is 30% of the net site area and the maximum floor area is 0:0.40 (40% of the net site area).</p>
	-	H12.6.3	Residential at ground floor	<p>Residential provided for by Precinct activity table</p> <p>The Precinct does not seek to restrict residential at ground floor as this is not considered to be necessary. Omaha South has only two sites zoned Neighbourhood Centre, one of which has already been developed.</p> <p>...</p>
	-	H12.6.6	Maximum impervious in the riparian yard	n/a no Riparian yards in proximity
	-	H12.6.7	Wind	The Precinct maximum Height standard is significantly lower than underlying zone, being the same height as dwellings, where Wind assessment is not required.
	-	H12.6.8	Outlook space	Controlled by a combination of Density (1528.6.15), Building coverage (1528.6.10), Floor Area Ratio (1528.6.11), Yards (1528.6.9) & Height (1258.6.8) standards, that collectively provide
		H12.6.9	Minimum dwelling size	

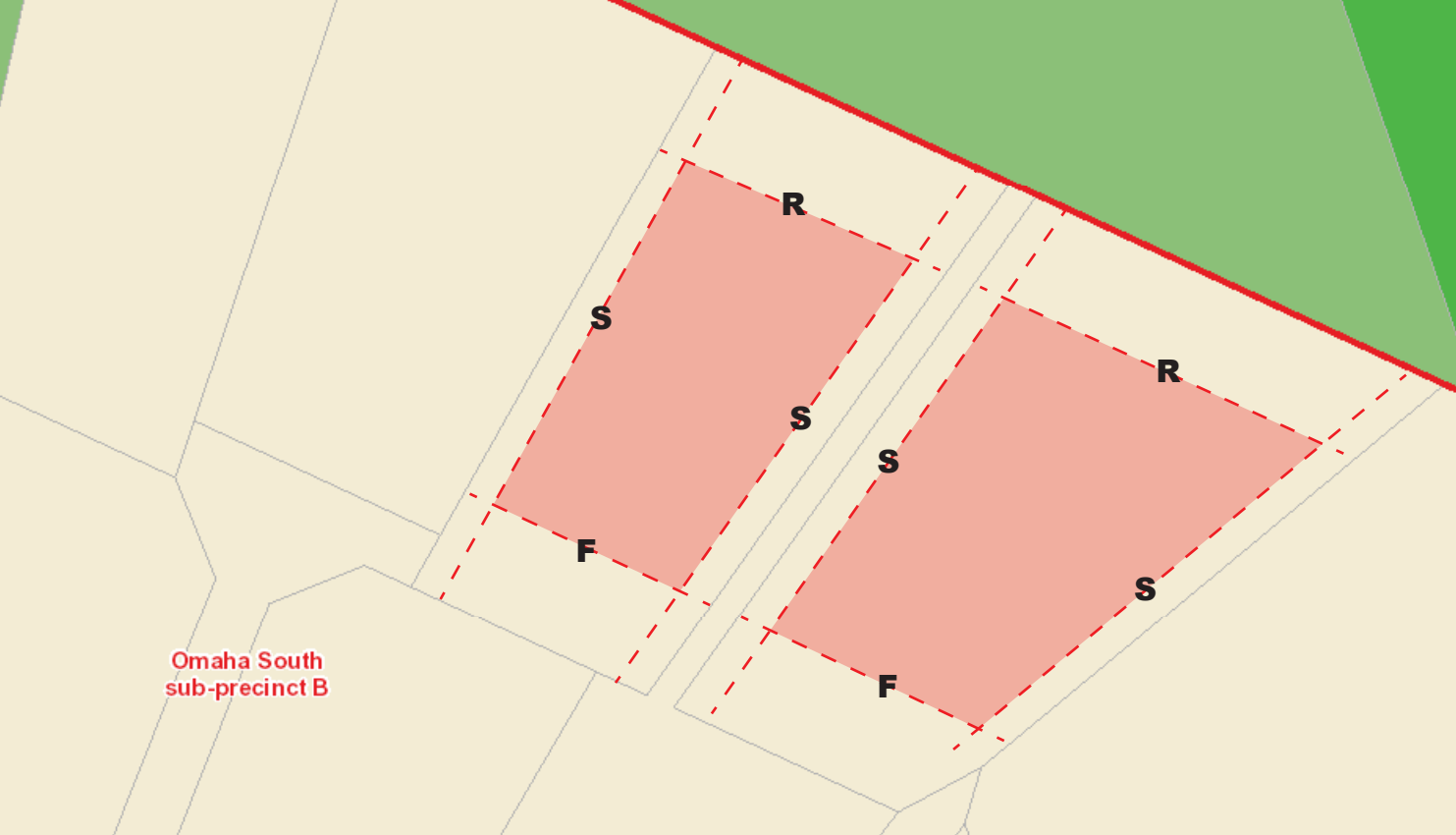
				<p>for a satisfactory standard of visual privacy and minimise visual dominance effects for Type A-C lots.</p> <p>For Type D lots – the above-mentioned standards also apply along with the Outdoor living Space and service areas standard (1258.6.13) and the Building separation standard (1528.6.12) where more than 1 dwelling is proposed on a site requires a minimum separation distance of 5m between buildings on the same site.</p> <p>Clause 3.3 of the OBRS Design Guideline requires that where the staged construction of a dwelling is proposed, that stage one must not be less than 50m<sup>2</sup>.</p> <p>For all other development, given that density controls limit dwellings to one unit per site it is unlikely that the dwelling would be of a small size. If an owner did decide to construct a smaller dwelling that would be of their own decision in the knowledge that it meets their needs.</p>
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Appendix E - Diagram showing application of yard standards to a rear yard

3A: Yard standards as applied under the current AUP definitions





3B: Yard standards as applied under the Proposed Private Plan Change to the Omaha South Precinct



1:500

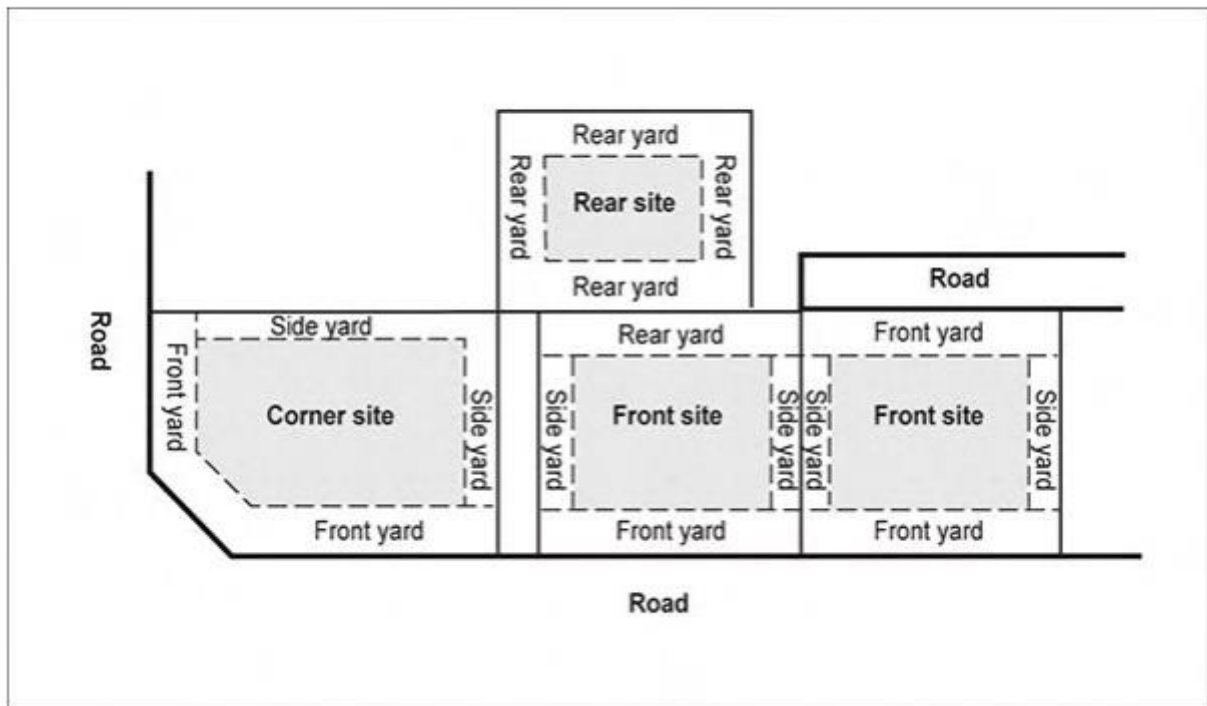
Legend

- F** Front yard
- S** Side yard
- R** Rear yard
-  Yard setback lines
-  Buildable area



# Appendix F – Yards as defined under the Auckland Unitary Plan (AUP)

Figure J1.4.7 Yards





## **ATTACHMENT 2**

**Existing Auckland Unitary Plan Precinct I528 Provisions, and Residential – Single House Zone, Residential – Mixed Housing – Suburban Zone provisions**



## **I528. Omaha South Precinct**

### **I528.1. Precinct Description**

This precinct applies to land south of Broadlands Drive, Omaha. The land is located in a sensitive coastal environment and the precinct provisions enable comprehensive residential and small scale commercial development to occur in a sustainable manner that is complimentary to the coastal location. This has and will be achieved through:

- (a) clearly defining a dune protection line and requiring all development to occur inland of the defined coastal hazard;
- (b) appropriate planting of foreshore areas and limiting access across the dunes to defined points with appropriately constructed access structures (paths/boardwalks);
- (c) enabling a range of residential subdivision development types (from cluster housing in the large lot development), with an upper limit on the proportion of each type that can occur, and an absolute limit of 600 household units specified for the entire precinct;
- (d) substantial areas of open space, including the kahikatea forest/wetland vested in the Crown as reserve, the recreation reserve vested in the Council (for the purpose of an additional nine golf holes), and the areas vested as neighbourhood reserves and pedestrian access. Some of the areas are located outside the precinct boundaries;
- (e) retaining control over the visual impact of development, to protect the broad landscape values of Omaha and to ensure compatibility between the variety and form of coastal residential development; and
- (f) limiting commercial development to the area identified for that purpose on the Precinct Plan.

The standards of the proposed precinct are designed to ensure that all potential adverse effects of residential development within Omaha South, such as those associated with stormwater generation, are dealt with in a manner that does not adversely affect the coastal environment of the kahikatea forest/wetland. This is achieved through a series of controls requiring on-site water storage for water supply and on-site soakage areas. There has also been an upgrade to the existing sewage treatment plant to provide for the additional sewage generated along with provision for the full development of Omaha North and Point Wells, and for disposal of the effluent in accordance with any consent obtained from the Auckland Council.

Omaha South precinct has six sub-precincts:

- Sub-precincts A – E provide for residential activities and allow for comprehensive development of large areas within the precinct; and
- Sub-precinct F provides for commercial activities.

The Omaha South: Precinct Plan 1 identifies these sub-precincts as well as neighbourhood reserve development areas and access reserve development areas that link the sub-precincts.

The zoning of land within this precinct is Residential – Single House Zone, Residential – Mixed Housing Suburban Zone, Business – Neighbourhood Centre Zone, Open Space – Informal Recreation Zone and Open Space – Conservation Zone.

### **I528.2. Objectives [rp/dp]**

- (1) Coastal, residential and small scale local commercial development recognises the social, environmental and cultural values apparent in Omaha South.
- (2) The cultural values and the relationship of Mana Whenua with the Omaha Spit and its coastal environs are recognised, respected and protected.
- (3) The natural environment at Omaha South, particularly the coastline, Kahikatea forest/wetland and Omaha aquifer, is protected from potential adverse effects which could arise as a result of residential/commercial development.
- (4) Amenity values within neighbourhoods and residential areas in the Omaha South Precinct are maintained and enhanced.
- (5) The existing level of natural character associated with the coastal environment of Omaha South is preserved.
- (6) Development within the Omaha South Precinct does not generate new or worsen existing natural hazards.
- (7) Public access to and along the coastal edge of Little Omaha Bay is maintained in a manner that will not detract from the functioning of the coastal environment, the dune system, and the associated ecosystems.
- (8) The subdivision of land is appropriate for the development proposed and the nature of the land being subdivided.

The overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified above with the exception of the objectives of the [H3 Residential – Single House Zone](#), [H4 Residential – Mixed Housing Suburban Zone](#) and [H12 Business – Neighbourhood Centre Zone](#).

### **I528.3. Policies [rp/dp]**

- (1) Require development to not destroy, alter or damage any site that has been identified, surveyed and recorded on residential or commercial titles as being of significance to Mana Whenua.
- (2) Require development complies with the agreed protocol with Mana Whenua.
- (3) Require development and subdivision to be designed to protect and enhance sites, historic resources, and taonga which have been identified as being significant.

- (4) Require development and subdivision to be designed to:
  - (a) protect and enhance the kahikatea forest/wetland; and
  - (b) protect and enhance the significant coastal landscapes and landforms within Omaha South; and
  - (c) not accelerate, worsen or generate any natural hazards; and
  - (d) protect the quantity and quality of water in the Omaha aquifer.
- (5) Require development and subdivision to be designed and constructed to ensure that all adverse effects on the items listed in 4(a)-(d) above and the remaining environmental values of local significance are avoided, remedied or mitigated.
- (6) Provide for stormwater collection, reticulation and discharge to maintain the volume of groundwater existing within Omaha South.
- (7) Avoid significant adverse environmental effects associated with the supply of water and the collection and discharge of stormwater on the Omaha aquifer.
- (8) Avoid contamination of the environment from sewage collection, treatment and discharge.
- (9) Encourage development and subdivision to contribute to the amenity of Omaha South by:
  - (a) incorporating identifiable neighbourhood edges and boundaries; and
  - (b) optimising access to community facilities, the coastal environment of Little Omaha Bay and public open space; and
  - (c) maintaining and enhancing identifiable linkages with the existing development in Omaha North.
- (10) Require buildings to be designed and sited to:
  - (a) prevent overshadowing of adjacent outdoor living areas and buildings; and
  - (b) maintain the level of visual and aural privacy currently experienced within adjacent properties.
- (11) Require all activities to be sited, designed and operated to avoid, remedy or mitigate adverse noise and/or lighting effects on the health of people and amenity values of the area.
- (12) Require commercial and residential subdivision and development to be designed, sited and arranged to minimise any adverse effects on the wider neighbourhood and residential areas; in particular, by achieving an overall compatibility in building scale and design.

- (13) Require the form and layout of residential and commercial areas to promote a safe and secure environment for residents and the public in general.
- (14) Require residential and commercial development to be designed and located in a manner that does not detract from the level of natural character experienced on the beach in Little Omaha Bay.
- (15) Manage development to not interfere with the functioning of the coastal processes of either Little Omaha Bay or the Whangateau Harbour in order to preserve the natural character of the coastal environment.
- (16) Require new development or subdivision to avoid locating in areas susceptible to natural hazards.
- (17) Require development and subdivision to maintain or enhance public access to the coastal marine area of Little Omaha Bay at predetermined localities.
- (18) Require where public access to be provided to the coastal edge of Little Omaha Bay, measures to be implemented to prevent the degradation of the dune environment, including the dynamic processes of the dune system and the associated flora and fauna.
- (19) Require Vehicular and pedestrian access from a formed legal road to be provided to all lots created for residential and commercial purposes.
- (20) Require environmentally appropriate infrastructure to be provided to all new lots created for residential and commercial purposes including sewage collection, treatment and disposal facilities; appropriate stormwater disposal by groundwater soakage except where a reticulated stormwater system is provided; electricity supply, and telecommunications facilities.
- (21) Require all lots created for residential and commercial purposes ~~should~~ to be of a size and shape which enables them to fulfil their intended function without generating adverse effects on the environment.
- (22) Require development the precinct to be consistent with the Omaha South: Precinct Plan 1.

The overlay, Auckland-wide and zone policies apply in this precinct in addition to those specified above with the exception of the policies of the Residential – Single House Zone, Residential – Mixed Housing Suburban Zone and Business – Neighbourhood Centre Zone.

#### **I528.4. Activity table [rp/dp]**

The provisions in any relevant overlays, zone and the Auckland-wide apply in this precinct unless otherwise specified below.

The following activity tables do not apply to this precinct:



- [E38 Subdivision – Urban Table E38.4.2](#) Subdivisions in residential zones, [Table E38.4.3](#): Subdivisions in business zones, [Table E38.4.4](#): Subdivisions in the open space zones
- [H3 Residential – Single House Zone Table H3.4.1](#) Activity table
- [H4 Residential – Mixed Housing Suburban Zone Table H4.4.1](#) Activity table
- [H12 Business – Neighbourhood Centre Zone Table H12.4.1](#) Activity table

Table I528.4.1 Activity table specifies the activity status of land use, development and subdivision activities in the Omaha South Precinct pursuant to sections 9(2), 9(3) and 11 of the Resource Management Act 1991 or any combination of all of these sections where relevant.

A blank in Table I528.4.1 Activity table below means that the provisions of the overlays, zone or Auckland-wide apply.

The four residential Development and Subdivision Types listed in Table I528.4.1 Activity table are described as follows:

- (a) Type A (Large Lot) residential development/subdivision means a type of residential development/subdivision which is characterised by large fee simple lots (of at least 1,100m<sup>2</sup> in area) that may accommodate two storey residential buildings.
- (b) Type B (Medium Lot) residential development/subdivision means a type of residential development/subdivision which is characterised by 600 - 1,100m<sup>2</sup> fee simple lots that may accommodate two storey residential buildings.
- (c) Type C (Small Lot) residential development/subdivision means a type of residential development/subdivision which is characterised by smaller fee simple lots (of at least 450m<sup>2</sup> in area that may accommodate two storey residential buildings.
- (d) Type D (Cluster Housing) residential development/subdivision means a type of residential development/subdivision which is characterised by intensive unit titles occurring within fee simple parent titles no smaller than 1,800m<sup>2</sup> in area. The area and facilities falling outside of the unit titles area, but within the parent title are to be “common area” owned and administered by a body corporate. Two storey buildings are envisaged within the majority of Omaha South, with provisions for buildings up to three storeys in height only anticipated in sub-precinct E. Buildings may accommodate up to six household units. One household unit per 300m<sup>2</sup> of the parent title is allowed.

**Table I528.4.1 Activity table**

Activity		Activity status						
		Open Space	Sub-precinct					
		Informal Recreation and Conservation Zones	A	B	C	D	E	F
(A1)	Any use, development or subdivision not listed in Table I528.4.1 Activity table	NC	NC	NC	NC	NC	NC	NC
<b>Use</b>								
<b>Residential</b>								
(A2)	Type A (large lot) residential/subdivision	NC	RD	RD	RD	RD	RD	RD
(A3)	Type B (medium lot) residential/subdivision	NC	RD	RD	RD	RD	RD	RD
(A4)	Type C (small lot) residential/subdivision	NC	RD	RD	D	D	D	RD
(A5)	Type D (cluster housing) residential/subdivision	NC	RD	RD	RD	RD	RD	RD
(A6)	Dwellings, including additions and alterations, complying with I528.4.1 and I528.6.1 to I528.6.7	NC	P	P	P	P	P	RD
(A7)	Visitor accommodation instead of, or in conjunction with Type D residential development / subdivision	NC	RD	RD	RD	RD	RD	RD
<b>Commerce</b>								
(A8)	Offices	NC	RD	NC	NC	NC	NC	RD
(A9)	Restaurants	NC	RD	NC	NC	NC	NC	RD
(A10)	Retail	NC	RD	NC	NC	NC	NC	RD

I528 Omaha South Precinct

(A11)	Buildings and structures ancillary to the commerce land uses	RD	RD	RD	RD	RD	RD	RD
<b>Community</b>								
(A12)	Amenity, observation and viewing areas	RD	RD	RD	RD	RD	RD	RD
(A13)	Car parks	RD	RD	RD	RD	RD	RD	RD
(A14)	Outdoor recreation and entertainment facilities	RD	RD	RD	RD	RD	RD	RD
(A15)	Passive recreation	RD	RD	RD	RD	RD	RD	RD
(A16)	Public toilets / changing facilities	RD	RD	RD	RD	RD	RD	RD
(A17)	Reserves	RD	RD	RD	RD	RD	RD	RD
(A18)	Surf lifesaving towers	RD	D	D	D	D	D	D
(A19)	Walkways and beach walks	RD	RD	RD	RD	RD	RD	RD
<b>Development</b>								
(A20)	Land disturbance activities that comply with Standard I528.6.5	P	P	P	P	P	P	P
(A21)	Land disturbance activities that do not comply with Standard I528.6.5							
(A22)	Managed wetlands for stormwater detention and treatment purposes	RD	RD	RD	RD	RD	RD	RD
(A23)	Stormwater detention ponds	RD	RD	RD	RD	RD	RD	RD
<b>Subdivision</b>								
(A24)	Subdivision for the creation of commercial lots (including unit title subdivision)	NC	RD	RD	RD	RD	RD	RD
(A25)	Subdivision (fee	RD	RD	RD	RD	RD	RD	RD

	simple) for the creation of public reserves							
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**I528.5. Notification**

- (1) Any application for resource consent for an activity listed in Table I528.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

**I528.6. Standards**

The overlay, zone and Auckland-wide standards apply in this precinct, except that the standards below replace the standards of [E38 Subdivision – Urban](#), [H3 Residential – Single House Zone](#), [H5 Residential – Mixed Housing Suburban Zone](#) and [H12 Business – Neighbourhood Centre Zone](#).

All activities listed in Table I528.4.1 must comply with the following permitted activity standards.

**I528.6.1. Maximum yield**

- (1) The total number of dwellings in the precinct must not exceed 600.

**I528.6.2. Mix of dwellings**

- (1) The mix of dwellings must not exceed the limits prescribed in Table I528.6.2.1 Maximum residential yield by development and subdivision type.

**Table I528.6.2.1 Maximum residential yield by development and subdivision type**

Residential development/subdivision type	Maximum percentage of dwellings
Type A (large lot)	60%
Type B (medium lot)	50%
Type C (small lot)	40%
Type D (cluster housing)	50%

- (2) The mix of dwellings constructed in each sub-precinct within Omaha South must not exceed the percentages prescribed in the Table I528.6.2.2 Mix of dwellings below:

**Table I528.6.2.2 Mix of dwellings**

Residential Development / Subdivision Type	Maximum percentage of household units in each Sub-precinct				
	A	B	C	D	E
Type A (Large Lot)	25%	50%	50%	50%	25%
Type B (Medium Lot)	25%	75%	75%	75%	50%
Type C (Small Lot)	75%	25%	0%	0%	0%
Type D (Cluster Housing)	50%	25%	25%	25%	75%

- (3) Residential or commercial subdivision and/or development must not be undertaken to the east (or seaward) of the dune protection area line defined on Omaha South: Precinct Plan 1.

**I528.6.3. Archaeological sites**

- (1) The recorded archaeological sites must not be disturbed, modified, altered or destroyed by development.
- (2) The recorded archaeological sites must be subject to protective covenants which attach to the Certificate of Title within which they are to be located. The covenants must prevent disturbance, modification, alteration or destruction of the archaeological sites. They must also require that all sites are appropriately demarcated (by way of vegetative planting and/or fences).

**I528.6.4. Beach amenity protection line**

- (1) Where public pedestrian access to Little Omaha Bay is to be provided across the fore dune, the points of access must be clearly defined upon any land use consent application lodged, and boardwalks or similar approved pathways must be constructed to provide the required access.

**I528.6.5. Land disturbance**

- (1) Land disturbance must be limited to those directly associated with:
- (a) the construction, maintenance and upgrading of public and network utilities and reserves, provided that, in the access reserve between sub-precincts D and E, the earthworks shall not result in any more than minor modification of the sand ridges present on the reserve;
  - (b) the construction of buildings or structures allowed as restricted discretionary or discretionary activities in Table I528.4.1 Activity table;
  - (c) the provision of vehicular access, parking and loading spaces to buildings, structures or activities allowed as restricted discretionary or discretionary activities in Table I528.4.1 Activity table; or
  - (d) excavation/construction of stormwater detention ponds and/or managed wetlands.

- (2) Any land disturbance conducted within the area that extends from the dune protection area line to a parallel line drawn 75 metres inland (or westward) of the dune protection area line as defined by the Omaha South: Precinct Plan 1 must:
  - (a) not extract sediment from within that area;
  - (b) not cover greater than 20m<sup>2</sup> (when added cumulatively) of any one site, at any one time.
- (3) Where land disturbance is conducted within the area that extends from the dune protection area line to a parallel line drawn 75 metres inland (or westward) of the dune protection area line as defined by the Omaha South: Precinct Plan 1, ground cover appropriate to the coastal environment shall be planted to reinstate the disturbed/modified area. The ground cover shall be planted in the planting season immediately following the completion of the land disturbance. The ground shall be protected from wind erosion in the intervening period between the land disturbance ceasing and the planting of the ground.

#### **I528.6.6. Potable Water Supply**

- (1) All potable water must be supplied using on site tanks. For the purposes of this rule, site tanks (rainwater tanks) shall be considered as buildings.
- (2) Where on site tanks are used to supply potable water, the following minimum storage capacities must be supplied:
  - (a) every retail, office or restaurant activity must have storage capacity equal to or exceeding 56.8m<sup>3</sup> (or 12,500 gallons);
  - (b) where visitor accommodation is proposed, 68.16m<sup>3</sup> (or 15,000 gallons) of storage must be provided for every building forming part of the complex which provides overnight accommodation;
  - (c) every dwelling must have storage capacity equal to or greater than:
    - (i) 22.72m<sup>3</sup> (or 5,000 gallons) where the individual dwelling roof catchment does not exceed 100m<sup>2</sup>;
    - (ii) 45.44m<sup>3</sup> (or 10,000 gallons) where the dwelling individual roof catchment is between 100m<sup>2</sup> and 200m<sup>2</sup>;
    - (iii) 68.16m<sup>3</sup> (or 15,000 gallons) where the dwelling individual roof catchment exceeds 200m<sup>2</sup>.

#### **I528.6.7. Stormwater Disposal**

- (1) On site soakage areas equal to or exceeding the following requirements must be provided where dwellings-are to be developed:
  - (a) an on-site soakage area of 21m<sup>2</sup> per dwelling must be provided in Type B subdivision/development;

(b) an on-site soakage area of 17m<sup>2</sup> per dwelling must be provided in Type C subdivision/development;

(c) an on-site soakage area of 10m<sup>2</sup> per dwelling must be provided in Type D subdivision/development;

This standard does not apply to dwellings in Sub-precinct E and those in the southern third (measured along the main access road frontage) of Sub-precinct D.

### I528.6.8. Height

(1) Buildings or structures located within a lot which is crossed by, or to the east of the beach amenity protection line defined on the Omaha South: Precinct plan 1, must not exceed six metres in height.

(2) Buildings and structures located to the west of the beach amenity protection line must not exceed the height limits prescribed in Table I528.6.8.1 Maximum heights.

**Table I528.6.8.1 Maximum Heights**

Use	Maximum height except in Sub-precinct E	Maximum height in Sub-precinct E	Maximum height of the finished second floor level in Sub-precinct E
Type A	7.5m	7.5m	NA
Type B	7.5m	7.5m	NA
Type C	7.5m	7.5m	NA
Type D	7.5m	12m	7m
<b>Buildings and structures accessory to Residential Uses</b>	7m	5m	NA
<b>Visitor Accommodation</b>	7.5m	12m	7m
<b>Retail</b>	7.5m	7.5m	NA
<b>Offices</b>	7.5m	7.5m	NA
<b>Restaurants</b>	7.5m	7.5m	NA
<b>Buildings and structures accessory to Commerce Uses</b>	6m	6m	NA

### I528.6.9. Yards

(1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table I528.6.9.1 Yards below.

(2) All yards must remain unobstructed by buildings except as provided for in Standard I528.6.9 (3)(a) and (b) below.

(3) The following can be built in any yard for Type A to Type D development:

PC 71 (see [Modifications](#))

- (a) decks, unroofed terraces, landings, steps or ramps with a maximum height of 0.3 metres provided they do not prevent vehicular access to a required parking space; and
- (b) fascia, gutters, downpipes, eaves; masonry chimney backs, flues, pipes, domestic fuel tanks, cooling or heating appliances or other services; light fittings, electricity or gas meters, aerials or antennae, pergolas or sunblinds provided they do not encroach into the yard by more than 0.3 metres.

**Table I528.6.9.1 Yards**

Use	Front yard	Side yard	Rear yard
<b>Type A</b>	5m	5m	10m
<b>Type B</b>	7.5m	2m	7.5m
<b>Type C</b>	2.5m	1.5m	5m
<b>Type D</b>	7.5m	7.5m	7.5m
<b>Buildings and structures accessory to Residential Use</b>	5m	1.5m	1.5m
<b>Visitor Accommodation</b>	7.5m	7.5m	7.5m
<b>Retail</b>	Nil except where the site adjoins a residential sub-precinct where the yard must be 1m	Nil	5m
<b>Offices</b>		Nil except where the site adjoins a residential sub-precinct where the yard must be 1m	5m
<b>Restaurants</b>		Nil except where the site adjoins a residential sub-precinct where yard must be 5m	5m
<b>Buildings and structures accessory to Commerce Use</b>	1m	1m	5m

**I528.6.10. Building coverage**

- (1) The maximum building coverage for each site must not exceed the limits in Table I528.6.10.1 Building coverage. This includes accessory buildings on the site.

**Table I528.6.10.1 Building coverage**

Use	Maximum coverage
<b>Type A</b>	33%
<b>Type B</b>	30%
<b>Type C</b>	40%
<b>Type D</b>	40%
<b>Visitor Accommodation</b>	40%
<b>Retail</b>	70%



<b>Offices</b>	70%
<b>Restaurants</b>	70%

- (2) Buildings and structures accessory to Types A to D residential development/subdivision must have a gross floor area no greater than 60m<sup>2</sup>.

**I528.6.11. Floor Area Ratio**

- (1) The maximum floor area ratio for each building must not exceed the limits in Table I528.6.11.1 Floor area ratio.

**Table I528.6.11.1 Floor area ratio**

<b>Use</b>	<b>Maximum floor area ratio</b>
<b>Type A</b>	1:0.37
<b>Type B</b>	1:0.40
<b>Type C</b>	1:0.50
<b>Type D</b>	1:0.45
<b>Visitor Accommodation</b>	1:0.5
<b>Retail</b>	1:1
<b>Offices</b>	1:1
<b>Restaurants</b>	1:1

**I528.6.12. Building separation**

- (1) All buildings in Type D (cluster housing) residential development/subdivision must be separated by a minimum of 5 metres from other buildings on the same site.
- (2) All visitor accommodation buildings must be separated by a minimum of 5 metres from other buildings on the same site.

**I528.6.13. Outdoor living space and service areas**

- (1) All ground floor dwellings in Type D (cluster housing) residential development/subdivision must have an outdoor living court greater than 20m<sup>2</sup> with minimum dimensions of 4 metres by 5 metres.
- (2) All ground floor dwellings in Type D (cluster housing) residential development/subdivision must have a service area greater than 15m<sup>2</sup> with minimum dimensions of 5 metres by 2 metres.
- (3) All first floor dwellings in Type D (cluster housing) residential development/subdivision must contain a balcony greater than 6m<sup>2</sup> with minimum dimensions of 3 metres by 2 metres.

**I528.6.14. Maximum dwellings per building**

- (1) Each building may contain a maximum number of dwellings as set out in Table I528.6.14.1 Maximum dwellings per building

**Table I528.6.14.1 Maximum dwellings per building**

Use	Maximum dwellings per building
Type A	1
Type B	1
Type C	1
Type D	6
Visitor accommodation	6

**I528.6.15. Density**

- (1) Each site may contain a maximum number of dwellings or activities as set out in Table I528.6.15.1 Maximum density

**Table I528.6.15.1 Maximum density**

Use	Maximum density per site
Type A	1
Type B	1
Type C	1
Type D	1 per 300m <sup>2</sup> of fee simple parent title
Retail	1
Offices	1
Restaurants	1

**I528.6.16. Separation from utilities**

- (1) All Type A to Type D residential development/subdivision buildings must be set back a minimum of 1 metre from any underground private/public network utilities excluding household connections.

**I528.6.17. Screening**

- (1) For all visitor accommodation, retail, office and restaurant activities a 1.8 metre high solid fence must surround all service areas.

**I528.6.18. Verandahs**

- (1) For all retail, office and restaurant activities a verandah a 2.5 metre wide verandah, 3 metres above the footpath must be provided where the building has a continuous frontage to a formed legal road.

**I528.6.19. Subdivision site area and frontage**

- (1) The minimum site area and minimum frontage for fee simple subdivision must be as set out in the Table I528.6.19.1 Site area and frontage.

**Table I528.6.19.1 Site area and frontage**

Use	Minimum site area	Minimum frontage on front or corner sites
Type A	1100m <sup>2</sup>	15m
Type B	600m <sup>2</sup>	10m
Type C	450m <sup>2</sup>	7.5m
Type D	1800m <sup>2</sup>	20m
Visitor Accommodation	1800m <sup>2</sup>	20m
Retail	400m <sup>2</sup>	6m
Offices	400m <sup>2</sup>	6m
Restaurants	400m <sup>2</sup>	6m

#### I528.6.20. Subdivision shape factor

- (1) The minimum shape factor for fee simple subdivision must be as set out in the Table I528.6.20.1 Shape factor.

**Table I528.6.20.1 Shape factor**

Use	Minimum shape factor
Type A	15m by 15m square
Type B	15m by 15m square
Type C	10m by 10m square

#### I528.6.21. Recreation use height

- (1) Recreation buildings must not exceed the heights specified in Table I528.6.21.1 Maximum heights.

**Table I528.6.21.1 Maximum Heights**

	Public toilets and changing facilities	Walkways and beachwalks	Amenity, observation and viewing areas	Buildings and structures accessory to recreation activities	Surf Lifesaving towers
Maximum height	6m	1.2m	6m	4m	8m

#### I528.6.22. Recreation use gross floor area

- (1) Recreation buildings must not exceed the maximum gross floor area as specified in Table I528.6.22.1 Recreation use maximum gross floor area

**Table I528.6.22.1 Recreation use maximum gross floor area**

	<b>Public toilets and changing facilities</b>	<b>Amenity, observation and viewing areas</b>	<b>Buildings and structures accessory to recreation activities</b>	<b>Surf Lifesaving towers</b>
Maximum gross floor area	25m <sup>2</sup>	25m <sup>2</sup>	60m <sup>2</sup>	15m <sup>2</sup>

**I528.6.23. Recreation use subdivision**

- (1) The minimum site area for open space zoned land is as specified in Table I528.6.22.1 Recreation use subdivision standards

**Table I528.6.23.1. Recreation use subdivision standards**

<b>Use</b>	<b>Minimum site area</b>	<b>Minimum frontage on front or corner sites</b>
<b>Access reserve development area</b>	2000m <sup>2</sup>	10m
<b>Neighbourhood reserve development area</b>	2000m <sup>2</sup>	30m

**I528.7. Assessment – controlled activities**

There are no controlled activities in this precinct.

**I528.8. Assessment – restricted discretionary activities**

**I528.8.1. Matters of discretion**

The Council will reserve its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) All applications requiring restricted discretionary activity consent:
- (a) The effect of any proposed land uses on:
    - (i) the continued existence, functioning and resilience of the natural processes within Little Omaha Bay;
    - (ii) the continued existence and growth of ecosystems, habitats and species both within the zoned area, and upon land immediately adjacent to the Omaha South precinct zone;
    - (iii) the groundwater aquifer and its role in supporting the continued survival of the kahikatea forest/wetland;
    - (iv) the level of visual amenity apparent within the vicinity of the sub-precinct being developed and/or subdivided;

- (v) existing recreational activities conducted within Omaha North and Little Omaha Bay;
  - (vi) the existing and proposed networks of infrastructure, including but not limited to, the roading, stormwater collection/reticulation and discharge, sewage reticulation/treatment and discharge, telecommunications and electricity supply networks; and
  - (vii) any existing natural hazards, particularly the manner in which they could effect existing development and landforms;
- (b) the design and location of buildings;
  - (c) the provision and design of all reserves and public open spaces provided for within the sub-precinct;
  - (d) the design, specification and method of construction of all infrastructure networks (which includes both public and network utilities);
  - (e) the capacity of the Omaha Sewage Treatment Plant and the effluent disposal system, and their ability to cater for the increased volumes of sewage generated by the development proposed;
  - (f) the number, location and design of all vehicle, car parking and loading facilities;
  - (g) the amount of earthworks undertaken on site, and the options employed in the disposal and placement of cut and fill;
  - (h) the measures required to remedy or mitigate any potential adverse environmental effects;
  - (i) the location of proposed buildings and the potential effect of known natural hazards of these buildings; and
  - (j) for subdivision consents only - the shape, size and finished contour of all new lots being created.

PC 71 (see  
Modifications)

[new text to be inserted]

PC 71 (see  
Modifications)

#### **I528.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) all applications requiring restricted discretionary activity consent:
  - (a) whether the proposal is consistent with the precinct description;
  - (b) whether the proposal is consistent with the Omaha South: Precinct Plan 1;
  - (c) the extent to which the proposal is consistent with the Standards for the precinct and the Auckland-wide provisions in Chapter E;

- (d) whether the development and/or subdivision proposed will enable the objectives and policies for the precinct to be achieved;
- (e) whether access and servicing involve no more than minor earthworks and whether any adverse effects of providing access and servicing are remedied or mitigated;
- (f) whether land uses detract from the ability of the natural dune system to buffer Omaha South from events of coastal erosion;
- (g) whether buildings and structures adversely affect the natural quality or functioning of the coast (including the fore dune system);
- (h) whether proposed land uses and subdivisions adversely affect the groundwater aquifer;
- (i) whether all developments and subdivisions avoid natural and physical resources of cultural, ecological, landscape, natural character or visual significance. Where avoidance is not possible, any adverse environmental effects shall be minimised through the adoption and implementation of mitigation measures;
- (j) whether land uses will place an undue burden on public services to the extent that adverse environmental effects will result;
- (k) whether any proposed land uses and/or subdivisions include the provision of all services, infrastructure and utilities necessary to manage the environmental effects, or alternatively demonstrate how the necessary services, infrastructure and utilities are able to be provided in time to manage the environmental effects;
- (l) whether any proposed land uses and/or subdivision detrimentally affect the safe and efficient operation of any public road;
- (m) whether stormwater capture, treatment and disposal occur, where practicable, in a manner that sees the treated water discharged in close proximity to where it falls (the intention being to maintain the levels of the Omaha groundwater aquifer at their 1998 levels);
- (n) whether the technical investigation into, and the ongoing monitoring of the groundwater aquifer under Omaha South indicates that the proposed development is likely to have, or is having a significant adverse effect on it; and
- (o) where an application relates to a site where a sub-precinct consent has been granted, whether the subdivision or land use is generally consistent with the sub-precinct consent or has adverse effects upon the pattern of subdivision and development that has been approved.

#### **I528.9. Special information requirements**

There are no special information requirements in this precinct.

**I528.10. Precinct plans**

**I528.10.1 Omaha South: Precinct plan 1**



## H3. Residential – Single House Zone

### H3.1. Zone description

The purpose of the Residential – Single House Zone is to maintain and enhance the amenity values of established residential neighbourhoods in number of locations. The particular amenity values of a neighbourhood may be based on special character informed by the past, spacious sites with some large trees, a coastal setting or other factors such as established neighbourhood character. To provide choice for future residents, Residential – Single House Zone zoning may also be applied in greenfield developments.

To support the purpose of the zone, multi-unit development is not anticipated, with additional housing limited to the conversion of an existing dwelling into two dwellings and minor dwelling units. The zone is generally characterised by one to two storey high buildings consistent with a suburban built character.

[new text to be inserted]

### H3.2. Objectives

- (1) Development maintains and is in keeping with the amenity values of established residential neighbourhoods including those based on special character informed by the past, spacious sites with some large trees, a coastal setting or other factors such as established neighbourhood character.
- (2) Development is in keeping with the neighbourhood's existing or planned suburban built character of predominantly one to two storeys buildings.
- (3) Development provides quality on-site residential amenity for residents and for adjoining sites and the street.
- (4) Non-residential activities provide for the community's social, economic and cultural well-being, while being in keeping with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.

### H3.3. Policies

- (1) Require an intensity of development that is compatible with either the existing suburban built character where this is to be maintained or the planned suburban built character of predominantly one to two storey dwellings.
- (2) Require development to:
  - (a) be of a height, bulk and form that maintains and is in keeping with the character and amenity values of the established residential neighbourhood; or
  - (b) be of a height and bulk and have sufficient setbacks and landscaped areas to maintain an existing suburban built character or achieve the



planned suburban built character of predominantly one to two storey dwellings within a generally spacious setting.

- (3) Encourage development to achieve attractive and safe streets and public open spaces including by:
- (a) providing for passive surveillance
  - (b) optimising front yard landscaping
  - (c) minimising visual dominance of garage doors.
- (4) Require the height, bulk and location of development to maintain a reasonable level of sunlight access and privacy and to minimise visual dominance effects to the adjoining sites.
- (5) Encourage accommodation to have useable and accessible outdoor living space.
- (6) Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.
- (7) Provide for non-residential activities that:
- (a) support the social and economic well-being of the community;
  - (b) are in keeping with the scale and intensity of development anticipated within the zone;
  - (c) avoid, remedy or mitigate adverse effects on residential amenity; and
  - (d) will not detract from the vitality of the Business – City Centre Zone, Business – Metro Centre Zone and the Business – Town Centre Zone.
- (8) To provide for integrated residential development on larger sites.

PC 78 ([see Modifications](#))

### H3.4. Activity table

Table H3.4.1 Activity table specifies the activity status of land use and development activities in the Residential – Single House Zone pursuant to section 9(3) of the Resource Management Act 1991.

**Table H3.4.1 Activity table**

Activity		Activity status	Standards to be complied with
<b>Use</b>			
(A1)	Activities not provided for	NC	
<b>Residential</b>			
(A2)	Camping grounds	D	
(A3)	One dwelling per site	P	Standard H3.6.6 Building height;

H3 Residential – Single House Zone

			Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard H3.6.10 Building coverage; Standard H3.6.11 Landscaped area; Standard H3.6.12 Front, side and rear fences and walls
(A4)	The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings	P	Standard H3.6.3 Conversion of a principal dwelling into a maximum of two dwellings
(A5)	Minor dwellings	P	Standard H3.6.4 Minor dwellings; Standard H3.6.6 Building height; Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard H3.6.10 Building coverage; Standard H3.6.11 Landscaped area; Standard H3.6.12 Front, side and rear fences and walls
(A6)	More than one dwelling per site (other than the conversion of a principal dwelling in Rule H3.4.1(A4) or minor dwellings in Rule a H3.4.1(A5))	NC	
(A7)	Home occupations	P	Standard H3.6.2 Home occupations
(A8)	Home occupations that do not meet Standard H3.6.2	D	
(A9)	Integrated Residential Development	D	
(A10)	Supported residential care accommodating up to 10 people per site inclusive of staff and residents	P	Standard H3.6.6 Building height; Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard H3.6.10 Building coverage; Standard H3.6.11 Landscaped area; Standard H3.6.12 Front, side and rear fences and walls
(A11)	Supported residential care accommodating greater than 10 people per site inclusive of staff and residents	D	
(A12)	Boarding houses accommodating up to 10	P	Standard H3.6.6 Building height; Standard H3.6.7 Height in relation

H3 Residential – Single House Zone

	people per site inclusive of staff and residents		to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard H3.6.10 Building coverage; Standard H3.6.11 Landscaped area; Standard H3.6.12 Front, side and rear fences and walls
(A13)	Boarding houses accommodating greater than 10 people per site inclusive of staff and residents	D	
(A14)	Visitor accommodation accommodating up to 10 people per site inclusive of staff and visitors	P	Standard H3.6.6 Building height; Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard H3.6.10 Building coverage; Standard H3.6.11 Landscaped area; Standard H3.6.12 Front, side and rear fences and walls
(A15)	Visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors	D	
<b>Commerce</b>			
(A16)	Dairies up to 100m <sup>2</sup> gross floor area per site	RD	Standard H3.6.6 Building height; Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard H3.6.10 Building coverage; and Standard H3.6.12 Front, side and rear fences and walls
(A17)	Restaurants and cafes up to 100m <sup>2</sup> gross floor area per site	D	
(A18)	Service stations on arterial roads	D	
(A19)	Offices within the Centre Fringe Office Control as identified on the planning maps	P	Standard H3.6.5 Offices within the Centre Fringe Office Control
(A20)	Offices within the Centre Fringe Office Control as identified on the planning maps that do not comply with Standard H3.6.5	D	
<b>Community</b>			
(A21)	Care centres	P	Standard H3.6.6 Building height;

PC 78 ([see Modifications](#))

H3 Residential – Single House Zone

	accommodating up to 10 people per site excluding staff		Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard H3.6.10 Building coverage; Standard H3.6.11 Landscaped area; and Standard H3.6.12 Front, side and rear fences and walls
(A22)	Care centres accommodating greater than 10 people per site excluding staff	D	
(A23)	Community facilities	D	
(A24)	Education facilities	D	
(A25)	Tertiary education facilities	D	
(A26)	Emergency services adjoining an arterial road	D	
(A27)	Healthcare facilities up to 200m <sup>2</sup> gross floor area per site	RD	Standard H3.6.6 Building height; Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard H3.6.10 Building coverage; Standard H3.6.11 Landscaped area; and Standard H3.6.12 Front, side and rear fences and walls
(A28)	Healthcare facilities greater than 200m <sup>2</sup> gross floor area per site	NC	
(A29)	Veterinary clinics	D	
<b>Rural</b>			
(A30)	Grazing of livestock on sites greater than 2,000m <sup>2</sup> net site area	P	
<b>Mana Whenua</b>			
(A31)	Marae	D	
<b>Development</b>			
(A32)	Demolition of buildings	P	
(A33)	Internal and external alterations to buildings	P	Standard H3.6.6 Building height; Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard H3.6.10 Building coverage; Standard H3.6.11 Landscaped area; Standard H3.6.12 Front, side and rear fences and walls
(A34)	Accessory buildings	P	Standard H3.6.6 Building height;

			Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard H3.6.10 Building coverage
(A35)	Additions to an existing dwelling	P	Standard H3.6.6 Building height; Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard H3.6.10 Building coverage; Standard H3.6.11 Landscaped area; Standard H3.6.12 Front, side and rear fences and walls
(A36)	New buildings and additions to buildings	The same activity status and standards as applies to the land use activity that the new building or addition to a building is designed to accommodate	
(A37)	Rainwater Tank	P	Standard H3.6.13 Rainwater tanks

### H3.5. Notification

(1) Any application for resource consent for the following activities will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991:

(a) [deleted]

(b) development which does not comply with H3.6.12 (1a) Front, side and rear fences and walls.

(2) Any application for resource consent for an activity listed in Table H3.4.1 Activity table and which is not listed in H3.5(1) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

(3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

### H3.6. Standards

#### H3.6.1. Activities listed in Table H3.4.1 Activity table

(1) Activities and buildings containing activities listed in Table H3.4.1 Activity table must comply with the standards listed in the column in Table H3.4.1 Activity table called Standards to be complied with.

### **H3.6.2. Home occupations**

Purpose: to enable people to work from home at a scale that the residential character and amenity is maintained.

- (1) A home occupation must comply with all the following standards:
  - (a) at least one person engaged in the home occupation must use the dwelling on the site as their principal place of residence;
  - (b) no more than two people who do not use the dwelling as their principal place of residence may work in the home occupation;
  - (c) no more than four people in total may work in the home occupation;
  - (d) the sale of goods or services from the home occupation that requires customers to come to the site and the delivery of goods to and from the site may not occur before 7am or after 7pm;
  - (e) car trips to and from the home occupation activity must not exceed 20 per day;
  - (f) heavy vehicle trips must not exceed two per week;
  - (g) no more than one commercial vehicle associated with the home occupation may be on site at any one time;
  - (h) storage for rubbish and recycling associated with the home occupation must be provided on site and screened from public view;
  - (i) materials or goods manufactured, serviced or repaired in the home occupation must be stored and worked on within a building on the same site; and
  - (j) goods sold from the home occupation must be:
    - (i) goods produced on site; or
    - (ii) goods that are primarily ordered by mail or electronic transaction and redistributed by post or courier; or
    - (iii) goods ancillary and related to a service provided by the home occupation.

### **H3.6.3. The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings**

Purpose: to enable a dwelling existing as at 30 September 2013 to be converted into a maximum of two dwellings and to provide for sufficient outdoor living space for each of the dwellings.

- (1) Where a dwelling existing as at 30 September 2013 is proposed to be converted into a maximum of two dwellings each dwelling must have an outdoor living space that is:
  - (a) at least 5m<sup>2</sup> for a studio or one-bedroom dwelling and 8m<sup>2</sup> for a two or more bedroom dwelling; and
  - (b) at least 1.8m in depth; and
  - (c) directly accessible from the dwelling.

#### **H3.6.4. Minor dwellings**

Purpose:

- to provide accommodation that is limited in size and secondary to the principal dwelling on a site;
  - to ensure that sufficient outdoor living space is provided for the minor dwelling;
  - to ensure there is no more than one minor dwelling on each site.
- (1) A minor dwelling must not exceed a floor area of 65m<sup>2</sup> excluding decks and garaging.
  - (2) A minor dwelling must have an outdoor living space that is:
    - (a) at least 5m<sup>2</sup> for a studio or one-bedroom dwelling and 8m<sup>2</sup> for a two or more bedroom dwelling; and
    - (b) least 1.8m in depth; and
    - (c) directly accessible from the minor dwelling.
  - (3) There must be no more than one minor dwelling per site.

[PC 78 \(see Modifications\)](#)

#### **H3.6.5. Offices within the Centre Fringe Office Control as identified on the planning maps**

- (1) Offices must be located in existing buildings.

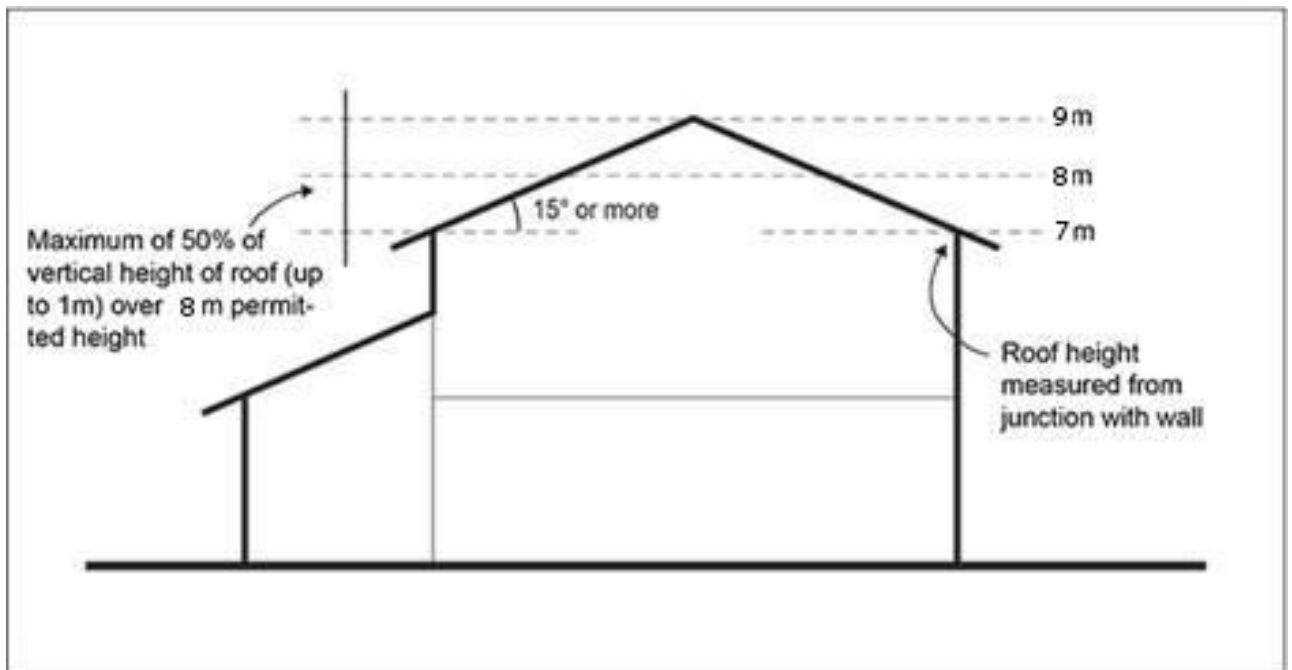
#### **H3.6.6. Building height**

Purpose: to manage the height of buildings to:

- Achieve the planned suburban built character of predominantly one to two storeys;
- minimise visual dominance effects;
- maintain a reasonable standard of residential amenity for adjoining sites; and
- provide some flexibility to enable variety in roof forms.

- (1) Buildings must not exceed 8m in height except that 50 per cent of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more, as shown in Figure H3.6.6.1 Building height in the Residential – Single House Zone below.

**Figure H3.6.6.1 Building height in the Residential – Single House Zone**



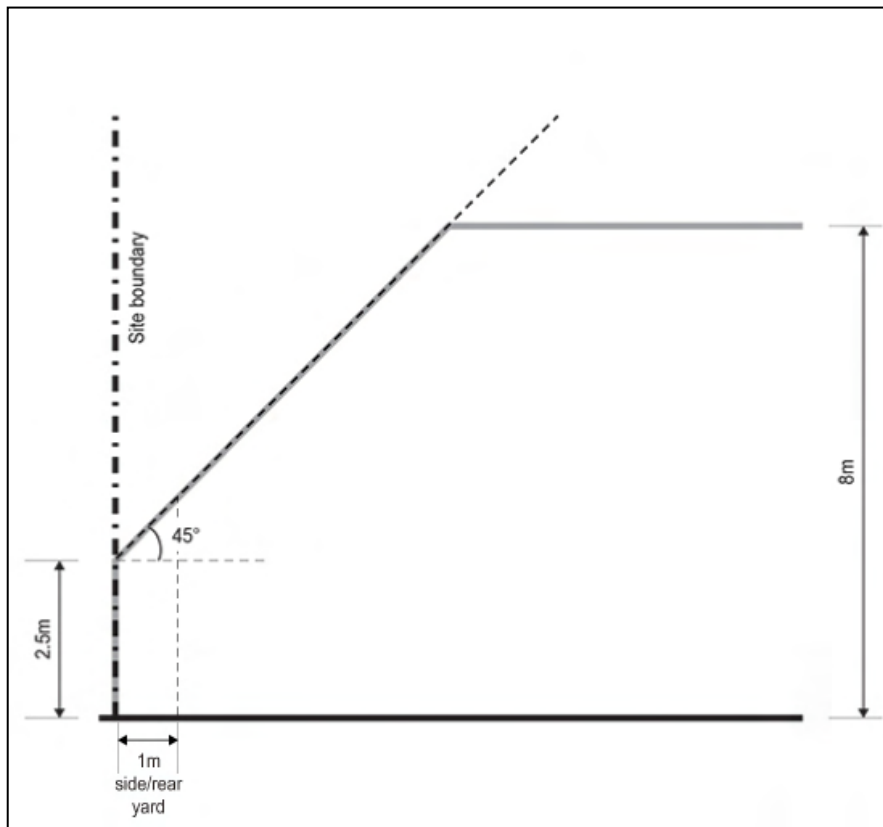
### H3.6.7. Height in relation to boundary

Purpose: to manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access and minimise adverse visual dominance effects to immediate neighbours.

- (1) Buildings must not project beyond a 45-degree recession plane measured from a point 2.5m vertically above ground level along side and rear boundaries, as shown in Figure H3.6.7.1 Height in relation to boundary below.



**Figure H3.6.7.1 Height in relation to boundary**

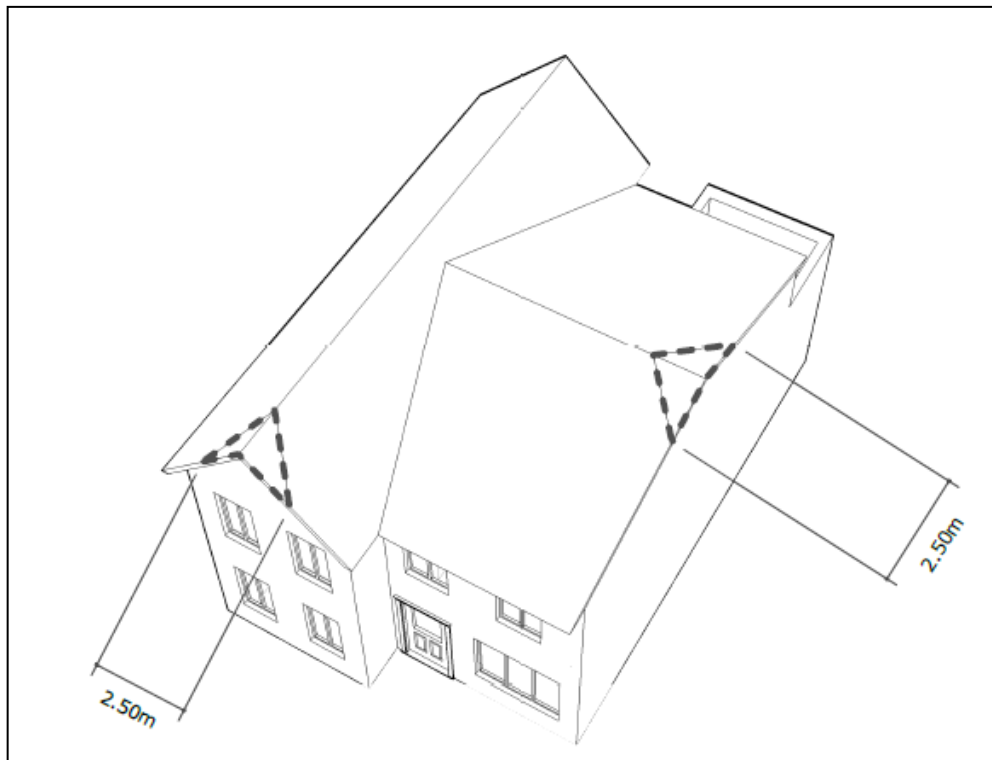


(2) Standard H3.6.7(1) above does not apply to a boundary, or part of a boundary, adjoining any of the following:

- (a) a Business – City Centre Zone; Business – Metropolitan Centre Zone; Business – Town Centre Zone; Business – Local Centre Zone; Business – Neighbourhood Centre Zone; Business - Mixed Use Zone; Business – General Business Zone; Business – Business Park Zone; Business – Light Industry Zone and Business – Heavy Industry Zone.
- (b) sites within the Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space - Community Zone:
  - (i) that are greater than 2000m<sup>2</sup>;
  - (ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary; and
  - (iii) where an open space comprises multiple sites but has a common open space zoning, the entire zone will be treated as a single site for the purpose of applying the standards listed below.

- (3) Standard H3.6.7(1) above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
- (4) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, control in Standard H3.6.7(1) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.
- (5) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:
  - (a) no greater than 1.5m<sup>2</sup> in area and no greater than 1m in height; and
  - (b) no greater than 2.5m cumulatively in length measured along the edge of the roof as shown in Figure H3.6.7.2 Exceptions for gable ends and dormers and roof projections below .

**Figure H3.6.7.2: Exceptions for gable ends and dormers and roof projections**



- (6) No more than two gable ends, dormers or roof projections are allowed for every 6m length of site boundary.

### H3.6.8. Yards

Purpose:

- to maintain the suburban built character of the streetscape and provide sufficient space for landscaping within the front yard;

- to maintain a reasonable standard of residential amenity for adjoining sites;
  - to ensure buildings are adequately set back from lakes, streams and the coastal edge to maintain water quality and provide protection from natural hazards; and
  - to enable buildings and services on the site or adjoining sites to be adequately maintained.
- (1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table H3.6.8.1 Yards below.

**Table H3.6.8.1 Yards**

Yard	Minimum depth
Front	3m
Side	1m
Rear	1m
Riparian	10m from the edge of all other permanent and intermittent streams
Lakeside	30m
Coastal protection yard	10m, or as otherwise specified in <a href="#">Appendix 6 Coastal protection yard</a>

- (2) Standard H3.6.8.1 above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

### H3.6.9. Maximum impervious area

Purpose:

- to manage the amount of stormwater runoff generated by a development, particularly in relation to the capacity of the stormwater network and potential flood risks;
  - to support the functioning of riparian yards, lakeside yards and coastal protection yards and water quality and ecology;
  - to reinforce the building coverage and landscaped area standards; and
  - to limit paved areas on a site to improve the site’s appearance and cumulatively maintain amenity values in a neighbourhood.
- (1) The maximum impervious area must not exceed 60 per cent of site area.
- (2) The maximum impervious area within a riparian yard, a lakeside yard or a coastal protection yard must not exceed 10 per cent of the riparian yard, lakeside yard or coastal protection yard area.

#### **H3.6.10. Building coverage**

Purpose: to manage the extent of buildings on a site to achieve the planned suburban built character of buildings.

- (1) The maximum building coverage must not exceed 35 per cent of net site area.

#### **H3.6.11. Landscaped area**

Purpose:

- to provide for quality living environments consistent with the planned suburban built character of buildings;
- to maintain the landscaped character of the streetscape within the zone.

- (1) The minimum landscaped area must be at least 40 per cent of the net site area.

- (2) At least 50 per cent of the area of the front yard must comprise landscaped area.

#### **H3.6.12. Front, side and rear fences and walls**

Purpose: to enable fences and walls to be constructed on a front, side or rear boundary or within a front, side, rear, riparian, coastal protection or lakeside yard to a height sufficient to:

- provide privacy for dwellings while enabling opportunities for passive surveillance of the street or adjoining public place
- minimise visual dominance effects to immediate neighbours, the street or adjoining public place.

- (1) Fences or walls or a combination of these structures (whether separate or joined together) must not exceed the height specified below, measured from the ground level at the boundary:

(a) Within the front yard, either:

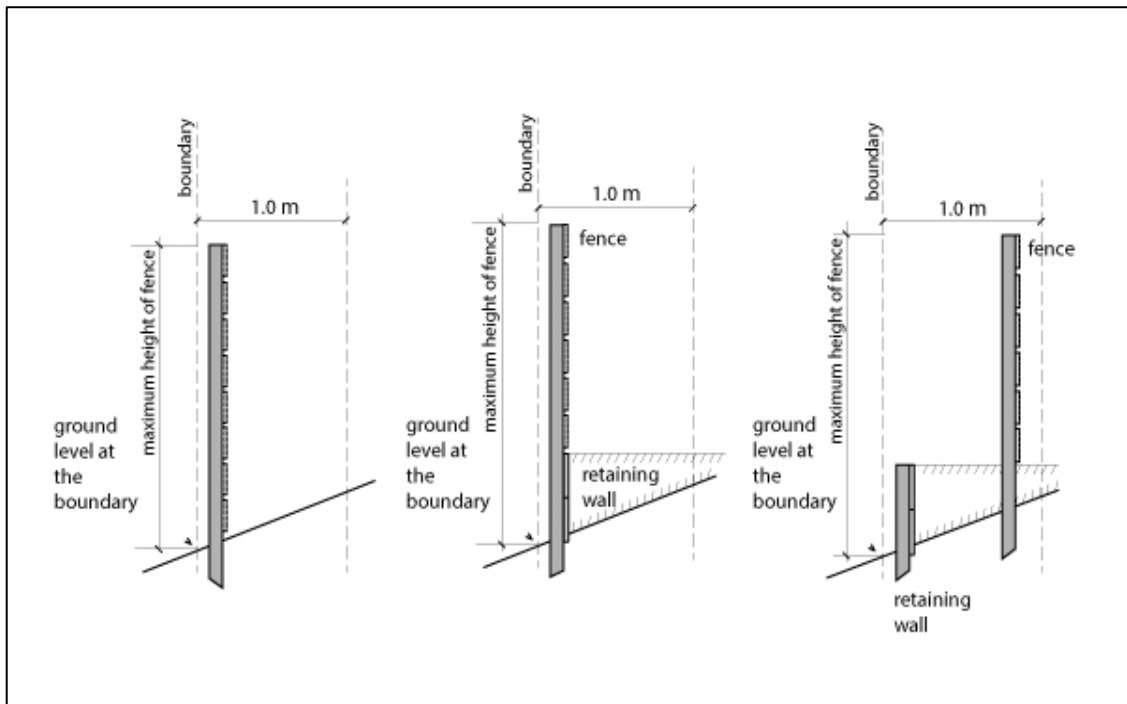
(i) 1.4m in height, or

(ii) 1.8m in height for no more than 50 per cent of the site frontage and 1.4m for the remainder, or

(iii) 1.8m in height if the fence is at least 50 per cent visually open as viewed perpendicular to the front boundary.

(b) Within side, rear, coastal protection, lakeside or riparian yards: 2m.

**Figure H.3.6.12.1 Measurement of fence height**



**H3.6.13. Rainwater tanks**

Purpose: To enable rainwater tank installation while maintaining amenity values

- (1) Rainwater tanks must not be located in a:
  - (a) riparian, lakeside or coastal protection yard unless they are less than 1m in height, or wholly below ground level;
  - (b) front yard, unless they are at least 1.5m from the front boundary and are a maximum height of 1 m.
- (2) Rainwater tanks (excluding any pipework) must not exceed 3 m in height in a rear or side yard.
- (3) Any overflow from the rainwater tank must discharge to the existing authorised stormwater system for the site.

Note: If there is a new stormwater discharge or diversion created Chapter E8.6.2.1 and Building Act requirements must be complied with.

Note: Building Act regulations apply. A building consent may be required under the Building Act.

**H3.7. Assessment – controlled activities**

There are no controlled activities in this zone.

### **H3.8. Assessment – restricted discretionary activities**

#### **H3.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application:

- (1) for dairies up to 100m<sup>2</sup> gross floor area per site; and healthcare facilities up to 200m<sup>2</sup> gross floor area per site:
  - (a) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following:
    - (i) building intensity, scale, location, form and appearance;
    - (ii) traffic;
    - (iii) location and design of parking and access; and
    - (iv) noise, lighting and hours of operation.
- (2) for buildings that do not comply with Standard H3.6.6 Building height; Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard H3.6.10 Building coverage; Standard H3.6.11 Landscaped area; Standard H3.6.12 Front, side and rear fences and walls:
  - (a) any policy which is relevant to the standard;
  - (b) the purpose of the standard;
  - (c) the effects of the infringement of the standard;
  - (d) the effects on the suburban built character of the zone;
  - (e) the effects on the amenity of neighbouring sites;
  - (f) the effects of any special or unusual characteristic of the site which is relevant to the standard;
  - (g) the characteristics of the development;
  - (h) any other matters specifically listed for the standard; and
  - (i) where more than one standard will be infringed, the effects of all infringements.

#### **H3.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) for dairies up to 100m<sup>2</sup> gross floor area per site; and healthcare facilities up to 200m<sup>2</sup> gross floor area per site:

(a) building intensity, scale, location, form and appearance:

- (i) whether the intensity and scale of the activity, the building location, form and appearance is compatible with the character and residential amenity provided for within the zone and compatible with the surrounding residential area.

(b) traffic:

- (i) whether the activity avoids or mitigates high levels of additional non-residential traffic on local roads.

(c) location and design of parking and access:

- (i) whether adequate parking and access is provided or required.

(d) noise, lighting and hours of operation:

- (i) whether noise and lighting and the hours of operation of the activity avoids, remedies or mitigates adverse effects on the residential amenity of surrounding properties, by:
  - locating noisy activities away from neighbouring residential boundaries; and
  - screening or other design features; and
  - controlling the hours of operation and operational measures.

PC 71 ([see Modifications](#))

(2) for building height:

- (a) refer to Policy H3.3(1);
- (b) refer to Policy H3.3(2); and
- (c) refer to Policy H3.3(4).

(3) for height in relation to boundary:

- (a) refer to Policy H3.3(1);
- (b) refer to Policy H3.3(2); and
- (c) refer to Policy H3.3(4).

(4) for yards:

- (a) refer to Policy H3.3(1);
- (b) refer to Policy H3.3(2);
- (c) refer to Policy H3.3(4); and
- (d) refer to Policy H3.3(5).

(5) for maximum impervious areas:

(a) refer to Policy H3.3(6).

(6) for building coverage:

(a) refer to Policy H3.3(1);

(b) refer to Policy H3.3(2); and

(c) refer to Policy H3.3(4).

(7) for landscaped area:

(a) refer to Policy H3.3(1);

(b) refer to Policy H3.3(2); and

(c) refer to Policy H3.3(4).

(8) for front, side and rear fences and walls:

(a) refer to Policy H3.3(1);

(b) refer to Policy H3.3(2);

(c) refer to Policy H3.3(3); and

(d) refer to Policy H3.3(4).

### **H3.9. Special information requirements**

There are no special information requirements in this zone.



## H4. Residential – Mixed Housing Suburban Zone

### H4.1. Zone description

[PC 78 \(see Modifications\)](#)

The Residential – Mixed Housing Suburban Zone is the most widespread residential zone covering many established suburbs and some greenfields areas. Much of the existing development in the zone is characterised by one or two storey, mainly stand-alone buildings, set back from site boundaries with landscaped gardens.

The zone enables intensification, while retaining a suburban built character. Development within the zone will generally be two storey detached and attached housing in a variety of types and sizes to provide housing choice. The height of permitted buildings is the main difference between this zone and the Residential – Mixed Housing Urban Zone which generally provides for three storey predominately attached dwellings.

[PC 78 \(see Modifications\)](#)

Up to three dwellings are permitted as of right subject to compliance with the standards. This is to ensure a quality outcome for adjoining sites and the neighbourhood, as well as residents within the development site.

Resource consent is required for four or more dwellings and for other specified buildings in order to:

- achieve the planned suburban built character of the zone;
- achieve attractive and safe streets and public open spaces;
- manage the effects of development on neighbouring sites, including visual amenity, privacy and access to daylight and sunlight; and
- achieve high quality on-site living environments.

The resource consent requirements enable the design and layout of the development to be assessed; recognising that the need to achieve a quality design is increasingly important as the scale of development increases.

[PC 78 \(see Modifications\)](#)

[new text to be inserted]

### H4.2. Objectives

- (1) Housing capacity, intensity and choice in the zone is increased.
- (2) Development is in keeping with the neighbourhood's planned suburban built character of predominantly two storey buildings, in a variety of forms (attached and detached).
- (3) Development provides quality on-site residential amenity for residents and adjoining sites and the street.
- (4) Non-residential activities provide for the community's social, economic and cultural well-being, while being compatible with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.

### H4.3. Policies

- (1) Enable a variety of housing types including integrated residential development such as retirement villages.
- (2) Achieve the planned suburban built character of predominantly two storey buildings, in a variety of forms by:
  - (a) limiting the height, bulk and form of development;
  - (b) managing the design and appearance of multiple-unit residential development; and
  - (c) requiring sufficient setbacks and landscaped areas.
- (3) Encourage development to achieve attractive and safe streets and public open spaces including by:
  - (a) providing for passive surveillance
  - (b) optimising front yard landscaping
  - (c) minimising visual dominance of garage doors.
- (4) Require the height, bulk and location of development to maintain a reasonable standard of sunlight access and privacy and to minimise visual dominance effects to adjoining sites.
- (5) Require accommodation to be designed to meet the day to day needs of residents by:
  - (a) providing privacy and outlook; and
  - (b) providing access to daylight and sunlight and providing the amenities necessary for those residents.
- (10) Recognise the functional and operational requirements of activities and development.
- (6) Encourage accommodation to have useable and accessible outdoor living space.
- (7) Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.
- (8) Enable more efficient use of larger sites by providing for integrated residential development.
- (9) Provide for non-residential activities that:
  - (a) support the social and economic well-being of the community;
  - (b) are in keeping with the scale and intensity of development anticipated within the zone;
  - (c) avoid, remedy or mitigate adverse effects on residential amenity; and
  - (d) will not detract from the vitality of the Business – City Centre Zone, Business – Metro Centre Zone and Business – Town Centre Zone.

PC 78 ([see Modifications](#))

**H4.4. Activity table**

Table H4.4.1 Activity table specifies the activity status of land use and development activities in the Residential – Mixed Housing Suburban Zone pursuant to section 9(3) of the Resource Management Act 1991.

**Table H4.4.1 Activity table**

		<b>Activity status</b>	<b>Standards to be complied with</b>
<b>Use</b>			
(A1)	Activities not provided for	NC	
<b>Residential</b>			
(A2)	Camping grounds	D	
(A3)	Up to three dwellings per site	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls
(A4)	Four or more dwellings per site	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards
(A5)	The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings	P	Standard H4.6.3 The conversion of a principal dwelling into a maximum of two dwellings
(A6)	Home occupations	P	Standard H4.6.2 Home occupations
(A7)	Home occupations that do not meet Standard H4.6.2	D	
(A8)	Integrated Residential Development	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards
(A9)	Supported residential care	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to

H4 Residential – Mixed Housing Suburban Zone

	accommodating up to 10 people per site inclusive of staff and residents		boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls
(A10)	Supported residential care accommodating greater than 10 people per site inclusive of staff and residents	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards
(A11)	Boarding houses accommodating up to 10 people per site inclusive of staff and residents	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls
(A12)	Boarding houses accommodating greater than 10 people per site inclusive of staff and residents	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards
(A13)	Visitor accommodation accommodating up to 10 people per site inclusive of staff and visitors	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; and Standard H4.6.14 Front, side and rear fences and walls
(A14)	Visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards
<b>Commerce</b>			
(A15)	Dairies up to	RD	Standard H4.6.4 Building height;

H4 Residential – Mixed Housing Suburban Zone

	100m <sup>2</sup> gross floor area per site		Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; and Standard H4.6.14 Front, side and rear fences and walls
(A16)	Restaurants and cafes up to 100m <sup>2</sup> gross floor area per site	D	
(A17)	Service stations on arterial roads	D	
<b>Community</b>			
(A18)	Care centres accommodating up to 10 people per site excluding staff	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; and Standard H4.6.14 Front, side and rear fences and walls
(A19)	Care centres accommodating greater than 10 people per site excluding staff	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; and Standard H4.6.14 Front, side and rear fences and walls
(A20)	Community facilities	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; and Standard H4.6.14 Front, side and rear fences and walls
(A21)	Education facilities	D	
(A22)	Tertiary education facilities	D	
(A23)	Emergency services adjoining	D	

	an arterial road		
(A24)	Healthcare facilities up to 200m <sup>2</sup> gross floor area per site	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; and Standard H4.6.14 Front, Side and rear fences and walls
(A25)	Healthcare facilities greater than 200m <sup>2</sup> gross floor area per site	D	
(A26)	Veterinary clinics	D	
<b>Rural</b>			
(A27)	Grazing of livestock on sites greater than 2,000m <sup>2</sup> net site area	P	
<b>Mana Whenua</b>			
(A28)	Marae complex	D	
<b>Development</b>			
(A29)	Demolition of buildings	P	
(A30)	Internal and external alterations to buildings	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls; Standard H4.6.15 Minimum dwelling size
(A31)	Accessory buildings	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage.
(A32)	Additions to an existing dwelling	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10

			Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls; Standard H4.6.15 Minimum dwelling size
(A33)	New buildings and additions to buildings which do not comply with H4.6.5 Height in relation to boundary, but comply with H4.6.6 Alternative height in relation to boundary	RD	Standard H4.6.6 Alternative height in relation to boundary  Note: Compliance with Standard H4.6.5 Height in relation to boundary is not required.
(A34)	New buildings and additions	The same activity status and standards as applies to the land use activity that the new building or addition to a building is designed to accommodate	
(A35)	Rainwater Tank	P	Standard H4.6.16 Rainwater tanks

#### H4.5. Notification

- (1) Any application for resource consent for the following activities will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991:
- (a) four or more dwellings per site that comply with all of the standards listed in Table H4.4.1 Activity table
  - (b) an integrated residential development that complies with all of the standards listed in Table H4.4.1 Activity table;
  - (c) New buildings and additions to buildings which do not comply with H4.6.5 Height in relation to boundary, but comply with Standard H4.6.6 Alternative height in relation to boundary.
  - (d) development which does not comply with H4.6.14 (1a) Front, side and rear fences and walls; or
  - (e) development which does not comply with Standard H4.6.15 Minimum dwelling size.
- (2) Any application for resource consent for an activity listed in Table H4.4.1 Activity table and which is not listed in H4.5(1) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

## **H4.6. Standards**

### **H4.6.1. Activities listed in Table H4.4.1 Activity table**

- (1) Activities and buildings containing activities listed in Table H4.4.1 Activity table must comply with the standards listed in the column in Table H4.4.1 called Standards to be complied with.

### **H4.6.2. Home occupations**

Purpose: to enable people to work from home at a scale that the residential character and amenity is maintained.

- (1) A home occupation must comply with all the following standards:
- (a) at least one person engaged in the home occupation must use the dwelling on the site as their principal place of residence;
  - (b) no more than two people who do not use the dwelling as their principal place of residence may work in the home occupation;
  - (c) no more than four people in total may work in the home occupation;
  - (d) the sale of goods or services from the home occupation that requires customers to come to the site and the delivery of goods to and from the site may not occur before 7am or after 7pm;
  - (e) car trips to and from the home occupation activity must not exceed 20 per day;
  - (f) heavy vehicle trips must not exceed two per week;
  - (g) no more than one commercial vehicle associated with the home occupation may be on site at any one time;
  - (h) storage for rubbish and recycling associated with the home occupation must be provided on site and screened from public view;
  - (i) materials or goods manufactured, serviced or repaired in the home occupation must be stored and worked on within a building on the same site; and
  - (j) goods sold from the home occupation must be:
    - (i) goods produced on site; or
    - (ii) goods that are primarily ordered by mail or electronic transaction and redistributed by post or courier; or
    - (iii) goods ancillary and related to a service provided by the home occupation.



#### H4.6.3. The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings

Purpose: to enable a dwelling existing as at 30 September 2013 to be converted into a maximum of two dwellings and to provide for sufficient outdoor living space for each of the dwellings.

- (1) Where a principal dwelling existing as at 30 September 2013 is proposed to be converted into a maximum of two dwellings each dwelling must have an outdoor living space that is:
  - (a) at least 5m<sup>2</sup> for a studio or one-bedroom dwelling and 8m<sup>2</sup> for a two or more bedroom dwelling; and
  - (b) at least 1.8m in depth; and
  - (c) directly accessible from the dwelling.

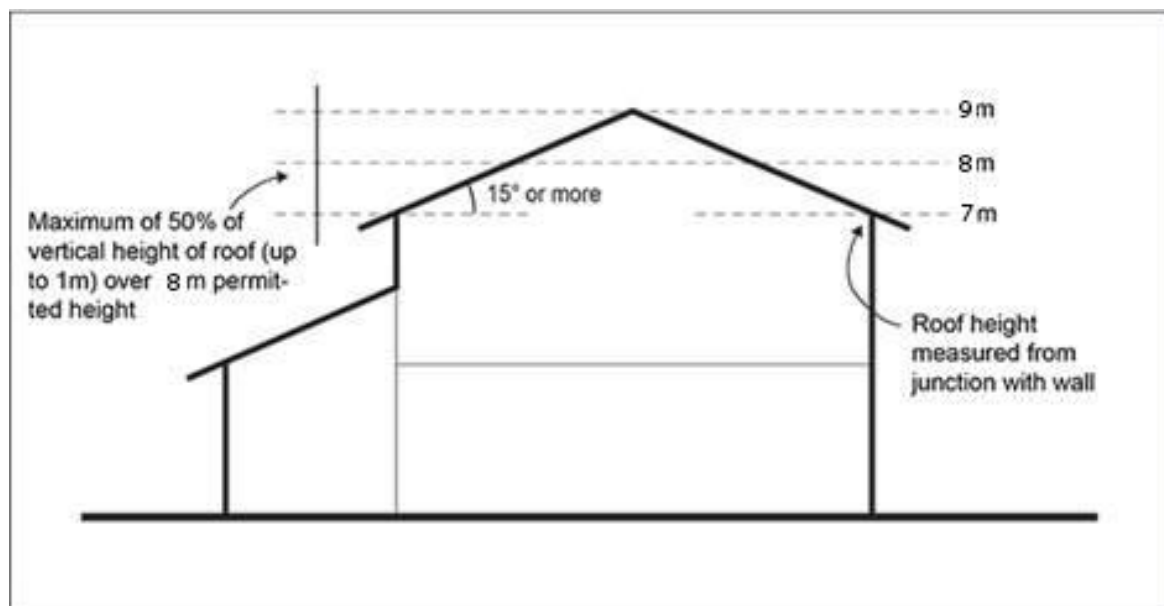
#### H4.6.4. Building height

Purpose: to manage the height of buildings to:

- achieve the planned suburban built character of predominantly one to two storeys;
- minimise visual dominance effects;
- maintain a reasonable standard of residential amenity for adjoining sites; and
- provide some flexibility to enable variety in roof forms.

- (1) Buildings must not exceed 8m in height except that 50 per cent of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more, as shown in Figure H4.6.4.1 Building height in the Residential – Mixed Housing Suburban Zone below.

**Figure H4.6.4.1 Building height in the Residential – Mixed Housing Suburban Zone**

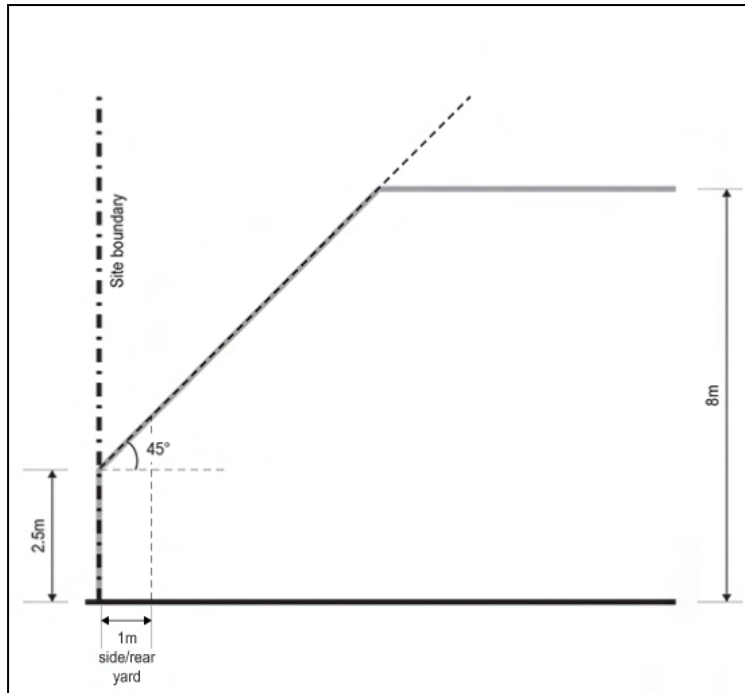


#### H4.6.5. Height in relation to boundary

Purpose: to manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access and minimise adverse visual dominance effects to immediate neighbours.

- (1) Buildings must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along side and rear boundaries, as shown in Figure H4.6.5.1 Height in relation to boundary below.

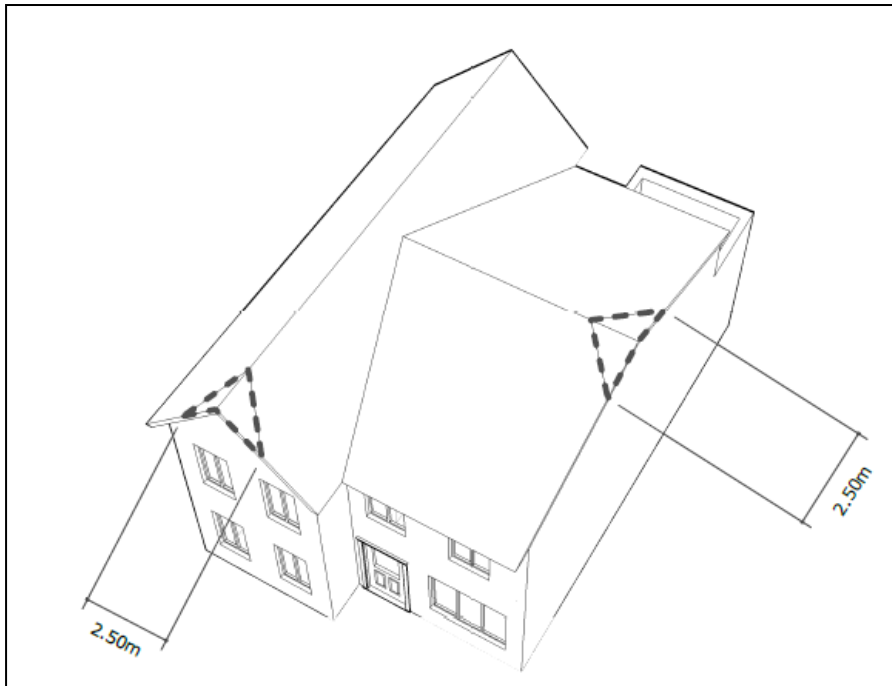
**Figure H4.6.5.1 Height in relation to boundary**



- (2) Standard H4.6.5(1) above does not apply to a boundary, or part of a boundary, adjoining any of the following:
  - (a) a Business – City Centre Zone; Business – Metropolitan Centre Zone; Business – Town Centre Zone; Business – Local Centre Zone; Business – Neighbourhood Centre Zone; Business – Mixed Use Zone; Business – General Business Zone; Business – Business Park Zone; Business – Light Industry Zone and Business – Heavy Industry Zone; or
  - (b) sites within the: Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone:
    - (i) that are greater than 2000m<sup>2</sup>;
    - (ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary; and
    - (iii) Where an open space comprises multiple sites but has a common open space zoning, the entire zone will be treated as a single site for the purpose of applying the standards listed below.

- (3) Standard H4.6.5(1) above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
- (4) Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the control in Standard H4.6.5(1) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.
- (5) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:
  - (a) no greater than 1.5m<sup>2</sup> in area and no greater than 1m in height; and
  - (b) no greater than 2.5m cumulatively in length measured along the edge of the roof as shown in Figure H4.6.5.2 Exceptions for gable ends, dormers and roof projections below.

**Figure H4.6.5.2 Exceptions for gable ends, dormers and roof projections**



- (6) No more than two gable end, dormer or roof projections are allowed for every 6m length of site boundary.
- (7) The height in relation to boundary standard does not apply to existing or proposed internal boundaries within a site.

#### **H4.6.6. Alternative height in relation to boundary**

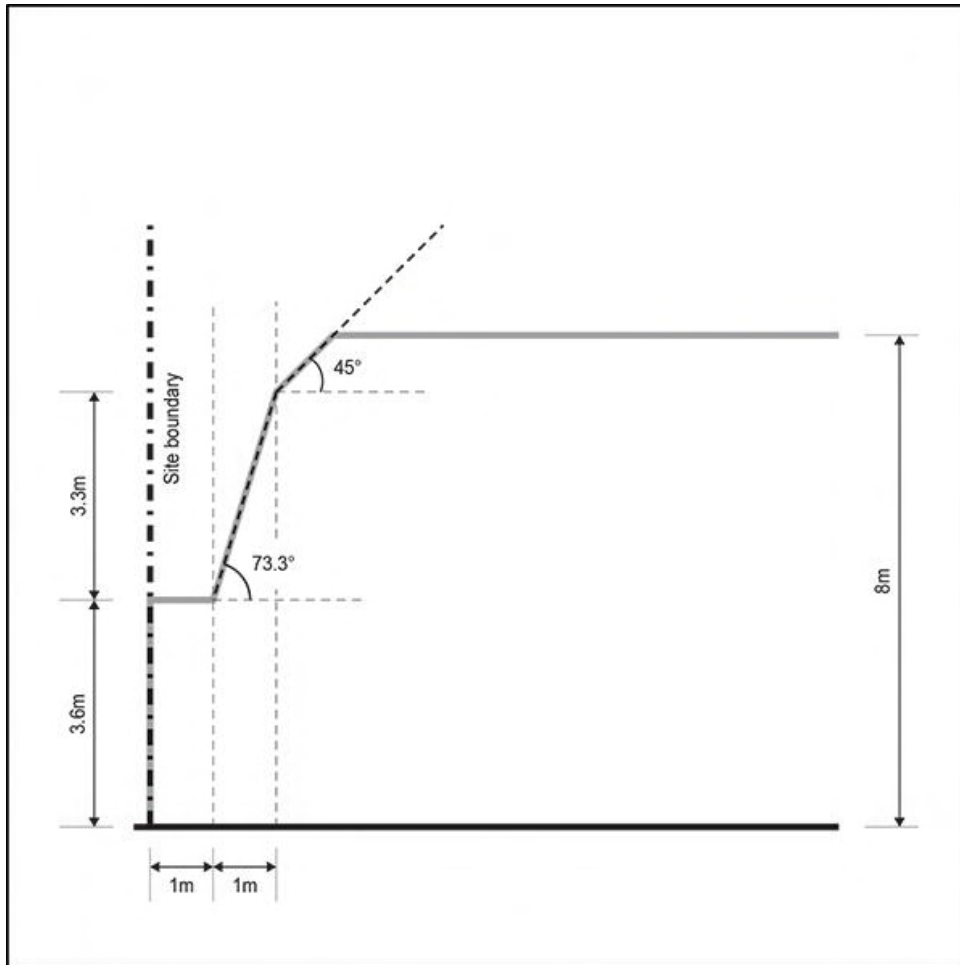
Purpose: to enable the efficient use of the site by providing design flexibility where a building is located close to the street frontage, while maintaining a reasonable level of sunlight access and minimising overlooking and privacy effects to immediate neighbours.

- (1) This standard is an alternative to the permitted Standard H4.6.5 Height in relation to boundary and applies to development that is within 20m of the site frontage.

- (2) Buildings within 20m of the site frontage must not exceed a height of 3.6m measured vertically above ground level at side and rear boundaries.

Thereafter, buildings must be set back one metre and then 0.3m for every additional metre in height (73.3 degrees) up to 6.9m and then one metre for every additional metre in height (45 degrees) as shown in Figure H4.6.6.1 Alternative height in relation to boundary below.

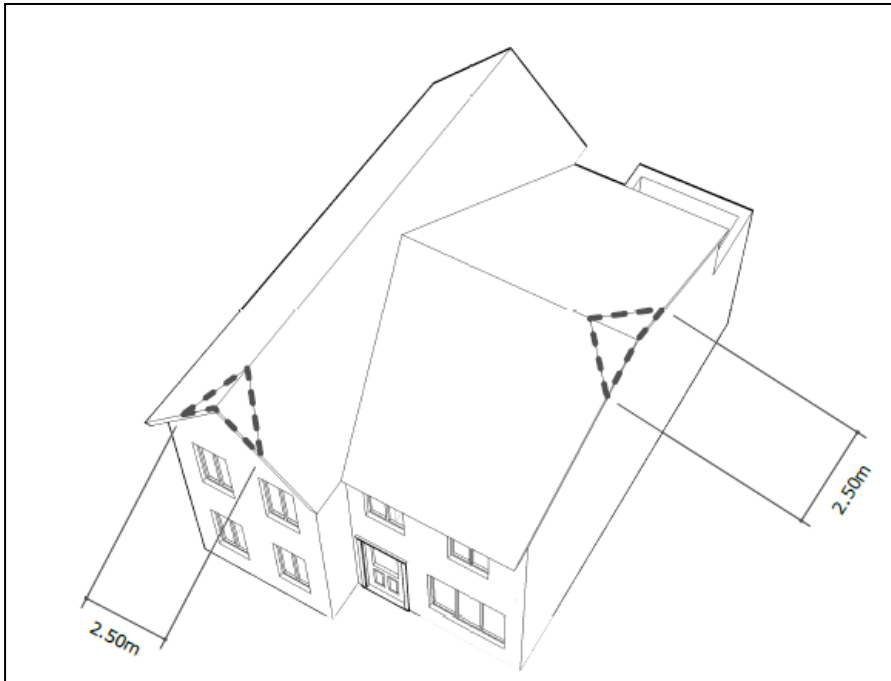
**Figure H4.6.6.1 Alternative height in relation to boundary**



- (3) Standard H4.6.6(2) above does not apply to a boundary adjoining any of the following:
- (a) a Business – City Centre Zone; Business – Metropolitan Centre Zone; Business – Town Centre Zone; Business – Local Centre Zone; Business – Neighbourhood Centre Zone; Business – Mixed Use Zone; Business – General Business Zone; Business – Business Park Zone; Business – Light Industry Zone and Business – Heavy Industry Zone; or
  - (b) sites within the Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone:

- (i) that are greater than 2000m<sup>2</sup>;
  - (ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary; and
  - (iii) where an open space comprises multiple sites but has a common open space zoning, the entire zone will be treated as a single site for the purpose of applying the standards listed below.
- (4) Standard H4.6.6(2) above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
- (5) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the control in Standard H4.6.6(2) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.
- (6) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:
- (a) no greater than 1.5m<sup>2</sup> in area and no greater than 1m in height; and
  - (b) no greater than 2.5m cumulatively in length measured along the edge of the roof as shown in Figure H4.6.6.2 Exceptions for gable ends and dormers and roof projections below.

**Figure H4.6.6.2 Exceptions for gable ends, dormers and roof projections**



- (7) No more than two gable ends, dormer or roof projections are allowed for every 6m length of site boundary.
- (8) The alternative height in relation to boundary standard does not apply to existing or proposed internal boundaries within a site.

#### H4.6.7. Yards

Purpose:

- to maintain the suburban built character of the streetscape and provide sufficient space for landscaping within the front yard;
- to maintain a reasonable standard of residential amenity for adjoining sites;
- to ensure buildings are adequately set back from lakes, streams and the coastal edge to maintain water quality and provide protection from natural hazards; and
- to enable buildings and services on the site or adjoining sites to be adequately maintained.

(1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table H4.6.7.1 Yards below.

**Table H4.6.7.1 Yards**

Yard	Minimum depth
Front	3m
Side	1m
Rear	1m
Riparian	10m from the edge of all other permanent and intermittent streams
Lakeside	30m
Coastal protection yard	10m, or as otherwise specified in <a href="#">Appendix 6 Coastal protection yard</a>

(2) Standard H4.6.7(1) does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

#### H4.6.8. Maximum impervious area

Purpose:

- to manage the amount of stormwater runoff generated by a development, particularly in relation to the capacity of the stormwater network and potential flood risks;
- to support the functioning of riparian yards, lakeside yards and coastal yards and water quality and ecology;
- to reinforce the building coverage and landscaped area standards; and
- to limit paved areas on a site to improve the site's appearance and cumulatively maintain amenity values in a neighbourhood.

(1) The maximum impervious area must not exceed 60 per cent of site area.

- (2) The maximum impervious area within a riparian yard, a lakeside yard or a coastal protection yard must not exceed 10 per cent of the riparian yard, the lakeside yard or the coastal protection yard area.

#### **H4.6.9. Building coverage**

Purpose: to manage the extent of buildings on a site to achieve the planned suburban built character of buildings.

- (1) The maximum building coverage must not exceed 40 per cent of the net site area.

#### **H4.6.10. Landscaped area**

Purpose:

- to provide for quality living environments consistent with the planned suburban built character of buildings within a generally spacious setting; and
- to maintain the landscaped character of the streetscape within the zone.

- (1) The minimum landscaped area must be at least 40 per cent of the net site area.

- (2) At least 50 per cent of the area of the front yard must comprise landscaped area.

#### **H4.6.11. Outlook space**

Purpose:

- to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites; and
- in combination with the daylight standard, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.

- (1) An outlook space must be provided from the face of a building containing windows to a habitable room. Where the room has two or more external faces with windows the outlook space must be provided from the face with the largest area of glazing.

- (2) The minimum dimensions for a required outlook space are as follows:

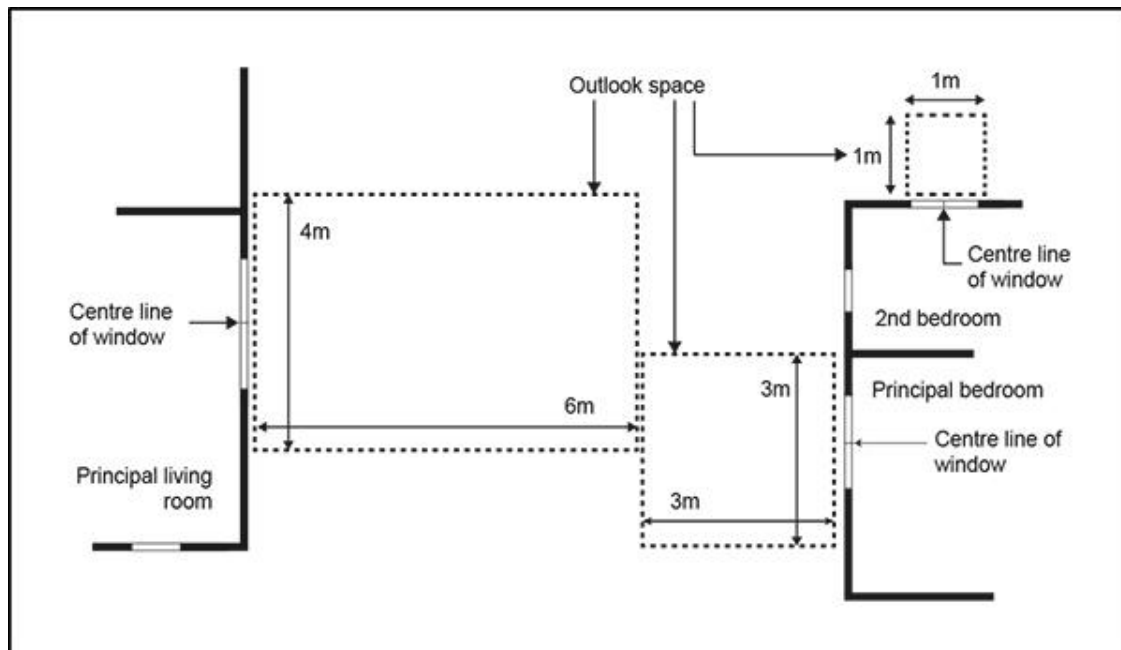
- (a) a principal living room of a dwelling or main living and dining area within a boarding house or supported residential care must have a outlook space with a minimum dimension of 6m in depth and 4m in width;
- (b) a principal bedroom of a dwelling or a bedroom within a boarding house or supported residential care unit must have an outlook space with a minimum dimension of 3m in depth and 3m in width; and
- (c) all other habitable rooms must have an outlook space with a minimum dimension of 1m in depth and 1m in width.

- (3) The depth of the outlook space is measured at right angles to and horizontal from the window to which it applies.

- (4) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.

- (5) The height of the outlook space is the same as the floor height, measured from floor to ceiling, of the building face to which the standard applies.
- (6) Outlook spaces may be within the site, over a public street, or other public open space.
- (7) Outlook spaces required from different rooms within the same building may overlap.
- (8) Outlook spaces may overlap where they are on the same wall plane.
- (9) Outlook spaces must:
  - (a) be clear and unobstructed by buildings;
  - (b) not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in Standard H4.6.11(6) above; and
  - (c) not extend over an outlook spaces or outdoor living space required by another dwelling.

**Figure H4.6.11.1 Required outlook space**



#### H4.6.12. Daylight

Purpose:

- to ensure adequate daylight for living areas and bedrooms in dwellings, supported residential care and boarding houses; and
  - in combination with the outlook standard, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.
- (1) Where the proposed building and/or opposite building contains principal living room or bedroom windows in a dwelling, or main living/dining area or bedroom windows in supported residential care and boarding houses, then:



- (a) That part of a building higher than 3m opposite buildings within the same site is limited in height to twice the horizontal distance between the two buildings for a length defined by a 55 degree arc from the centre of the window. The arc may be swung to within 35 degrees of the plane of the wall containing the window as shown in Figure H4.6.12.2 Required setbacks for daylight below.

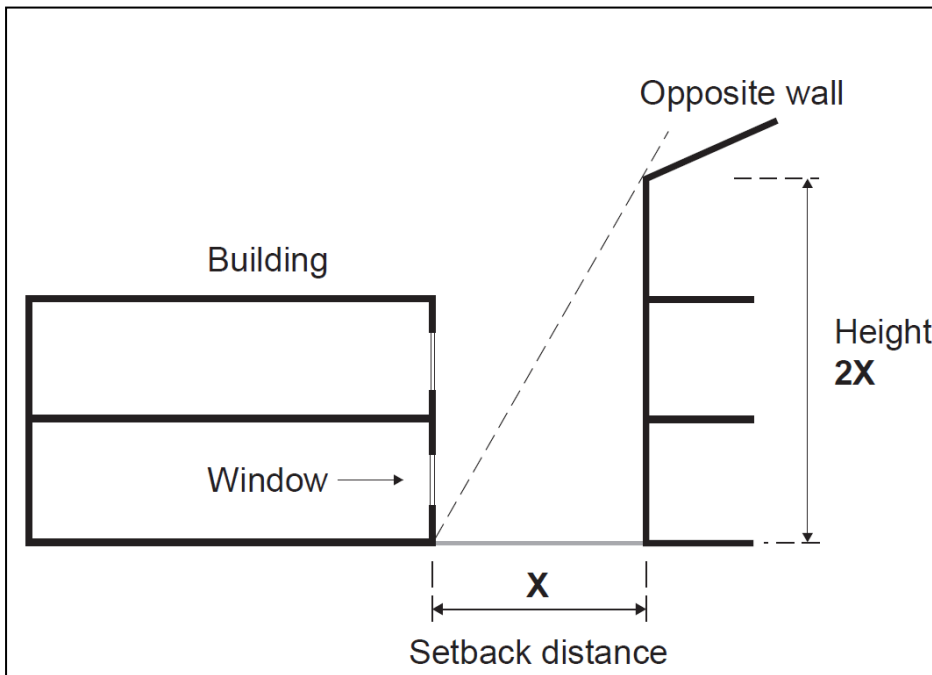
Refer to Table H4.6.12.1 Maximum height of the part of a building within a site facing a principal living room or bedroom window within the same site; Figure H4.6.12.1 Required setbacks for daylight and Figure H4.6.12.2 Required setbacks for daylight below).

- (2) Where the principal living room, main living/dining area or bedroom has two or more external faces with windows, Standard H4.6.12(1) above will apply to the largest window.
- (3) Where the window is above ground level, the height restriction is calculated from the floor level of the room containing the window.
- (4) Standards H4.6.12(1), (2) and (3) do not apply to development opposite the first 5m of a building which faces the street, measured from the front corner of the building.

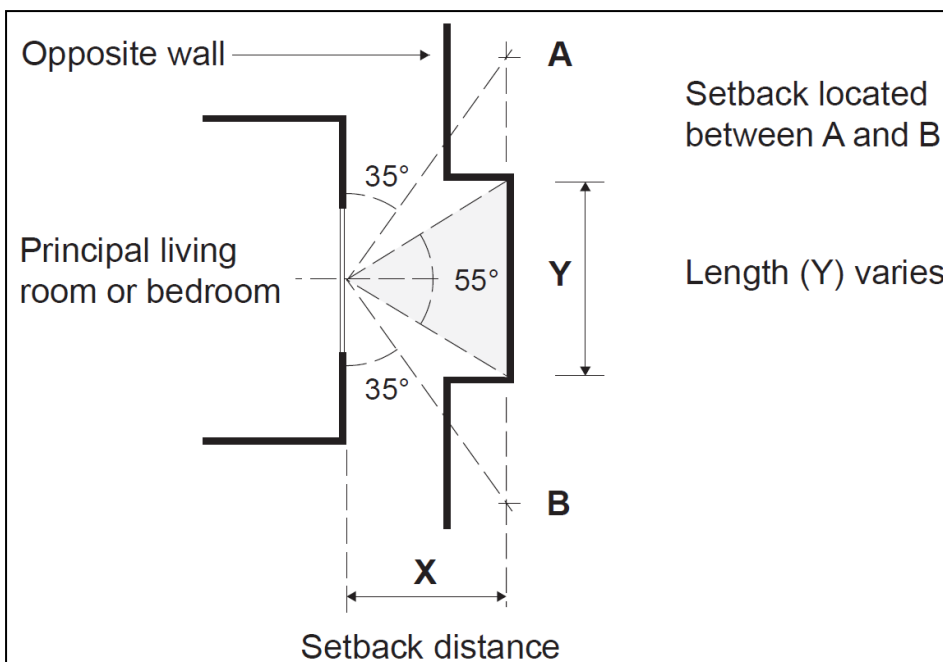
**Table H4.6.12.1 Maximum height of that part of a building within a site facing a principal living room or bedroom window within the same site**

Distance of the building from the largest principal living room, living/dining room or bedroom window (x)	Maximum height of the defined portion of wall opposite an identified window	Length of wall restricted if 55 degree arc is perpendicular to window (y) (rounded)
1.0m	2.0m	1.0m
1.5m	3.0m	1.5m
2.0m	4.0m	2.0m
2.5m	5.0m	2.5m
2.7m	5.4m	2.7m
3.0m	6.0m	3.0m
3.5m	7.0m	3.5m
4.0m	8.0m	4.0m
4.5m	9.0m	4.5m

**Figure H4.6.12.1 Required setbacks for daylight**



**Figure H4.6.12.2 Required setbacks for daylight**

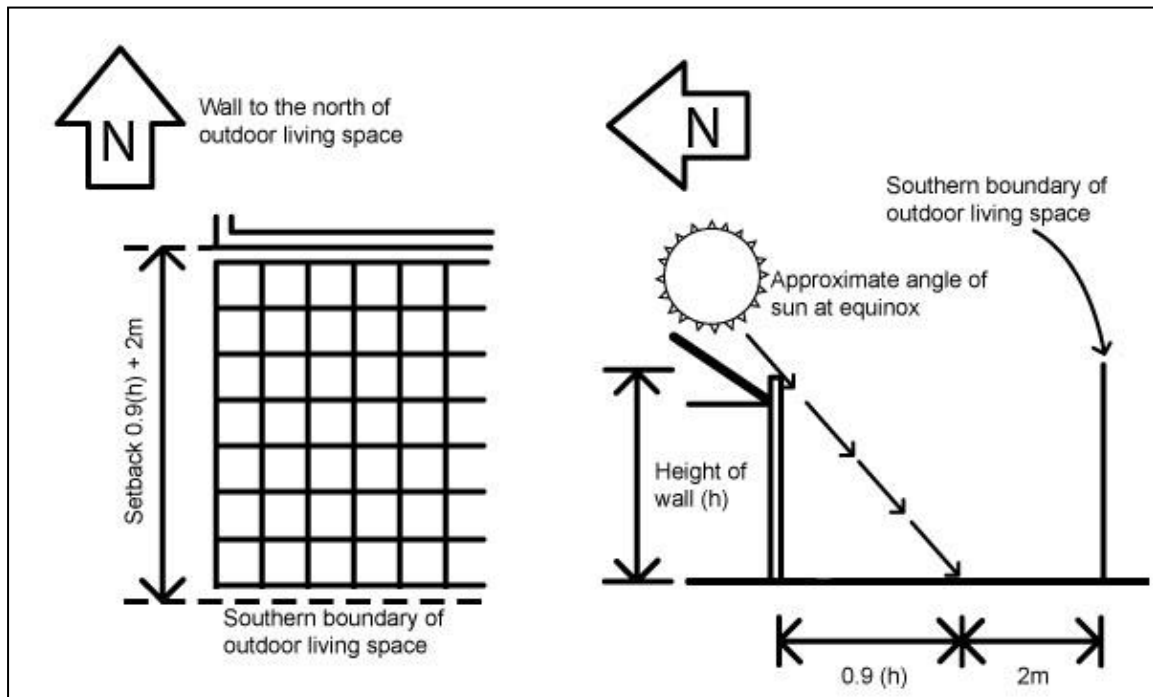


#### **H4.6.13. Outdoor living space**

Purpose: to provide dwellings, supported residential care and boarding houses with outdoor living space that is of a functional size and dimension, has access to sunlight, and is accessible from the dwelling.

- (1) A dwelling, supported residential care or boarding house at ground floor level, must have an outdoor living space that is at least 20m<sup>2</sup> that comprises ground floor and/or balcony/roof terrace space that:
  - (a) where located at ground level has no dimension less than 4m and has a gradient not exceeding 1 in 20; and/or
  - (b) where provided in the form of balcony, patio or roof terrace is at least 5m<sup>2</sup> and has a minimum dimension of 1.8m; and
  - (c) is accessible from the dwelling, supported residential care unit or boarding house; and
  - (d) is free of buildings, parking spaces, servicing and manoeuvring areas.
- (2) A dwelling, supported residential care or boarding house located above ground floor level must have an outdoor living space in the form of a balcony, patio or roof terrace that:
  - (a) is at least 5m<sup>2</sup> for studio and one-bedroom dwellings and has a minimum dimension of 1.8m; or
  - (b) is at least 8m<sup>2</sup> for two or more bedroom dwellings and has a minimum dimension of 1.8m; and
  - (c) is accessible from the dwelling, supported residential care unit or boarding house.
- (3) Where outdoor living space required by Standard H4.6.13(1) or Standard H4.6.13(2) above is provided at ground level, and is located south of any building located on the same site, the southern boundary of that space must be separated from any wall or building by at least  $2m + 0.9(h)$ , where (h) is the height of the wall or building as shown in the Figure H4.6.13.1 Location of outdoor living space below. For the purpose of this standard south is defined as between 135 and 225 degrees.

**Figure H4.6.13.1 Location of outdoor living space**



**H4.6.14. Front, side and rear fences and walls**

Purpose: to enable fences and walls to be constructed on a front, side or rear boundary or within a front, side, rear, riparian, coastal protection or lakeside yard to a height sufficient to:

- provide privacy for dwellings while enabling opportunities for passive surveillance of the street or adjoining public place.
- minimise visual dominance effects to immediate neighbours, the street or adjoining public place.

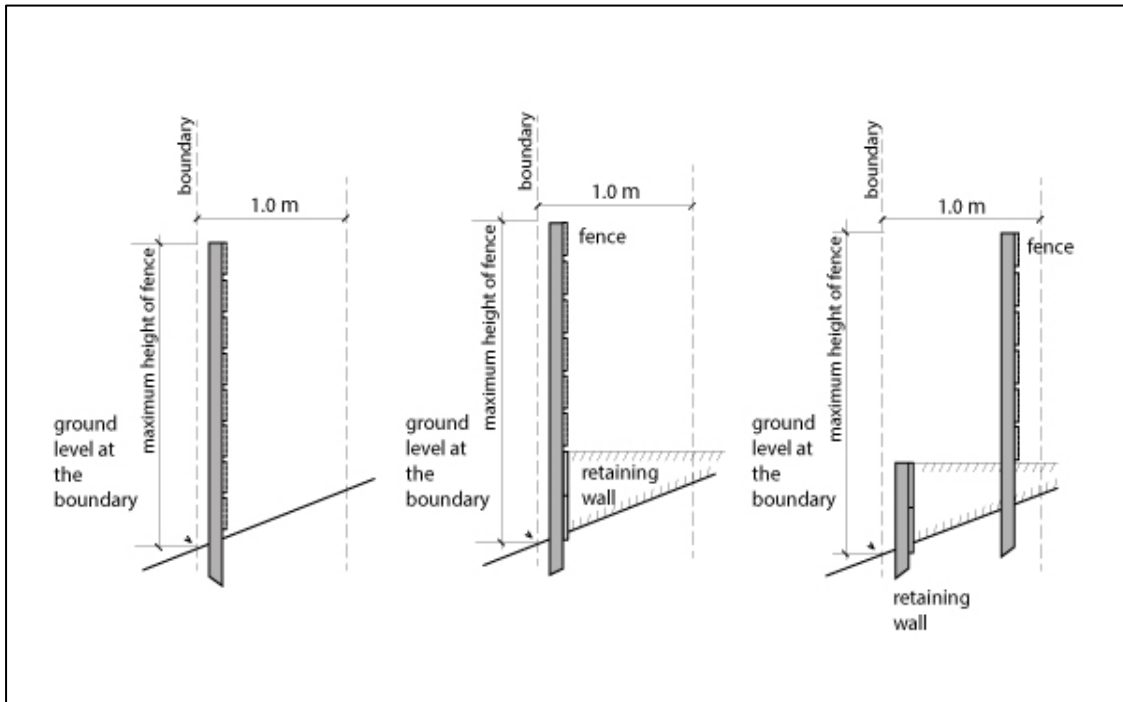
(1) Fences or walls or a combination of these structures (whether separate or joined together) must not exceed the height specified below, measured from the ground level at the boundary:

(a) Within the front yard, either:

- (i) 1.4m in height, or
- (ii) 1.8m in height for no more than 50 per cent of the site frontage and 1.4m for the remainder, or
- (iii) 1.8m in height if the fence is at least 50 per cent visually open as viewed perpendicular to the front boundary.

(b) Within side, rear, coastal protection, lakeside or riparian yards: 2m.

**Figure H.4.6.14.1 Measurement of fence height**



**H4.6.15. Minimum dwelling size**

Purpose: to ensure dwellings are functional and of a sufficient size to provide for the day to day needs of residents, based on the number of occupants the dwelling is designed to accommodate.

- (1) Dwellings must have a minimum net internal floor area as follows:
  - (a) 30m<sup>2</sup> for studio dwellings.
  - (b) 45m<sup>2</sup> for one or more bedroom dwellings.

**H4.6.16. Rainwater tanks**

Purpose: To enable rainwater tank installation and maintain amenity values.

- (1) Rainwater tanks must not be located:
  - (a) in a riparian, lakeside or coastal protection yard unless less than 1m in height, or wholly below ground level;
  - (b) in a front yard, unless they are at least 1.5m from the front boundary and are a maximum height of 1 m;
  - (c) forward of any street facing or private vehicle access building façade, unless they are at least 1.5m from the front boundary and are a maximum height of 1m;
  - (d) Clause (c) does not apply
    - (i) to sites with (or proposed to have) three or less dwellings;

(ii) to a rear service lane where the dwellings have frontage to a public street.

- (2) Rainwater tanks located within any required outlook area must be no higher than 1 m.
- (3) Rainwater tanks located within the required 20m<sup>2</sup> outdoor living space with minimum dimensions of 4m must be installed wholly below ground level.
- (4) Rainwater tanks (excluding any pipework) must not exceed 3 m in height in a rear or side yard.
- (5) Any overflow from the rainwater tank must discharge to the existing authorised stormwater system for the site.

Note: If there is a new stormwater discharge or diversion created Chapter E8.6.2.1 and Building Act requirements must be complied with.

Note: Building Act regulations apply. A building consent may be required under the Building Act.

#### **H4.7. Assessment – controlled activities**

There are no controlled activities in this zone.

#### **H4.8. Assessment – restricted discretionary activities**

##### **H4.8.1. Matters of discretion**

The Council will restrict its discretion to the following matters when assessing a restricted discretionary activity resource consent application:

- (1) for supported residential care accommodating greater than 10 people per site inclusive of staff and residents; boarding houses accommodating greater than 10 people per site inclusive of staff and residents; visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors; dairies up to 100m<sup>2</sup> gross floor area per site; care centres accommodating greater than 10 people per site excluding staff; community facilities; and healthcare facilities up to 200m<sup>2</sup> gross floor area per site:
  - (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:
    - (i) building intensity, scale, location, form and appearance;
    - (ii) traffic;
    - (iii) location and design of parking and access; and
    - (iv) noise, lighting and hours of operation.
  - (b) Infrastructure and servicing.
- (2) for four or more dwellings per site:
  - (a) the effects on the neighbourhood character, residential amenity, safety and the surrounding residential area from all of the following:

- (i) building intensity, scale, location, form and appearance;
  - (ii) traffic; and
  - (iii) location and design of parking and access.
- (b) all of the following standards:
- (i) Standard H4.6.8 Maximum impervious areas;
  - (ii) Standard H4.6.9 Building coverage;
  - (iii) Standard H4.6.10 Landscaped area;
  - (iv) Standard H4.6.11 Outlook space;
  - (v) Standard H4.6.12 Daylight;
  - (vi) Standard H4.6.13 Outdoor living space;
  - (vii) Standard H4.6.14 Front, side and rear fences and walls; and
  - (viii) Standard H4.6.15 Minimum dwelling size.
- (c) Infrastructure and servicing.
- (3) for integrated residential development:
- (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:
- (i) building intensity, scale, location, form and appearance;
  - (ii) traffic;
  - (iii) location and design of parking and access; and
  - (iv) noise, lighting and hours of operation.
- (b) all of the following standards:
- (i) Standard H4.6.8 Maximum impervious areas;
  - (ii) Standard H4.6.9 Building coverage;
  - (iii) Standard H4.6.10 Landscaped area;
  - (iv) Standard H4.6.11 Outlook space;
  - (v) Standard H4.6.12 Daylight;
  - (vi) Standard H4.6.13 Outdoor living space;
  - (vii) Standard H4.6.14 Front, side and rear fences and walls; and
  - (viii) Standard H4.6.15 Minimum dwelling size.
- (c) Infrastructure and servicing.
- (4) for buildings that do not comply with Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard

H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls; Standard H4.6.15 Minimum dwelling size:

- (a) any policy which is relevant to the standard;
  - (b) the purpose of the standard;
  - (c) the effects of the infringement of the standard;
  - (d) the effects on the suburban built character of the zone;
  - (e) the effects on the amenity of neighbouring sites;
  - (f) the effects of any special or unusual characteristic of the site which is relevant to the standard;
  - (g) the characteristics of the development;
  - (h) any other matters specifically listed for the standard; and
  - (i) where more than one standard will be infringed, the effects of all infringements.
- (5) For new buildings and additions to buildings which do not comply with H4.6.5. Height in relation to boundary, but comply with H4.6.6 Alternative height in relation to boundary:
- (a) Sunlight access;
  - (b) Attractiveness and safety of the street; and
  - (c) Overlooking and Privacy.

#### **H4.8.2. Assessment criteria**

The Council will consider the assessment criteria below for restricted discretionary activities to the extent relevant to the proposal:

- (1) for supported residential care accommodating greater than 10 people per site inclusive of staff and residents; boarding houses accommodating greater than 10 people per site inclusive of staff and residents; visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors; dairies up to 100m<sup>2</sup> gross floor area per site; care centres accommodating greater than 10 people per site excluding staff; community facilities; and healthcare facilities up to 200m<sup>2</sup> gross floor area per site:
- (a) infrastructure and servicing:
    - (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.
    - (ii) Where adequate network capacity is not available, whether adequate mitigation is proposed.
  - (b) building intensity, scale, location, form and appearance:



(i) whether the intensity and scale of the activity, the building location, form and appearance is compatible with the character and residential amenity provided for within the zone and compatible with the surrounding residential area.

(c) traffic:

(i) whether the activity avoids or mitigates high levels of additional non-residential traffic on local roads.

(d) location and design of parking and access:

(i) whether adequate parking and access is provided or required.

(e) noise, lighting and hours of operation:

(i) whether noise and lighting and the hours of operation of the activity avoids, remedies or mitigates adverse effects on the residential amenity of surrounding properties, by:

- locating noisy activities away from neighbouring residential boundaries;
- screening or other design features; and
- controlling the hours of operation and operational measures.

(2) for four or more dwellings on a site:

(a) the extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome:

(i) Standard H4.6.8 Maximum impervious areas;

(ii) Standard H4.6.9 Building coverage;

(iii) Standard H4.6.10 Landscaped area;

(iv) Standard H4.6.11 Outlook space;

(v) Standard H4.6.12 Daylight;

(vi) Standard H4.6.13 Outdoor living space;

(vii) Standard H4.6.14 Front, side and rear fences and walls; and

(viii) Standard H4.6.15 Minimum dwelling size

(b) The extent to which the development contributes to a variety of housing types in the zone and is in keeping with the neighbourhood's planned suburban build character of predominantly two storey buildings (attached or detached) by limiting the height, bulk and form of the development and managing the design and appearance as well as providing sufficient setbacks and landscaped areas.

(c) [deleted]

(d) The extent to which development achieves attractive and safe streets and public open space by:

- (i) providing doors, windows and/or balconies facing the street and public open space
  - (ii) minimising tall, visually impermeable fences
  - (iii) designing large scale development (generally more than 15 dwellings) to provide for variations in building form and/or façade design as viewed from streets and public open spaces.
  - (iv) optimising front yard landscaping
  - (v) providing safe pedestrian access to buildings from the street
  - (vi) minimising the visual dominance of garage doors, walkways or staircases to upper level dwellings, and carparking within buildings as viewed from streets or public open spaces
- (e) The extent to which the height, bulk and location of the development maintains a reasonable standard of sunlight access and privacy and minimises visual dominance to adjoining sites.
- (f) The extent to which dwellings:
- (i) Orientate and locate windows to optimise privacy and encourage natural cross ventilation within the dwelling
  - (ii) Optimise sunlight and daylight access based on orientation, function, window design and location, and depth of the dwelling floor space
  - (iii) Provide secure and conveniently accessible storage for the number and type of occupants the dwelling is designed to accommodate.
  - (iv) Provide the necessary waste collection and recycling facilities in locations conveniently accessible and screened from streets and public open spaces.
- (g) The extent to which outdoor living space:
- (i) Provides for access to sunlight
  - (ii) Provides privacy between the outdoor living space of adjacent dwellings on the same site and between outdoor living space and the street.
  - (iii) When provided at ground level, is located on generally flat land or is otherwise functional.
- (h) refer to Policy H4.3(7); and
- (i) infrastructure and servicing:
- (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.
  - (ii) Where adequate network capacity is not available, whether adequate mitigation is proposed.

(3) for integrated residential development:

(a) the extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome:

- (i) Standard H4.6.8 Maximum impervious areas;
- (ii) Standard H4.6.9 Building coverage;
- (iii) Standard H4.6.10 Landscaped area;
- (iv) Standard H4.6.11 Outlook space;
- (v) Standard H4.6.12 Daylight;
- (vi) Standard H4.6.13 Outdoor living space; and
- (vii) Standard H4.6.14 Front, side and rear fences and walls; and
- (viii) Standard H4.6.15 Minimum dwelling size (excluding retirement villages).

(b) refer to Policy H4.3(1);

(c) refer to Policy H4.3(2);

(d) refer to Policy H4.3(3);

(e) refer to Policy H4.3(4);

(f) refer to Policy H4.3(5);

(g) refer to Policy H4.3(6);

(h) refer to Policy H4.3(7);

(i) refer to Policy H4.3(8).

(j) refer to Policy H4.3(9); and

(k) infrastructure and servicing:

- (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.
- (ii) Where adequate network capacity is not available, whether adequate mitigation is proposed.

(4) For new buildings and additions to buildings which do not comply with H4.6.5. Height in relation to boundary, but comply with H4.6.6 Alternative height in relation to boundary:

**Sunlight access**

(a) Whether sunlight access to the outdoor living space of an existing dwelling on a neighbouring site satisfies the following criterion:

Four hours of sunlight is retained between the hours of 9am – 4pm during the Equinox (22 September):

- (i) over 75% of the existing outdoor living space where the area of the space is greater than the minimum required by Standard H4.6.13: or
  - (ii) over 100% of existing outdoor living space where the area of this space is equal to or less than the minimum required by Standard H4.6.13.
- (b) In circumstances where sunlight access to the outdoor living space of an existing dwelling on a neighbouring site is less than the outcome referenced in (a):
- (i) The extent to which there is any reduction in sunlight access as a consequence of the proposed development, beyond that enabled through compliance with Standard H4.6.5 Height in relation to boundary control; and
  - (ii) The extent to which the building affects the area and duration of sunlight access to the outdoor living space of an existing dwelling on a neighbouring site, taking into account site orientation, topography, vegetation and existing or consented development.

**Attractiveness and safety of the street**

- (c) The extent to which those parts of buildings located closest to the front boundary achieve attractive and safe streets by:
- (i) providing doors, windows and balconies facing the street;
  - (ii) optimising front yard landscaping;
  - (iii) providing safe pedestrian access to buildings from the street; and
  - (iv) minimising the visual dominance of garage doors as viewed from the street.

**Overlooking and privacy**

- (d) The extent to which direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.
- (5) for building height:
- (a) refer to Policy H4.3(2);
  - (b) refer to Policy H4.3(4); and
  - (c) refer to Policy H4.3(5).
- (6) for height in relation to boundary:
- (a) refer to Policy H4.3(2);
  - (b) refer to Policy H4.3(4); and
  - (c) refer to Policy H4.3(5).
- (7) for alternative height in relation to boundary infringements:

- (a) refer to Policy H4.3(2);
  - (b) refer to Policy H4.3(3);
  - (c) refer to Policy H4.3(4); and
  - (d) refer to Policy H4.3(5).
- (8) for yards:
- (a) refer to Policy H4.3(2); and
  - (b) refer to Policy H4.3(4).
- (9) for maximum impervious areas:
- (a) refer to Policy H4.3(7).
- (10) for building coverage:
- (a) refer to Policy H4.3(2); and
  - (b) refer to Policy H4.3(4).
- (11) for landscaped area:
- (a) refer to Policy H4.3(2);
  - (b) refer to Policy H4.3(4);
  - (c) refer to Policy H4.3(5); and
  - (d) refer to Policy H4.3(6).
- (12) for outlook space:
- (a) refer to Policy H4.3(2);
  - (b) refer to Policy H4.3(4);
  - (c) refer to Policy H4.3(5); and
  - (d) refer to Policy H4.3(6);
- (13) for daylight:
- (a) refer to Policy H4.3(2);
  - (b) refer to Policy H4.3(4); and
  - (c) refer to Policy H4.3(5).
- (14) for outdoor living space:
- (a) refer to Policy H4.3(2);
  - (b) refer to Policy H4.3(4);
  - (c) refer to Policy H4.3(5); and
  - (d) refer to Policy H4.3(6).
- (15) for front, side and rear fences and walls:
- (a) refer to Policy H4.3(2);

(b) refer to Policy H4.3(3); and

(c) refer to Policy H4.3(4).

(16) For minimum dwelling size:

(a) Policy H4.3(5)

**H4.9. Special information requirements**

There are no special information requirements in this zone.

## **ATTACHMENT 3**

**Planning evidence of Debra Yan for Auckland Council in relation to  
Topic 081b Precincts North & South to the Auckland Unitary Plan  
Independent Hearings Panel**





**BEFORE THE AUCKLAND UNITARY PLAN INDEPENDENT HEARINGS PANEL**

**IN THE MATTER** of the Resource Management Act 1991  
and the Local Government (Auckland  
Transitional Provisions) Act 2010

**AND**

**IN THE MATTER** of **TOPIC 081b** Rezoning and Precincts  
(Geographic)

**AND**

**IN THE MATTER** of the submissions and further  
submissions set out in the Parties and  
Issues Report

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**EVIDENCE OF DEBRA CHRISTINE YAN**  
**GROUP 4 – 081b PRECINCTS NORTH & SOUTH, OMAHA SOUTH PRECINCT**

**26 January 2016**

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**TABLE OF CONTENTS**

1. SUMMARY ..... 3  
PART A: OVERVIEW AND BACKGROUND ..... 5  
2. INTRODUCTION ..... 5  
3. CODE OF CONDUCT ..... 5  
4. SCOPE ..... 6  
5. INTERIM GUIDANCE FROM THE PANEL ..... 6  
6. PAUP APPROACH TO PRECINCTS ..... 6  
7. STATUTORY FRAMEWORK ..... 7  
PART B: OVERVIEW OF OMAHA SOUTH PRECINCT ..... 7  
8. CONTEXT ..... 7  
9. PAUP FRAMEWORK ..... 11  
PART C: OVERVIEW OF SUBMISSIONS ..... 11  
10. OMAHA SOUTH PRECINCT ..... 11  
11. PROPOSED AMENDMENTS OUTSIDE THE SCOPE OF SUBMISSIONS ..... 12  
PART D: ANALYSIS OF SUBMISSIONS ..... 12  
12. CONCLUSIONS ..... 18  
ATTACHMENT A: CURRICULUM VITAE ..... 19  
ATTACHMENT B: TRACK CHANGES FOR OMAHA SOUTH PRECINCT ..... 21

## 1. SUMMARY

- 1.1 My evidence considers whether it is appropriate to accept or reject the submissions, in full or in part, and what amendments, if any, should be made to address matters raised in submissions.
- 1.2 It is my overall opinion that Omaha South Precinct appropriately provides for the subdivision, use and development of Omaha South while also taking into account the environmental, coastal and cultural values of the settlement.
- 1.3 In response to submissions I consider that some amendments should be made to the wording of the Precinct provisions. I consider the amendments to include or modify the provisions outlined in paragraph 1.4 below are appropriate as they strengthen the linkage between the specificity of the legacy provisions and the PAUP; ensure that the unique coastal environment and cultural values are recognised and protected; and the certainty sought by the community is achieved.
- 1.4 These amendments are shown in **Attachment B** to my evidence and key amendments are summarised below:
  - a. the amendment of the 'Precinct description' to recognise constraints to the total number of dwellings that can be developed; explanation of the range of residential development types (cluster housing to large lot development) that can occur; and recognition of the 'dune protection area line' (previously the 'Coastal Hazard Line')
  - b. amendment of the objectives and policies, and the addition of three objectives and three policies
  - c. the amendment of the Activity table to include legacy Type A (Large Lot), Type B (Medium Lot), Type C (Small Lot), Type D (Cluster Housing) residential / subdivision limits within each Sub – precinct; and specific land uses e.g. visitor accommodation
  - d. the correction of the notified PAUP to refer to the 'maximum dwelling limit and density' based on Residential Development Type
  - e. the correction of the notified PAUP to refer to height and yards based on Residential Development / Subdivision Type

- f. amend 'earthwork' references to 'land disturbance activities' to reflect recommendations in Hearing Topic 041 Earthworks and Minerals; and amend 'coastal hazard line' to 'dune protection area line' to make it distinct to coastal hazards addressed in the Natural Hazard provisions in the PAUP
- g. amend 'stormwater management' references to 'on-site stormwater soakage area' for clarity
- h. amend 'archaeological' sites to 'heritage' sites to make it distinct from the Mana Whenua Overlay provisions in the PAUP and to recognise that some sites in Omaha South are relocated heaps of shell midden from destroyed or modified sites
- i. the deletion of 'tree' provisions having regard to the Resource Management Amendment Act 2013 changes restricting the ability to protect urban trees
- j. the inclusion of controls on:
  - i. beach access
  - ii. potable water supply
  - iii. building coverage
  - iv. gross floor area
  - v. separation between buildings within a site
  - vi. outdoor living court and service area (ground floor units only)
  - vii. balcony requirement (first floor units only)
  - viii. building separation from underground network utilities
  - ix. controls on visitor accommodation, shops, offices, restaurants and accessory buildings to reflect legacy controls
  - x. subdivision controls relating to frontage, shape factor and subdivision controls for visitor accommodation, shops offices, restaurants, and accessory buildings
- k. the amendment of the precinct plan to reflect the sub-precincts (previously Neighbourhood Units) in the Auckland Council District Plan – Operative Rodney Section plan of the Special 16 zone; amend the 'Coastal Hazard Line'

to 'Dune Protection Area Line' to distinguish it from the Natural Hazard provisions in the PAUP; and the addition of registered archaeological sites from the legacy District Plan that were not identified in the notified version of the PAUP.

- 1.5 The amended provisions ensure that the specific design and form of development and subdivision is maintained. The replacement of the PAUP Table 1 'Density' with the legacy maximum percentage of dwellings within the legacy ~~residential development/subdivision~~ types (Rule 4.1 of **Attachment B** 'Track Changes') is critical as the design of Omaha South was originally based on a range of development/subdivision types to provide diversity within the settlement.
- 1.6 I do not consider that the submission request to rezone a portion of Sub-precinct E from Neighbourhood Centre zone to Single House zone, and amendment of Rule 4.11.1 (Neighbourhood Centre zone) to allow dwellings to be located on the ground floor are appropriate. Additional residential development within Omaha South is restricted because of wastewater and stormwater discharge constraints and potential effects on the Omaha aquifer, the kahikatea forest and wetland. Also, the Neighbourhood Centre zone has been identified as the commercial hub for Omaha to meet local and tourist needs. The purpose of the zone is to service the settlement now and into the future, and it is premature to remove the zoning at this point in time as Omaha is still a growing settlement.

## **PART A: OVERVIEW AND BACKGROUND**

### **2. INTRODUCTION**

- 2.1 My evidence considers whether it is appropriate to accept or reject the submissions, in full or in part, and what amendments, if any, should be made to address matters raised in submissions.

### **3. CODE OF CONDUCT**

- 3.1 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

#### 4. SCOPE

- 4.1 I am providing planning evidence in relation to Omaha South Precinct. My qualifications and experience are attached in **Attachment A**.
- 4.2 In preparing this statement of evidence I have relied on the Auckland-wide evidence of John Duguid to hearing Topic 080 and Topic 081 Rezoning and Precincts Geographic (**Topic 081**) which sets out the statutory framework, methodology, principles and section 32 evaluations used to guide the development and application of zones and precincts.

#### 5. INTERIM GUIDANCE FROM THE PANEL

- 5.1 I have read the Panel's Interim Guidance direction and in particular those relating to:
- a. Chapter G: General Provisions, dated 9 March 2015;
  - b. Best practice approaches to re-zoning and precincts, dated 31 July 2015;
  - c. Air Quality, dated 25 September 2015; and
  - d. Chapter G General Provisions, dated 9 October 2015.

#### 6. PAUP APPROACH TO PRECINCTS

- 6.1 The approach to precincts is detailed in the evidence of Mr Duguid. In particular Mr Duguid outlines the Plan structure and the relationship between overlays, zones, Auckland-wide and precinct provisions. Mr Duguid also provides an overview of the methodology for applying precincts and the types of precincts identified in the PAUP. I have read and agree with this evidence.

##### *Section 32 and 32AA*

- 6.2 As outlined in the Auckland Unitary Plan Evaluation Report (**the Evaluation Report**), the Council has focussed its section 32 assessment on the objectives and provisions within the PAUP that represent significant changes in approach from those within the current operative Auckland RMA policies and plans. Whilst the Evaluation Report applies to the entire plan, the report targets the 50 topics where the provisions represent a significant policy shift.
- 6.3 The precinct provisions do not reflect a major policy shift from the operative plans and are evaluated in this Report in accordance with s32 and s32AA.

## **7. STATUTORY FRAMEWORK**

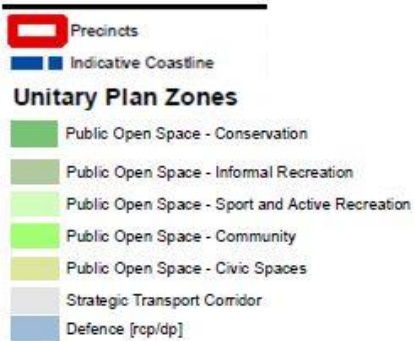
- 7.1 The statutory framework is detailed in the evidence of Mr Duguid, dated 3 December 2015, and has not been repeated here.

### **PART B: OVERVIEW OF OMAHA SOUTH PRECINCT**

## **8. CONTEXT**

- 8.1 The PAUP notified version of Omaha South Precinct is located at the south of Broadlands Drive and comprises 5 sub-precincts (Sub-precincts A to E). The underlying zoning of land in the Sub-precinct A is predominantly Single House with a single site between Mangatawhiri Rd and Tohora Crescent with an underlying zone of Mixed Housing Suburban. The underlying zoning of Sub-precinct B and C is Single House. The underlying zoning of Sub-precinct D is Single House and Mixed Housing Suburban. The underlying zoning of Sub-precinct E is Neighbourhood Centre.

8.2 Map 1 below shows the notified PAUP precinct location:





- 8.3 Specific controls apply to each sub-precinct and to recognise and manage the individual characteristics and the environmental issues within these areas.
- 8.4 The precinct is intended to translate the Special 16 zone in the Auckland Council District Plan - Operative Rodney Section into the PAUP. The Special 16 zone provided for the comprehensive development of up to 600 household units, and a small local commercial development on the Omaha Sandpit between the foreshores of Little Omaha Bay and the inner Whangateau Harbour. The provisions were based on development of individual neighbourhood units in a comprehensive manner with each unit having a variety of different site sizes with areas of open space separating each unit and providing amenity to the development as a whole.
- 8.5 The legacy Special 16 zone included the surrounding land to the west which is zoned Public Open Space – Sport and Active Recreation (which is developed as golf course) and Public Open Space – Conservation in the PAUP; and land between the sub-precincts (formerly Neighbour Units) is zoned Public Open Space – Informal Recreation under the PAUP. To the east, there is recreational land zoned Public Open Space – Conservation. These areas are not included within the notified version of the PAUP, but contribute to the functioning and design of the Omaha settlement. For example the kahikatea forest and wetland adjoining the Whangateau Harbour, coastal environs and Omaha aquifer all impact and can constrain development.
- 8.6 The sensitive coastal location also gave rise to key provisions and controls on development. While the land has been subdivided, the development of houses has not occurred on all sites. To ensure the consistency in the nature of development that can occur the Precinct has been created to continue the key elements of development at this location.
- 8.7 The following overlays apply to the Omaha South precinct:
- a. Site and place of significance to Mana Whenua
  - b. Site and place of value to Mana Whenua
- 8.8 The following non-statutory information overlay applies to the Omaha South precinct:
- a. Treaty settlement alert layer

- 8.9 The following non-statutory information overlay applies to the Omaha South Sub-precinct E:
- a. Flood hazard within a very small portion of the north eastern corner of Omaha South Sub-precinct E.
- 8.10 The purpose of the precinct is to manage residential and small scale commercial development to ensure it is sustainable and complements the coastal character and landscape values of the area. The precinct limits the total number of dwellings that can be developed because of wastewater infrastructure and on-site stormwater soakage constraints. In addition, it manages stormwater discharge effects from development to minimise adverse effects on the Omaha groundwater aquifer and the adjacent kahikatea forest/wetland.
- 8.11 The development cap in the precinct is managed by applying minimum site size and density controls across five different sub-precincts (A-E). The cap is also supported by limiting the opportunity to convert any dwelling into two dwellings. Development in close proximity to the fore dune area of Omaha Beach is limited so that buildings do not dominate the fore dune area and residential properties can achieve a reasonable sharing of views of Omaha Beach.
- 8.12 Omaha South has a number of sites of importance to Mana Whenua. The precinct identifies these archaeological sites<sup>1</sup> and their values and applies additional controls to ensure that:
- a. they are protected from effects of subdivision and development
  - b. landowners are aware of their responsibilities in relation to those sites.
- 8.13 Omaha South precinct has five sub-precincts as identified in Map 1 above:
- a. sub-precincts A – D provide for residential activities and allow for comprehensive development of large areas within the Omaha South precinct
  - b. sub-precinct E provides for commercial activities
- 8.14 There is one request to change the zoning of part of Sub-precinct E. Sundee Investments Limited (6605-2) seeks that South Sub-precinct E only applies to the part of the site proposed as Neighbourhood Centre zone. [submission 6605-1 seeks

<sup>1</sup> [Under the Auckland Council District Plan – Operative Rodney Section, sites of cultural value and relationship to Mana Whenua were identified as 'Registered Archaeological Sites' and were registered on land titles. Some of these sites have been identified in the notified version of the PAUP. It is recommended that 'archaeological sites' be renamed 'heritage sites' to make it distinct from the Mana Whenua Overlay provisions in the PAUP. Also, amending the term recognises that some sites in Omaha South are relocated heaps of shell midden from destroyed or modified sites.](#)

that approximately 600m<sup>2</sup> of the eastern part of the Sub-precinct E is changed to a Single House zone while the rest of the western part [the subject of submission 6605-2] of the site remains Neighbourhood Centre. I do not support a change in zone from Neighbourhood Centre zone to Single House zone, and this is discussed in more detail in paragraphs 11.9-11.11 of my evidence.

- 8.15 The PAUP precinct provisions and recommended amendments are contained in **Attachment B**.

## **9. PAUP FRAMEWORK**

### *Regional Policy Statement*

- 9.1 A key section of the PAUP RPS, which needs to be considered and given effect to includes Chapter B, 7.1 Subdivision, use and development in the coastal environment. It recognises that the coastal environment is a finite resource with high environmental, social, economic and cultural values. As land-based activities can affect the health of the marine environment, there is a need to ensure integrated management of activities on both the land and sea to ensure the ecosystem services and values of the coastal marine area are maintained. The Omaha South Precinct has been designed and located to recognise the coastal environment particularly the natural character of the dune; consequently objectives, policies and controls seek to recognise and protect the coastal environment, the dune system and associated ecosystems.

## **PART C: OVERVIEW OF SUBMISSIONS**

### **10. OMAHA SOUTH PRECINCT**

- 10.1 A total of four submission points have been received requesting relief in relation to the precinct.
- 10.2 Of the four submission points received:
- a. Submission 2970-2 (Omaha Beach Community Incorporated) seeks that the Omaha South Precinct provisions be amended to replicate the legacy Special 16 (Omaha South Development) Zone from the Auckland Council District Plan – Operative Rodney Section. A further submission by Omaha Park Limited opposes the submission by the Omaha Beach Community Incorporated.

- b. Submissions 6605-2, 3 and 4 (Sandee Investments Limited) seek that Sub-precinct E only applies to the part of the site proposed as Neighbourhood Centre zone. [submission 6605-1 seeks that approximately 600m2 of the eastern part of the Sub-precinct E is changed to a Single House zone while the rest of the western part [the subject of submission 6605-2] of the site remains Neighbourhood Centre. Submission 6605-2 is opposed by further submissions by the 167 - Omaha Beach Community (Incorporated) (167) and the Omaha Surf Club Incorporated (2390).

10.3 Informal discussions were held on 18 November 2015 with Omaha Beach Community Incorporated represented by Richard Brabant (Barrister), Karyn Kurzeja (Planner), Chris Allen (Omaha Beach Community, committee member) and Robert Zubielevitch (Omaha Beach Community, committee member). Council staff concluded that there is benefit in continuing with the legacy provisions as they reinforced the sensitive coastal location and the desire to have the development “completed” under the provisions that the development to date has been subject to.

## 11. PROPOSED AMENDMENTS OUTSIDE THE SCOPE OF SUBMISSIONS

11.1 As outlined in Mr Duguid’s evidence, a number of amendments are proposed which are, or may be out of scope of the submissions. This is to ensure consistency in the organisation and terminology of all precincts. The key changes are:

- a. paragraph under heading of Chapter F, 5.29 Omaha relocated to ‘Precinct description’
- b. reference to underlying zones and Auckland-wide objectives and policies
- c. reference to underlying zones and Auckland-wide rules

## PART D: ANALYSIS OF SUBMISSIONS

11.2 In response to submission 2970-2 (Omaha Beach Community Incorporated) which seeks the replication of the legacy provisions in the PAUP, I support the following PAUP amendments:

- a. amendment of the ‘Precinct by amending the boundaries of the six sub-precincts<sup>2</sup>; recognition of the constraints to the total number of dwellings that

<sup>2</sup> Sub – precincts A to F reflect the legacy ‘Neighbourhood Units 1A, 1B to 5’. The notified version of the PAUP incorrectly interpreted the residential / subdivision types (Types A to D) as sub – precincts e.g. wrongly interpreted Type D as Sub –

- can be developed; explanation of the range of residential development types (cluster housing to large lot development) that can occur; and recognition of the 'dune protection area line' (previously the 'Coastal Hazard Line'<sup>3</sup>)
- b. amendment of the objectives and policies, and the addition of three objectives and three policies
  - c. amendment of the Activity table to include legacy Type A (Large Lot), Type B (Medium Lot), Type C (Small Lot), Type D (Cluster Housing) residential / subdivision limits within each Sub – precinct; and specific land uses e.g. visitor accommodation
  - d. correction of the notified PAUP to refer to the 'maximum limit and density' based on Residential Development Type
  - e. correction of the notified PAUP to refer to height and yards based on Residential Development / Subdivision Type
  - f. amend 'earthwork' references to 'land disturbance activities' to reflect recommendations in Hearing Topic 041 Earthworks and Minerals; and amend 'coastal hazard line' to 'dune protection area line' to make it distinct from coastal hazards addressed in the Natural Hazard provisions in the PAUP
  - g. amend 'stormwater management' references to 'on-site stormwater soakage area' for clarity
  - h. amend 'archaeological' sites to 'heritage' sites to make it distinct from the Mana Whenua Overlay provisions in the PAUP and to recognise that some sites in Omaha South are relocated heaps of shell midden from destroyed or modified sites
  - i. the deletion of 'tree' provisions having regard to the Resource Management Amendment Act 2013 changes restricting the ability to protect urban trees
  - j. the inclusion of controls on:
    - i. beach access
    - ii. potable water supply

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precinct D (see Rule 2.2 Table 1 and explanatory text of characteristics of each residential / subdivision type of Attachment B of this evidence)

<sup>3</sup> The legacy term 'Coastal Hazard Line' is replaced with "Dune Protection Area Line" as a distinct term concerning dune protection is necessary to make it distinct to coastal hazards addressed in the Natural Hazard provisions in the PAUP, viz C5.12, H4.11, G2.7.5 and the Coastal Inundation Overlay Maps.

- iii. building coverage
  - iv. gross floor area ratio
  - v. separation between buildings within a site
  - vi. outdoor living court and service area (ground floor units only)
  - vii. balcony requirement (first floor units only)
  - viii. building separation from underground network utilities
  - ix. controls on visitor accommodation, shops, offices, restaurants and accessory buildings to reflect legacy controls
  - x. subdivision controls relating to frontage, shape factor and subdivision controls for visitor accommodation, shops offices, restaurants, and accessory buildings
- k. the amendment of the precinct plan to reflect the sub-precincts (previously Neighbourhood Units) in the Auckland Council District Plan – Operative Rodney Section plan of the Special 16 zone; amend the ‘Coastal Hazard Line’ to ‘Dune Protection Area Line’ to distinguish it from the Natural Hazard provisions in the PAUP; and the addition of registered heritage (formerly archaeological) sites from the legacy District Plan that were not identified in the notified version of the PAUP.

11.3 Given time constraints Council is unable to produce an amended version of the Precinct Plan with the omitted heritage sites with this evidence. Council will endeavour to table this amendment prior to, or at, the hearing for Topic 81b Rezoning and Precincts (Geographical Areas – Rodney).

11.4 In my opinion the amendment of the PAUP to include or modify the abovementioned provisions are appropriate as they strengthen the linkage between the specificity of the legacy provisions and the PAUP. In particular the amendments ensure that the unique coastal environment and cultural values are recognised and protected; and the certainty sought by the community represented by Omaha South Community Incorporated is achieved.

11.5 The amended provisions ensure that:

- a. the defined objectives and policies provide specific recognition and protection of the environmental and cultural values of the community
- b. the specific design and form of development and subdivision is maintained and will ensure that the adverse effects from such activities are mitigated
- c. the replacement of the PAUP Table 1 'Density' with the legacy maximum percentage of dwellings within each residential development/subdivision type is critical as the design of Omaha South was based on a range of development/subdivision types, namely Large Lot, Medium Lot, Small Lot and Cluster Housing. This provides diversity within each sub-precinct (previously 'neighbourhood'). Each 'type' can exist within each sub-precinct provided the percentages are not exceeded. The Table should read:

Rule 4.1 (previously Table 1 in the notified PAUP)

<b><u>Sub-precinct-Subdivision Type</u></b>	<b><u>Density-Maximum percentage of dwellings</u></b>
<del>Sub-precinct A-Type A (Large Lot)</del>	<del>One dwelling per 450m<sup>2</sup> net site area 60%</del>
<del>Sub-precinct B-Type B (Medium Lot)</del>	<del>One dwelling per 600m<sup>2</sup> net site area 50%</del>
<del>Sub-precinct C-Type C (Small Lot)</del>	<del>One dwelling per 1100m<sup>2</sup> net site area 40%</del>
<del>Sub-precinct D-Type D (Cluster Housing)</del>	<del>One dwelling per 300m<sup>2</sup> 50%</del>

11.6 I do not support the amendment of '5.29 Omaha South Precinct description' by Omaha Beach Community Incorporated (2970-2) detailing methodology as it is not consistent with precinct descriptions in the PAUP. The wording for precinct descriptions should be short, concise and limited to the:

- a. location
- b. the purpose of the precinct by identifying broad outcomes/differences from the zone

11.7 I consider the wholesale replication of the existing Special Purpose Zone Special 16 (Omaha South) Development zone is not necessary as many provisions have been replicated in the PAUP albeit they have been rewritten or reformatted to fit the style of the PAUP.

11.8 The PAUP has a range of provisions which manage the form and location of activities in order to reduce their impact on the environment, as well as controls on amenity and do not need to be replicated within the Precinct provisions. For instance, I do not

consider that provisions relating to public open space and associated activities such as watch towers are necessary within the Precinct as all of the public open space within the Precinct has been vested in Auckland Council and it is assumed that related activities will continue to be provided for, and controlled by the provisions of the Open Space zones that now apply.

- 11.9 Sundee Investments Limited (6605-2) seeks that the Omaha South Sub-precinct E only applies to the part of the site proposed as Neighbourhood Centre zone. [submission 6605-1 seeks that approximately 600m<sup>2</sup> of the eastern part of the Sub-precinct E is changed to a Single House zone while the rest of the western part [the subject of submission 6605-2] of the site remains Neighbourhood Centre zone]. I do not support submission points 6605-1 and 2 as the purpose of the Precinct is to manage residential and small scale commercial development to ensure it is sustainable and complements the coastal character and landscape values. Additional development within Omaha South is restricted because of wastewater and stormwater discharge constraints, potential effects on the Omaha aquifer and the kahikatea forest/wetland. The development cap is set with a total number of dwellings of 600 and any activity that does not comply with this rule is a non-complying activity.
- 11.10 Additional housing will undermine the purpose of the precinct and potentially increase wastewater volumes through changing usage (change from commercial to residential dwellings) and clustering of site disposal systems could lead to adverse impacts on the water quality and amenity values of the community. Potential effects include eutrophication of waterbodies and odour. The approach is consistent with the Independent Hearings Panel's Interim Guidance on "Best practice approach to rezoning, precincts and changes to the RUB" dated 31 July 2015 which states:
- Zoning boundary changes recognise the availability or lack of major infrastructure e.g. water, wastewater, stormwater, roads*
- 11.11 The retention of the Neighbourhood Centre zone is consistent with the recommendation by my colleague Mr Ryan Bradley who is assessing submission 6605-1 by Sandee Investments Limited to rezone the Neighbourhood Centre zone to Single House zone. I concur with Mr Bradley's reasoning that the Neighbourhood Centre zone has been identified as the commercial hub for Omaha that provides for limited small scale commercial activities to meet local and tourist needs. The zone is to service the settlement now and into the future, and it is premature to remove the zoning at this point in time as Omaha is still a growing settlement. Many sites in



Omaha have yet to be built on and as transport links improve e.g. roads of national significance, Omaha will become a more attractive place to live and commute from. This will increase the population (both seasonal and permanent) that rely on this commercial area for local needs.

11.12 Sandee Investments Limited (6605 – 3 and 4) also seeks that the Neighbourhood Centre zone be amended to allow dwellings to be located at ground floor within the Omaha South Sub-precinct E; alternatively amend Rule 4.11.1 'Residential at ground floor'. I consider it inappropriate to amend Rule 4.11.1 as its purpose is to:

- a. protect the ground floor of buildings within centres for commercial use
- b. avoid locating activities that require privacy on the ground floor of buildings.

11.13 Having regard to the requirements of section 32 and 32AA of the RMA and the other statutory criteria of the RMA outlined in the evidence of Mr Duguid and the matters raised by submitters, I consider that the proposed set of provisions as marked up in **Attachment B** are appropriate because the amended provisions derived from the legacy Auckland Council – Operative Rodney District Council Section recognises the uniqueness of the Omaha South precinct in particular:

- a. definitive and directive legacy objectives and policies that recognise and protect the environmental values of the Omaha coastal environment, kahikatea forest, wetland and Omaha aquifer
- b. legacy policies and controls for heritage (formerly archaeological) sites afford greater controls as sites have been surveyed and recorded on land titles, and an agreed process with local iwi has operated for many years
- c. legacy controls have specific regard to wastewater and stormwater soakage disposal, archaeological sites, earthworks, potable water and design guidelines
- d. maximum dwelling limits and density within each residential development/subdivision type provides diversity within the Precinct
- e. legacy development and subdivision Types have directed the pattern and form of development and building typology. These controls are reinforced by a unique procedure set up by the Omaha Beach Residents Society Incorporated which requires that any development obtains Design Control Approval from the Design Control Committee. Also, the specific controls that

have been added to the PAUP enable diversity within each neighbourhood (or sub-precinct) and enable each to retain ocean views. Both make up the amenity and character of Omaha South.

## 12. CONCLUSIONS

- 12.1 I have considered the submissions received on the Omaha South precinct. I consider the proposed set of provisions, as marked up in **Attachment B** most appropriately meet the purpose of the Act.

Debra Yan

26 January 2016

## ATTACHMENT A: CURRICULUM VITAE

### Career Summary

Rodney District Council, 1988 to 1990 – Assistant Planner

- Policy input into Plan Changes and review of District Plan
- Resource consent (land use and subdivision) assessments including hearing attendance and drafting of decisions

Auckland City Council, 1990 to 1991 and Papakura District Council, 1991 to 1995 – Planning Officer

- Resource consent (land use and subdivision) assessments including hearing attendance and drafting of decisions

Ministry for the Environment (Secondment), 1994 – Environmental Analyst

- Reviewed the Proposed Waikato Regional Policy Statement
- Researched and drafted responses to Ministerial Correspondence for the Minister

Auckland Regional Council,

1996 to 1998 – Resource Planner – Resource Quality and Water Resources

- Policy and statutory analysis, advised on air, water quality and allocation
- Advised on plans, central and local government statutory instruments
- Negotiated and resolved water quality and allocation and air appeals to the Auckland Regional Policy Statement
- Drafted and made operative the Regional Plan Farm Dairy Discharges

1998 – 2010 – Strategic Policy Analyst, Land and Water

- Policy analysis, plan preparation and review of land and water management issues.
- Project management, researched and key author of the Regional Plan Air, Land and Water (ALWP) including Chapter 5: 'Discharges to Land and Water and Land Management'
- Managed appeals and process leading to making the ALWP operative
- Strategy advice on statutory processes and policy including future implementation of the National Policy Statement for Freshwater Management

Auckland Council, 2010 – present – Principal Planner, Unitary Plan

- Work stream lead for Natural Environment provisions. Responsible for the development of air, land, water and biodiversity provisions for the Proposed Auckland Unitary Plan.
- Lead Planner for Natural Resources Regional Policy Statement Issues and Water provisions

**Qualifications**

Bachelor of Town Planning

## ATTACHMENT B: Track changes for Omaha South Precinct

### Editorial notes:

Council's proposed changes are shown in ~~strike through~~ and underline

Black text changes record amendments proposed in track changes version

**Yellow highlighted text changes** record amendments that are considered to be outside the scope of submissions

**Grey highlighted text changes** records amendments that are consequential amendments from previous hearings/evidence.

PART 2 - REGIONAL AND DISTRICT OBJECTIVES AND POLICIES»Chapter F: Precinct objectives and policies»5 North»

### 5.29 Omaha South

#### Precinct description

The underlying zoning of land within this precinct is Neighbourhood Centre, Single House and Mixed Housing Suburban. Refer to the planning maps for the location and extent of the precinct.

The Omaha South precinct applies to land south of Broadlands Drive at Omaha. ~~The underlying zones for the precinct are Neighbourhood Centre, Single House and Mixed Housing.~~ The purpose of the precinct is to manage residential and small scale commercial development in a sensitive coastal location to ensure it is sustainable and complements the special coastal character and landscape values of the area.

Comment [DCY1]: 2970-2

The precinct limits the total number of dwellings that can be developed, due to the sensitive coastal location, the need to protect the Omaha aquifer and the associated kahikatea forest and wetland, the need to maintain the amenity of the area, and the wastewater and stormwater soakage constraints, ~~because of wastewater infrastructure and on-site soakage constraints. In addition, it manages stormwater discharge effects from development to minimise adverse effects on the Omaha groundwater aquifer and the adjacent kahikatea forest/wetland~~

Comment [DCY2]: 2970-2

The development cap in the precinct is managed by applying minimum site size and density controls across five different sub-precincts (A-E). The cap is also supported by limiting the opportunity to convert any dwelling into two dwellings.

This will be achieved through enabling a range of residential development types (from cluster housing to large lot development), with an upper limit on the proportion of each type that can occur, and an absolute limit of 600 household units specified for the entire precinct. This maximum number is also achieved by limiting the opportunity to convert any dwelling into two or more dwellings.

Comment [DCY3]: 2970-2

Development in close proximity to the foredune area of Omaha Beach is limited by a 'dune protection area' line so that buildings do not dominate the foredune area and residential properties can achieve a reasonable sharing of views of Omaha Beach.

Comment [DCY4]: 2970-2

Omaha South has a number of sites of significance to Mana Whenua. The precinct identifies these sites and their values and applies additional controls to ensure that:

- they are protected from effects of subdivision and development
- landowners are aware of their responsibilities in relation to those sites, via protective covenants on Certificates of Title when applicable.

Comment [DCY5]: 2970-2

Omaha South precinct has five six sub-precincts as identified in the planning maps precinct plan.

Sub-precincts A – DE provide for residential activities and allow for comprehensive development of large areas within the Omaha South precinct. Sub-precinct E F provides for commercial activities.

Comment [DCY6]: 2970-2

### Objectives

The underlying zones and Auckland-wide objectives are as listed in the relevant underlying zones apply in this precinct. in addition to those specified below:

1. The wastewater capacity constraints are managed by limiting the total number of residential dwellings in the Omaha South precinct to 600 dwellings.
2. The coastal character and amenity of the Omaha South precinct and surrounding landscape are respected and enhanced, while providing for limited coastal residential and small-scale commercial development.
3. The natural coastal environment, kahikatea forest and wetland and Omaha aquifer are not compromised by the adverse effects of stormwater, wastewater discharges and earthworks which could arise as a result of urban development.

Comment [DCY7]: 2970-2

Comment [DCY8]: 2970-2

Comment [DCY9]: 2970-2

Comment [DCY10]: 2970-2

3A. The wastewater capacity and stormwater soakage constraints are managed.

Comment [DCY11]: 2970-2

4. The cultural values and relationship of Mana Whenua with the Omaha Spit South are recognised and provided for.
5. Buildings heights in the commercial precinct are limited to complement the low rise character of the Omaha South settlement.

5A. The functioning of the dune system as mitigation against coastal hazards is protected, while providing for limited coastal residential and small-scale commercial development.

Comment [DCY12]: 2970-2

5B. Public access to and along the coastal edge of Little Omaha Bay is maintained or enhanced without detracting from the functioning of the coastal environment, the dune system and associated ecosystems.

Comment [DCY13]: 2970-2

### Policies

The policies are as listed in the relevant underlying zones and Auckland-wide policies apply in this precinct. in addition to those specified below:

1. Manage the intensity density of development across the precinct to ensure an equitable distribution of the housing cap and achieve a range of site sizes and dwellings occurs in the different sub-precincts, through the application of different residential development types, with an upper limit on the proportion of each type that can occur.

Comment [DCY14]: 2970-2

1A. Manage development so as to protect the kahikatea forest and wetland adjoining the Whangateau Harbour as identified in the Precinct Plan.

Comment [DCY15]: 2970-2

2. Provide environmentally appropriate infrastructure to manage the effects of wastewater and stormwater discharge. and protect the quantity and quality of water in the Omaha aquifer. **Comment [DCY16]:** 2970-2
3. Discourage the conversion of any dwelling into two or more dwellings to avoid exceeding the ~~development cap~~ specified limit of 600 dwellings ~~on~~ for the precinct. **Comment [DCY17]:** 2970-2
4. Require buildings to be sited and designed to:
- ~~a. retain significant native vegetation and ensure sufficient space is available to allow for additional planting between buildings~~
  - a. prevent overshadowing of adjacent outdoor living areas and buildings
  - b. maintain the level of visual and aural privacy currently experienced within adjacent properties **Comment [DCY18]:** 2970-2
  - c. achieve an overall compatibility in building scale and design
  - d. not detract from the level of natural character experienced on the beach in Little Omaha Bay **Comment [DCY19]:** 2970-2
  - b. e. complement the coastal character of the area and the cultural and natural features of Little Omaha Bay and the Whangateau Harbour
  - e. f. achieve a reasonable sharing of views of the coast from properties located to the rear of sites inside the Beach amenity protection line as shown in the precinct plan. **Comment [DCY20]:** 2970-2
5. Manage development so it will not compromise the functioning of coastal processes in Little Omaha Bay or Whangateau Harbour, or substantially alter existing landforms. **Comment [DCY21]:** 2970-2
6. Avoid locating development ~~in areas susceptible to coastal erosion~~ to the east of the Dune Protection Area line, as shown in the Precinct Plan. **Comment [DCY22]:** 2970-2
7. Acknowledge and respect sites that are significant important to Mana Whenua. **Comment [DCY23]:** 2970-2
- 7A. Manage development so it will not destroy, alter, or damage any site that has been identified, surveyed and recorded on certificates of titles as being of importance to Mana Whenua, and require development to comply with an agreed protocol with Mana Whenua. **Comment [DCY24]:** 2970-2
8. Limit building heights in the commercial sub-precinct ~~EF~~ to complement adjacent residential development.
- 8A. Ensure public access to and along the coastal marine area of Little Omaha Bay is maintained or enhanced without detracting from the functioning of the coastal environment, the dune system and associated ecosystems. **Comment [DCY25]:** 2970-2

## PART 3 - REGIONAL AND DISTRICT RULES»Chapter K: Precinct rules»5 North»

## 5.29 Omaha South

The activities, controls and assessment criteria in the underlying Neighbourhood Centre, Single House and Mixed Housing, zones and Auckland-wide rules apply in the following precinct unless otherwise specified below. Refer to planning maps for the location and extent of the precinct and sub-precincts.

The underlying zoning of land within this precinct is Neighbourhood Centre, Single House, Mixed Housing Suburban. Refer to the planning maps for the location and extent of the precinct.

The provisions in Chapter I for the underlining zones and Auckland-wide provisions of Chapter H apply in this precinct unless otherwise specified below.

The rules in this section implement the objectives and policies in Chapter F, section 5.29 Omaha South.

## 1. Activity table

The activities, controls and assessment criteria in the underlying zone apply in the following precinct unless otherwise specified below.

The underlying zones and Auckland – wide activity tables apply in this precinct unless otherwise specified below.

Activity	Activity status					
	Sub-precinct A	Sub-precinct B	Sub-precinct C	Sub-precinct D	Sub-precinct E	Sub-precinct F
<b>Residential</b>						
Conversion of a dwelling into a maximum of two or more dwellings	NC	NC	NC	NC	NC	NC
Five or more dwellings per site in sub-precinct D	na	na	na	RD	na	na
Visitor accommodation instead of, or in conjunction with Type D (cluster housing) Residential Subdivision	RD	RD	RD	RD	RD	na
<b>Commerce</b>						
Offices within Sub-precinct F	na	na	na	na	na	P
Restaurants within sub-precinct F	na	na	na	na	na	RD
Shops within Sub-precinct F	na	na	na	na	na	P
<b>Development</b>						
Accessory buildings	RD	RD	RD	RD	RD	RD



<b>Subdivision</b>						
Type A (Large Lot) Residential / Subdivision	RD	RD	RD	RD	RD	na
Type B (Medium Lot) Residential / Subdivision	RD	RD	RD	RD	RD	na
Type C (Small Lot) Residential / Subdivision	RD	RD	D	D	D	na
Type D (Cluster Housing) Residential / Subdivision	RD	RD	RD	RD	RD	na
Subdivision for the creation of commercial lots	na	na	na	na	na	RD

## 2. Land use controls

- The land use controls in the relevant underlying zone apply in the Omaha South precinct unless otherwise specified below. The underlying zones and Auckland – wide land use controls apply in this precinct, unless otherwise specified below.

### 2.1 Development cap Maximum dwelling limit

Comment [DCY26]: 2970-2

- The total number of dwellings within the precinct must not exceed 600.
- Any activity that does not comply with this rule clause 1 above is a non-complying activity.

### 2.2 Density

- The number of dwellings on a site must not exceed the limits specified below:

Table 4

<b>Sub-precinct</b>	<b>Density</b>
Sub-precinct A	One dwelling per 450m <sup>2</sup> net site area
Sub-precinct B	One dwelling per 600m <sup>2</sup> net site area
Sub-precinct C	One dwelling per 1100m <sup>2</sup> net site area
Sub-precinct D	One dwelling per 300m <sup>2</sup>

- Development that does not comply with this rule is a discretionary activity.

### 2.2 Maximum dwelling density and dwellings per building

Table 1A

<b>Development type</b>	<b>Maximum dwelling density</b>	<b>Maximum dwellings per building</b>
Type A (Large Lot)	1 dwelling per site	1

Type B (Medium Lot)	1 dwelling per site	1
Type C (Small Lot)	1 dwelling per site	1
Type D (Cluster Housing)	1 dwelling per 300m <sup>2</sup> of gross site area	6
Visitor accommodation		6

### 3. Development controls

- The development controls in the relevant underlying zone apply in the Omaha South precinct unless otherwise specified below. The underlying zone development controls and Auckland-wide controls apply in this precinct, unless otherwise specified below.
- Development that does not comply with clauses 3.1 - 3.15 below is a discretionary activity.

#### 3.1 Building height

- Buildings must not exceed a height of 7.5m in sub-precincts A, B, C, D and E, except the following maximum height limits will apply to development in Type D (Cluster Housing) Sub-precinct E:
  - second floor level: 7.0m
  - buildings: 12.0m.
- Accessory buildings for residential activities must not exceed a height of 5m.
- Accessory buildings for commercial activities must not exceed a height of 6m.

Comment [DCY27]: 2970-2

Comment [DCY28]: 2970-2

#### 3.2 Yards

Comment [DCY29]: 2970-2

Table 2

Sub-precinct	Minimum yard
A	Side: 1.5m Rear: 5m
B	Side: 2m Rear: 7.5m
C	Side: 5m Rear: 10m
D	Side: 7.5m Rear: 7.5m

- Accessory buildings must comply with the following minimum yards:

- side: 1.5m
- rear: 1.5m

Table 2 Yards for residential activities

Yard	Type A (Large Lot)	Type B (Medium Lot)	Type C (Small Lot)	Type D (Cluster Housing)	Accessory buildings to Types A to D
Front	5m	7.5m	2.5m	7.5m	5.0m
Side	5m	2.0m	1.5m	7.5m	1.5m
Rear	10m	7.5m	5.0m	7.5m	1.5m

1. Visitor accommodation must provide a front, side and rear yard. Each yard must have a minimum depth of 7.5m.
2. Commercial activities adjoining a residential sub-precinct must provide a front yard with a minimum depth of 1m
3. Commercial activities adjoining a residential sub-precinct must provide a rear yard with a minimum depth of 5m
4. Offices adjoining a residential sub-precinct must provide a side yard with a minimum depth of 1m
5. Restaurants adjoining a residential sub-precinct must provide a side yard with a minimum depth of 5m
6. Accessory buildings for visitor accommodation and commercial activities must provide a front and side yard. Each yard must have a minimum depth of 1m
7. Accessory buildings for visitor accommodation and commercial activities must provide a rear yard with a minimum depth of 5m.

Comment [DCY30]: 2970-2

### 3.3 Floor area ratio

Table 1B

Development	Floor area ratio
Type A (Large Lot)	1:0.37
Type B (Medium Lot)	1:0.40
Type C (Small Lot)	1:0.50
Type D (Cluster Housing)	1:0.45
Visitor accommodation including accessory buildings	1:0.50
Commercial activities	1:1

Comment [DCY31]: 2870-2

### 3.34 Earthworks Land disturbance activities

1. The Auckland-wide Land Disturbance controls apply in this precinct, unless otherwise specified below.
- 1A. Within an area extending from the coastal hazard line dune protection area line to a parallel line drawn 75m inland (westward) shown in the precinct plan, there must be:
  - a. no sediment extraction
  - b. no earthworks land disturbance that exceeds a site area of 20m<sup>2</sup> when added cumulatively over time
2. Where earthworks land disturbance occurs within the area described in 1A, above, the disturbed or modified area must be revegetated with native ground cover appropriate to the coastal environment:
  - a. Ground cover must be planted in the planting season immediately following completion of the earthworks land disturbance activity
  - b. The disturbed area must be protected from wind erosion in the intervening period between completion of the earthworks land disturbance activity and planting of new vegetation.

### 3.45 Stormwater management On-site stormwater soakage area

1. An on-site **stormwater discharge** soakage area equal to or exceeding the following requirements must be provided for each new dwelling in the following sub-precincts:
  - a. 17m<sup>2</sup> in sub-precinct A
  - b. 21m<sup>2</sup> in sub-precinct B
  - c. 38m<sup>2</sup> in sub-precinct C
  - d. 10m<sup>2</sup> in sub-precinct D.
2. This rule does not apply to any dwellings on land south of the soakage area line shown on the precinct plan.

**3.56 Archaeological Heritage sites**

1. **Archaeological Heritage** sites shown on the Precinct Plan 1 Omaha South precinct:
  - a. must not be disturbed, modified, altered or destroyed
  - b. must be protected by covenants attached to the certificates of title for the land on which they are located
  - c. must be permanently demarcated with rocks and / or vegetation cover

Comment [DCY32]: 2970-2

**3.6 Trees**

1. ~~No native tree exceeding 3m in height must be removed or damaged.~~

**3.7 Beach amenity protection line**

1. ~~No B~~ buildings or structures on a site or part of a site that is east of the beach amenity protection line shown on the precinct plan must not exceed 6m in height.

**3.8 Beach access**

1. ~~Where public pedestrian access to Little Omaha Bay is provided across the foredune, the points of access must be defined on any land use consent application lodged, and boardwalks or approved pathways must be constructed to provide the required access.~~

Comment [DCY33]: 2970-2

**3.9 Potable water supply**

1. ~~Potable water supply using on site tanks with a storage capacity equal to or exceeding the following requirements must be provided:~~
  - a. ~~56.8m<sup>3</sup> (or 12,500 gallons) for every shop, office or restaurant~~
  - b. ~~68.16m<sup>3</sup> (or 15,000 gallons) for every building forming part of the complex which provides overnight visitor accommodation~~
  - c. ~~22.72m<sup>3</sup> (or 5,000 gallons) where the dwelling roof catchment does not exceed 100m<sup>2</sup>; or~~
  - d. ~~45.44m<sup>3</sup> (or 10,000 gallons) where the dwelling roof catchment is between 100m<sup>2</sup> and 200m<sup>2</sup>; or~~
  - e. ~~68.16m<sup>3</sup> (or 15,000 gallons) where the dwelling roof catchment exceeds 200m<sup>2</sup>.~~

Comment [DCY34]: 2970-2

**3.10 Building coverage**

Table 2A

Development Type	Maximum building coverage
Type A (Large Lot)	33%

Comment [DCY35]: 2970-2

Type B (Medium Lot)	30%
Type C (Small Lot)	40%
Type D (Cluster Housing)	40%
Visitor accommodation	40%
Commercial activities	70%

### 3.11 Gross floor area

- Gross floor area of accessory buildings in Type A, B, C or D must not exceed 60m<sup>2</sup>.

Comment [DCY36]: 2970-2

### 3.12 Separation between buildings within a site

- Building separation must be provided in the following:
  - 5m for development in Type D (Cluster Housing)
  - 1.5m for accessory buildings to Type A, B, C or D.

Comment [DCY37]: 2970-2

### 3.13 Outdoor living court, service area (ground floor units only) and balcony requirement (first floor units only)

- Type D (Cluster Housing) must provide:
  - an outdoor living court (ground floor units only) of 20m<sup>2</sup> with a minimum dimension of 4m by 5m
  - a service area (ground floor units only) of 15m<sup>2</sup> with a minimum dimension of 5m by 2m and a 1.8m high solid fence around the service area
  - a balcony (first floor units only) of 6m<sup>2</sup> with a minimum dimension of 3m by 2m.

Comment [DCY38]: 2970-2

### 3.14 Building separation from underground private/public network utilities

- A 1m minimum building separation from underground private/public network utilities excluding household connections in Type A, B, C or D must be provided.

Comment [DCY39]: 2970-2

### 3.15 Veranda requirement

- Commercial buildings with a continuous frontage to a formed legal road must provide a 2.5m wide, 3m high veranda.

## 4. Subdivision controls

The subdivision controls in the Auckland wide – [Subdivision](#) rules apply in the Omaha South precinct unless otherwise specified below.

Comment [DCY40]: 2970-2

- The subdivision controls in the Auckland – wide rules – Neighbourhood Centre, Single House, Mixed Housing Suburban Subdivision applies in the Omaha South Precinct, unless otherwise specified below.
- Development that does not comply with ~~this~~ rule 4.1 is a discretionary activity.

#### 4.1 Density

1. The mix of dwellings shall not exceed the percentages specified below:

Table 1

Subdivision Type	Maximum percentage of dwellings
Type A (Large Lot)	60%
Type B (Medium Lot)	50%
Type C (Small Lot)	40%
Type D (Cluster Housing)	50%

2. Development that does not comply with clause 1 above is a discretionary activity.

3. The Subdivision Types listed in the Table above are defined as:

Type A (Large Lot) subdivision is characterised by large fee simple lots (of more than 1,100m<sup>2</sup> in area).

Type B (Medium Lot) subdivision is characterised by 600 - 1,100m<sup>2</sup> fee simple lots.

Type C (Small Lot) subdivision is characterised by smaller fee simple lots (of at least 450m<sup>2</sup> in area).

Type D (Cluster Housing) subdivision is characterised by intensive unit titles occurring within fee simple parent titles no smaller than 1,800m<sup>2</sup> in area. The area and facilities falling outside of the unit titles area, but within the parent title are to be "common area" owned and administered by a body corporate.

Comment [DCY41]: 2970-2

#### 4.4-2 Site size, Frontage, Shape factor

1. The minimum site size for must not exceed the site areas specified in the table below:

Table 2

Subdivision	Sub-precinct Minimum site area	Minimum site size frontage (front and corner sites only)	Shape factor
Type A (Large Lot)	A-1100m <sup>2</sup>	450m <sup>2</sup> -15m	15m x 15m square
Type B (Medium Lot)	B-600m <sup>2</sup>	600m <sup>2</sup> -10m	15m x 15m square
Type C (Small Lot)	C-450m <sup>2</sup>	1100m <sup>2</sup> -7.5m	10m x 10m square
Type D (Cluster Housing) and Visitor Accommodation	D-1800m <sup>2</sup>	1800m <sup>2</sup> -20m	na
Commercial activities	400m <sup>2</sup>	6m (front and corner sites only)	na

Comment [DCY42]: 2970-2

#### 5. Assessment - Restricted discretionary activities

### 5.1 Matters of discretion

For development that is a restricted discretionary activity in the Omaha South precinct, the council will restrict its discretion to the following matters, in addition to the matters specified for development in the relevant underlying zone and Auckland-wide rules:

1. Landscape, landform modification and earthworks
2. Building height and setbacks
3. Beach amenity protection line
4. ~~Stormwater management~~ On-site stormwater soakage area
5. ~~Trees and native vegetation~~
6. ~~Archaeological~~ Heritage sites.

Comment [DCY43]: 2970-2

### 5.2 Assessment criteria

For development that is a restricted discretionary activity in the Omaha South precinct, the following assessment criteria apply in addition to the criteria specified for development in the relevant underlying zone and Auckland-wide rules:

1. Landscape, landform modification and earthworks
  - a. The location and construction of the building should minimise modifications to the landscape and should include planting of coastal species that are indigenous to the area to enhance amenity values and the coastal character of the Omaha South precinct.
  - b. Earthworks should be minimised and not cause or contribute to foredune coastal erosion along Omaha Beach.
  - c. Any earthworks or the removal of vegetation should not have an adverse effect on the land or any stream, river or CMA; and should be mitigated by appropriate planting of coastal species that are indigenous to the area.
2. Building height and setbacks
  - a. Building heights should complement the coastal character and amenity of the Omaha South area.
  - b. Yard setbacks should maintain the spacious character of existing development in the residential sub-precincts.
3. Beach amenity protection line
  - a. Buildings in close proximity to the foredune of Omaha Beach should be of a scale and design that does not detract from the character and amenity of the coastal environment.
  - b. The siting and design of a building should ensure that the height of the building does not dominate and excessively shade the foredune area, while achieving a reasonable sharing of views of the coast by properties to the rear.
4. ~~Stormwater management~~ On-site stormwater soakage area
  - a. The adverse effects associated with additional stormwater runoff should be mitigated using best practice stormwater management design.
  - b. Development should not result in erosion or flooding of the site or adjacent sites, and should not adversely affect land stability, overland flow paths or other stormwater runoff that may cause flooding.
5. ~~Trees and native vegetation~~
  - a. ~~Existing trees and native vegetation should be retained wherever possible to complement and enhance the character of the Omaha South area.~~

- b. ~~Vegetation should be removed only where one of the following circumstances applies:~~
- i. ~~a practicable building site, access, parking area or installation of infrastructure cannot otherwise be achieved~~
  - ii. ~~there are no alternative design options or variations that will allow the vegetation to be retained~~
  - iii. ~~a qualified arborist has determined that the vegetation is structurally unsound or dying due to a disease~~
  - iv. ~~the removal of the tree is beneficial to the health and growth of existing more appropriate trees on the site, taking into account the size, appearance, health and condition of those existing trees.~~

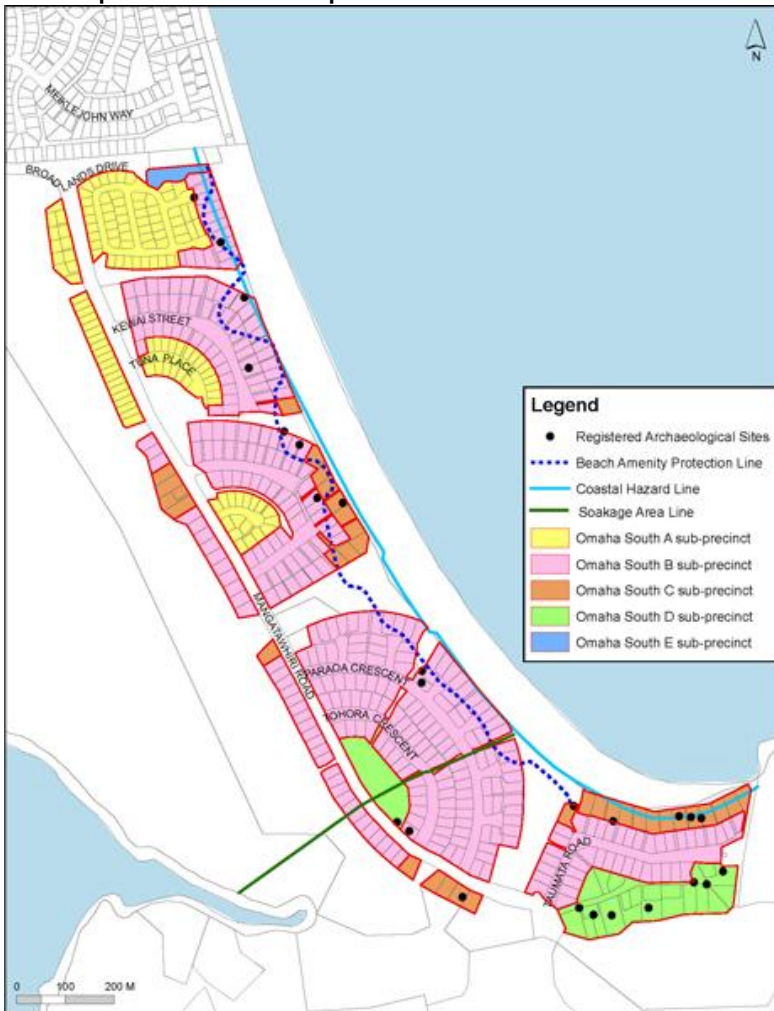
6. Archaeological Heritage sites

- a. Where an archaeological site is identified on a residential site, it should be protected by permanent demarcation with rocks and/or vegetation. Whether the proposal avoids adverse effects on any heritage site identified on certificate of titles
- b. The extent to which any adverse effects on a heritage site are avoided, remedied or mitigated.



6. Precinct plan

Precinct plan 1: Omaha South precinct



6A. Precinct plan



Omaha South : Precinct plan 1



# **ATTACHMENT 4**

## **Reporting Planner Qualifications and Experience**





## CURRICULUM VITAE

<b>NAME</b>	Andrew Charles Wilkinson
<b>POSITION</b>	Planning Consultant / Director Scott Wilkinson Planning Limited
<b>QUALIFICATIONS</b>	Bachelor of Planning (Hons), University of Auckland (1998)  Certified Independent Commissioner Ministry for the Environment (2021)
<b>MEMBERSHIPS</b>	New Zealand Planning Institute (2003) Resource Management Law Association



### WORK EXPERIENCE

I have over 23 years planning experience. My areas of expertise include:

#### ***Planning Assessments***

The assessment of complex land use and regional resource consent applications on behalf of the Auckland Council including residential, subdivision, business, heritage, air discharge, infrastructure and coastal developments.

Assessment of Notices of Requirement and Outline Plan of Work applications on behalf of the Auckland Council.

Provision of expert planning evidence for applications that proceed to the Environment Court for Auckland Council.

#### ***Development Planning***

Preparation, peer review and co-ordination of policy submissions and planning applications nationwide for private sector clients.

Assist clients with development feasibility studies, and the preparation of both streamlined and complex land use resource consent applications, including the coordination of specialist inputs in the preparation of complex proposals.

Experience in leading applications through Council hearings and provision of expert evidence at the Environment Court for clients.

#### ***Submitters Representation***

Preparation of submissions and attendance in support of submissions at District and Regional Council hearings and attendance at Environment Court mediation on both policy and resource consent related matters.

### ***Conservation Planning and Advice***

Planning advice on operations and activities undertaken by the Department of Conservation on the Conservation Estate.

#### **EMPLOYMENT HISTORY**

2014 - Present  
2005 - 2014  
1999 - 2005  
1998 - 1999

Director / Planning Consultant - Scott Wilkinson Planning Limited  
Partner / Planning Consultant - Blakey Scott Planning Limited  
Planning Consultant - Harrison Grierson Consultants Limited  
Planner - Auckland City Environments

#### **REFEREES**

Available upon request

# Making Good Decisions

A training, assessment and certification programme for Resource Management Act decision-makers

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This certificate recognises that

## Andrew Wilkinson

has successfully completed the competencies required by the Making Good Decisions Chair Recertification Programme.



**Vicky Robertson**

Secretary for the Environment  
Ministry for the Environment



**Stuart Crosby**

President  
Local Government New Zealand

Awarded on: **21/12/2021**

This certificate is valid until: **31/12/2026**







# **ATTACHMENT 5**

## **Local Board Minutes**



### 13 Local board views on plan change 84 (private) for Omaha South

Austin Fox – Senior Policy Planner was in attendance for this item.

Resolution number RD/2022/8

MOVED by Deputy Chairperson L Johnston, seconded by Member M Dennis:

**That the Rodney Local Board:**

- a) **support the intentions of Plan Change 84 by the Omaha Beach Residents' Society for land contained within the Omaha South Precinct (I528), Omaha to resolve inconsistency in the application of yard requirements, where the current Auckland Unitary Plan definition of yards is leading to unintended outcomes, requiring additional consents, and which is generally not compatible with the site shapes of land within the Omaha South Precinct.**

**CARRIED**

Note: With the agreement of the local board Item 14: Local board feedback on Auckland Unitary Plan Changes 78-83, was deferred to later in the meeting.

From this point forward, agenda items were taken in the following order:

Item

- 15 Landowner approval and licence to occupy for a storage container at Warkworth Showgrounds
- 16 Auckland Council's Performance Report: Rodney Local Board for quarter one 2022/2023
- 17 Appointment of local board members to Kaipara Moana Remediation Joint Committee and Te Poari o Kaipātiki ki Kaipara
- 18 Community hall fees and charges variation delegation
- 20 Rodney Local Board workshop records
- 21 Hōtaka Kaupapa – Policy Schedule (Governance Forward Work Calendar)
- 14 Local board feedback on Auckland Unitary Plan Changes 78-83
- 18 Annual Budget 2023/2024 – feedback on regional topic for consultation

### 15 Landowner approval and licence to occupy for a storage container at Warkworth Showgrounds

Glenn Riddell – Senior Land Use Advisor was in attendance for this item.

Resolution number RD/2022/9

MOVED by Member C Smith, seconded by Member I Wagstaff:

**That the Rodney Local Board:**

- a) **approve the landowner approval application from the Cowboy Challenge North Auckland for the placement of a shipping container at Warkworth Showgrounds, 2 State Highway 1, Warkworth**



# **ATTACHMENT 6**

## **Submissions**



# Submission on a notified proposal for policy statement or plan change or variation

Clause 6A of Schedule 1, Resource Management Act 1991  
FORM 5



This plan change has limited notification under clause 5A(4)(b) of First Schedule, Resource Management Act 1991, making submissions under this clause limited to those given written notice of this plan change.

Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only
Submission No:
Receipt Date:

## Submitter details

**Full Name or Name of Agent (if applicable)**

Mr/Mrs/Miss/Ms(Full Name) \_\_\_\_\_

**Organisation Name (if submission is made on behalf of Organisation)** \_\_\_\_\_

**Address for service of Submitter** \_\_\_\_\_

Telephone:  Fax/Email:

Contact Person: (Name and designation, if applicable) \_\_\_\_\_

## Scope of submission

**This is a submission on the following proposed plan change / variation to an existing plan:**

Plan Change/Variation Number

Plan Change/Variation Name

**The specific provisions that my submission relates to are:**

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Or  
Property Address

Or  
Map

Or  
**Other (specify)** \_\_\_\_\_

## Submission

**My submission is:** (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes  No

The reasons for my views are:

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(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

Accept the proposed plan change / variation with amendments as outlined below

Decline the proposed plan change / variation

If the proposed plan change / variation is not declined, then amend it as outlined below.

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I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

\_\_\_\_\_  
Signature of Submitter  
(or person authorised to sign on behalf of submitter)

\_\_\_\_\_  
Date

**Notes to person making submission:**

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could  /could not  gain an advantage in trade competition through this submission.

**If you could gain an advantage in trade competition through this submission please complete the following:**

I am  / am not  directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.



**Submission on a notified proposal for policy statement or plan change or variation**

Clause 6A of Schedule 1, Resource Management Act 1991  
FORM 5



This plan change has limited notification under clause 5A(4)(b) of First Schedule, Resource Management Act 1991, making submissions under this clause limited to those given written notice of this plan change.

Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only
Submission No:
Receipt Date:

**Submitter details**

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

MRS Colleen Kenny

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

PO Box 90105, Victoria St West, Auckland 1142

Telephone:

021 610800

Fax/Email:

colleen@kennyproperties.co.nz

Contact Person: (Name and designation, if applicable)

**Scope of submission**

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 84

Plan Change/Variation Name

Amendment of Omaha South Precinct (1528)

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

[Empty box]

Or

Property Address

Residents of Omaha South Precinct Area

Or

Map

[Empty box]

Or

Other (specify)

**Submission**

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended

Yes  No

The reasons for my views are:

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(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

Accept the proposed plan change / variation with amendments as outlined below


Decline the proposed plan change / variation

If the proposed plan change / variation is not declined, then amend it as outlined below.

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

  
\_\_\_\_\_  
Signature of Submitter

(or person authorised to sign on behalf of submitter)

\_\_\_\_\_  
Date

14.9.22.

**Notes to person making submission:**

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

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If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could  / could not  gain an advantage in trade competition through this submission.

**If you could gain an advantage in trade competition through this submission please complete the following:**

I am  / am not  directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

# Submission on a notified proposal for policy statement or plan change or variation

Clause 6A of Schedule 1, Resource Management Act 1991  
FORM 5



This plan change has limited notification under clause 5A(4)(b) of First Schedule, Resource Management Act 1991, making submissions under this clause limited to those given written notice of this plan change.

Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only
Submission No:
Receipt Date:

## Submitter details

### Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) BC Munro & CE Munro

### Organisation Name (if submission is made on behalf of Organisation)

### Address for service of Submitter

12 Campbell Road Takapuna Auckland 0622

Telephone:  Fax/Email:

Contact Person: (Name and designation, if applicable)

## Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

Plan Change/Variation Name

### The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Or  
Property Address

Or  
Map

Or  
**Other** (specify)

## Submission

**My submission is:** (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes  No

The reasons for my views are:

Allows development to take place as was originally intended and very appropriate for this area

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- |   |                                     |     |
|---|-------------------------------------|-----|
| Accept the proposed plan change / variation   | <input checked="" type="checkbox"/> | 3.1 |
| Accept the proposed plan change / variation with amendments as outlined below             | <input type="checkbox"/>            |     |
| Decline the proposed plan change / variation  | <input type="checkbox"/>            |     |
| If the proposed plan change / variation is not declined, then amend it as outlined below. | <input type="checkbox"/>            |     |

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

09/19/2022

Signature of Submitter  
(or person authorised to sign on behalf of submitter)

Date

**Notes to person making submission:**

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could  /could not  gain an advantage in trade competition through this submission.

If you **could** gain an advantage in trade competition through this submission please complete the following:

I am  / am not  directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 84 - Derek and Christine Nolan  
**Date:** Tuesday, 20 September 2022 4:16:00 PM

---

The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: Derek and Christine Nolan

Organisation name:

Agent's full name:

Email address: derek@dereknolan.nz

Contact phone number: 0275 920872

Postal address:

PO Box 9668

Newmarket

Auckland 1149

#### **Submission details**

##### **This is a submission to:**

Plan change number: Plan Change 84

Plan change name: PC 84 (Private): Amendment of Omaha South Precinct (I528)

##### **My submission relates to**

Rule or rules:

The amendments to the yard provisions, especially for rear yards, to make the Omaha South Precinct yards more consistent with the legacy Rodney district plan .

The clarification that the Precinct rules prevail and there is no requirement to also comply with the rules of the underlying zones.

Property address: 33 Kokopu Street, Omaha South

Map or maps: Omaha South Precinct maps

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

We are the owners of a rear lot at Omaha South.

The amendments to the yards as proposed in the plan change will ensure continuation of the pattern of development that has applied in Omaha South, is more reasonable and effective than the current provisions and will avoid unnecessary resource consents to depart from the current provisions.

It is not reasonable nor necessary to apply the rules in the underlying zonings to development and use in the Omaha South Precinct and to do is inefficient. The rules in the Omaha South Precinct should be the only ones that apply in accordance with the amendments proposed in the plan change.

The amendments will benefit not just new houses still to be built on vacant lots, but renovations and

extensions of existing houses and re-development of sites with new houses following demolition of existing houses. The current rules impact adversely on all properties through unnecessary requirements to seek resource consent to depart from rules that were never intended to apply or which should not apply.

I or we seek the following decision by council: Approve the plan change without any amendments

4.1

Details of amendments:

Submission date: 20 September 2022

### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 84 - Andrew Reedy and Dr Jan Bryham  
**Date:** Monday, 3 October 2022 4:00:41 AM

---

The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: Andrew Reedy and Dr Jan Bryham

Organisation name: Bryham Reedy Family Trust

Agent's full name:

Email address: reedy@eim.ae

Contact phone number:

Postal address:

7 Ross Street

Remuera

Auckland 1050

#### **Submission details**

##### **This is a submission to:**

Plan change number: Plan Change 84

Plan change name: PC 84 (Private): Amendment of Omaha South Precinct (I528)

##### **My submission relates to**

Rule or rules:

Legacy district plan definition of yards for Omaha South be reinstated.

Property address: 32 Inanga Land, Omaha

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Legacy set back rules for Omaha South are well defined and relied upon for building and setback rules. They provide well defined protection and standards. We fully support the PPC application, and ask that the percent provisions rules, under which we purchased the plot, fully replace the underlying zone standards.

I or we seek the following decision by council: Approve the plan change without any amendments | 5.1

Details of amendments:

Submission date: 3 October 2022

#### **Attend a hearing**

Do you wish to be heard in support of your submission? No

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 84 - Carla Crabb  
**Date:** Monday, 3 October 2022 7:47:26 PM

---

The following customer has submitted a Unitary Plan online submission.

**Contact details**

Full name of submitter: Carla Crabb  
Organisation name:  
Agent's full name:  
Email address: crabbclan@xtra.co.nz  
Contact phone number:  
Postal address:

0793

**Submission details**

**This is a submission to:**

Plan change number: Plan Change 84  
Plan change name: PC 84 (Private): Amendment of Omaha South Precinct (I528)

**My submission relates to**

Rule or rules:  
PC84 Amendment of Omaha South Precinct (I528)

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

As it currently stands the ruling on rear yard set backs is not in keeping with the original intention when the subdivision was established. This is leading to some owners, particularly those on rear sites, needing to obtain resource consent for new builds, additions and alterations where this was not previously required. This is subjecting them to additional cost and delay with their building projects.

I or we seek the following decision by council: Approve the plan change without any amendments | 6.1

Details of amendments:

Submission date: 3 October 2022

**Attend a hearing**

Do you wish to be heard in support of your submission? No

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

## Harry Barnes

---

**From:** Unitary Plan  
**Sent:** Thursday, 6 October 2022 5:15 PM  
**To:** Unitary Plan  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 84 - Brett Carl Andrew Hyland

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Brett Carl Andrew Hyland

Organisation name:

Agent's full name:

Email address: [hylandnz@me.com](mailto:hylandnz@me.com)

Contact phone number:

Postal address:  
20 Paraoa Crescent  
Omaha  
Auckland 9868

### Submission details

#### This is a submission to:

Plan change number: Plan Change 84

Plan change name: PC 84 (Private): Amendment of Omaha South Precinct (I528)

#### My submission relates to

Rule or rules:  
Figure I528.6.9.1: Omaha South Precinct Identification of Front, Rear, and Side yards

I support this strongly to be included back into the Omaha South Precinct

Property address: 20 Paraoa Crescent

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:  
Figure I528.6.9.1: Omaha South Precinct Identification of Front, Rear, and Side yards, was included in the original Omaha South Building rules. This should have been carried over with the Unitary plan but in error was not. The unintentionally impact was that we are now left with unbuildable platforms on some sites and other sites are made to be outside of the normal and expected neighbourhood design. this diagram needs to be included in the Omaha South Precinct to bring it back inline with the intention of the subdivision.

I or we seek the following decision by council: Approve the plan change without any amendments | 7.1

Details of amendments:

Submission date: 6 October 2022

## Attend a hearing

Do you wish to be heard in support of your submission? No

## Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

## Harry Barnes

---

**From:** Unitary Plan  
**Sent:** Wednesday, 5 October 2022 9:16 AM  
**To:** Unitary Plan  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 84 - Chris Beswick

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Chris Beswick

Organisation name:

Agent's full name:

Email address: chris@asdesign.co.nz

Contact phone number:

Postal address:  
34 Te Mana Street  
Omaha  
North Auckland 0986

### Submission details

#### This is a submission to:

Plan change number: Plan Change 84

Plan change name: PC 84 (Private): Amendment of Omaha South Precinct (1528)

#### My submission relates to

Rule or rules:  
All Omaha south precinct legacy district plan rules.

Property address: omaha south precinct

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

I am an Architectural Designer and a property owner in Omaha South and believe the continuity of the legacy rules is very important to maintain fairness to property owners and the overall high quality of the Omaha south precinct. The legacy district plan rules have proven to be very effective for achieving a very high quality precinct.

I or we seek the following decision by council: Approve the plan change without any amendments

| 8.1

Details of amendments:

Submission date: 5 October 2022

## Attend a hearing

Do you wish to be heard in support of your submission? No

## Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

## Harry Barnes

---

**From:** Unitary Plan  
**Sent:** Thursday, 6 October 2022 5:00 PM  
**To:** Unitary Plan  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 84 - Fiona M Hyland

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Fiona M Hyland

Organisation name:

Agent's full name:

Email address: fiona.hyland@me.com

Contact phone number:

Postal address:  
20 Paraoa Crescent  
Omaha  
Auckland 0986

### Submission details

#### This is a submission to:

Plan change number: Plan Change 84

Plan change name: PC 84 (Private): Amendment of Omaha South Precinct (I528)

#### My submission relates to

Rule or rules:  
The inclusion of Figure I528.6.9.1: Omaha South Precinct Identification of Front, Rear, and Side Yards

Property address: 20 Paraoa Crescent

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:  
Omaha South Precinct was developed under very clear yard rules, which support the development and amenity across Omaha South. These yard rules were meant to have been carried forward when the Unitary Plan came out into the Omaha South Precinct. The diagram showing the specific yards was unintentionally excluded. The impact of this unintentional consequence has been that some sites are left now without a buildable platform and other sites impacted that are unintentionally not inline with the Omaha South building rules and intended neighbourhood overall amenity. It is very important that this is rectified with this plan change and that Figure I528.6.9.1: Omaha South

Precinct Identification of Front, Rear, and Side yards is included in the Omaha South Precinct, as was originally intended.

I or we seek the following decision by council: Approve the plan change without any amendments

9.1

Details of amendments:

Submission date: 6 October 2022

### **Attend a hearing**

Do you wish to be heard in support of your submission? No

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.



## Harry Barnes

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**From:** Unitary Plan  
**Sent:** Thursday, 6 October 2022 11:00 AM  
**To:** Unitary Plan  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 84 - lindy leuschke

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: lindy leuschke

Organisation name:

Agent's full name:

Email address: lindy@leuschke.co.nz

Contact phone number:

Postal address:

### Submission details

#### This is a submission to:

Plan change number: Plan Change 84

Plan change name: PC 84 (Private): Amendment of Omaha South Precinct (I528)

#### My submission relates to

Rule or rules:  
definition of yards

Property address: 10 Taiawa Pl Omaha

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:  
restores the yard setbacks to those that existed pre Unitary plan

I or we seek the following decision by council: Approve the plan change without any amendments

10.1

Details of amendments:

Submission date: 6 October 2022

## Attend a hearing

Do you wish to be heard in support of your submission? No

## Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



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## Harry Barnes

---

**From:** Unitary Plan  
**Sent:** Friday, 7 October 2022 11:46 AM  
**To:** Unitary Plan  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 84 - Mr Tony and Mrs Loma Chevin

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Mr Tony and Mrs Loma Chevin

Organisation name:

Agent's full name:

Email address: loma@chevin.co.nz

Contact phone number: 021549106

Postal address:  
PO Box 302-094  
North Harbour  
Auckland 0751

### Submission details

#### This is a submission to:

Plan change number: Plan Change 84

Plan change name: PC 84 (Private): Amendment of Omaha South Precinct (1528)

#### My submission relates to

Rule or rules:  
Yard definition change proposal

Property address: 5 Matariki Street, Omaha 0986

Map or maps:

Other provisions:

I oppose the proposed plan change for yard definitions. This would change the building platform and have adverse affect on the environment and neighbouring properties by allowing larger building dimensions and restricting view lines which have been protected under the current Omaha Building Society rules.

All the homes have been built specifically allowing for these existing view lines. This will have adverse effects on the value of the neighbouring properties that have been built specifically to the Omaha Building Society standards that have been in place for good reason.

As the above property is in public viewing being by the shops, carpark, surf club, beach access pathways this is detrimental and has severe and unacceptable adverse affects.

We strongly object to the yard definition change proposal.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:  
We strongly object to any change to the yard definitions.  
The adverse effects are more than significant and unacceptable.  
Omaha Building Society set in place standards that all properties in Omaha have built to maintain the environment, views and value of property.

I or we seek the following decision by council: Decline the plan change

11.1

Submission date: 7 October 2022

### Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

### Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



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**Submission on a notified proposal for policy statement or plan change or variation**

Clause 6A of Schedule 1, Resource Management Act 1991  
FORM 5



This plan change has limited notification under clause 5A(4)(b) of First Schedule, Resource Management Act 1991, making submissions under this clause limited to those given written notice of this plan change.

Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only
Submission No:
Receipt Date:

**Submitter details**

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

*David John Cochran & Janene Barbara Cochran*

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

*P.O. Box 180, 013 Royal Heights, Auckland 0652*

Telephone:

*0274 9144 444*

Fax/Email:

*dcochranebuilders@yahoo.co.nz*

Contact Person: (Name and designation, if applicable)

**Scope of submission**

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 84

Plan Change/Variation Name

Amendment of Omaha South Precinct (I528)

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

*I want all aspects of Omaha South planning reinstated as it existed when Rodney District Council approved it.*

Or

Property Address

Or

Map

Or

Other (specify)

**Submission**

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

52	Grooved liners		Window (and all exterior joinery) jamb liners and interior door frames (jambs) that are made and installed so that the wall linings fit into a rebate (groove) and therefore don't require architraves to finish. Note: 20mm grooved liners on doors result in a problem that the door hinge screws have only very thin wood to screw into (as they are screwed where the groove is).
53	Gibraltar board	Gib-bd	Interior wall linings with a very soft central core and thick paper on each face. Now made in many specialist forms but these cannot be identified once decorated.
54	Stopping		System of plastering gibraltar board flush and smooth.
55a	Customwood	MDF	Medium Density Fibre board. Man-made highly compressed wood sheets (not unlike very dense cardboard) which result in a very strong and stable sheet. <i>EXCEPT</i> very susceptible to water damage, ends up swelling badly and disintegrating. Not suitable anywhere it can get wet especially window and door jambs (liners and frames).
55b	Customwood	MUF	A more modern form of MDF which is more water resistant but is only normally used for finishing lines and some jambs, still susceptible to water damage (to a far lesser degree).
56	Melamine & Meltica		Customwood (MDF) or particle board sheets that have a plastic type film over them. Used to construct kitchens, laundry and bathroom fittings. Note: very susceptible to water damage.
57	Particle board	P/B	Similar to customwood but made out of chips of wood. Various grades from being the core in meltica and melamine sheets, wall linings that need to be robust, to house flooring which is made in different grades. As with customwood susceptible to water damage. Can also break down over time when exposed to dampness especially flooring with damp ground beneath.
58	Plywood		Thin layers of wood glued together, (always an uneven number so that the grain runs the same way on both faces). Should always be installed with the face grain at right angle to the supports.
59	Finishing lines	Trim	Any timber or mouldings installed after the interior wall linings including the following.
60	Architraves		Moulding installed around windows and doors (after wall linings).
61	Skirtings		Mouldings at the bottom of the walls (at the floor).
62	Cornice moulding		Moulding (wooden) around the top of the walls (at the ceiling).
63	Scotia		Cornice moulding with scallop shape (concaved).
64	Cornice		Fibrous plaster detailed (and normally ornate but can be plain) around the perimeter of the ceilings.
65	Gib-cove		A scotia shaped moulding manufactured the same as gibraltar board. Normally a lot larger size than timber scotia. (Cannot be wallpapered up to without extreme care to avoid cutting paper facing.)
66	Third Party	T.P.	Noted alongside any comments where a third party such as the vendor or tenant has advised something. We may make an opinion about how reliable that information is.
67	Pitch	°	Normally expressed in degrees (e.g. 28°) in relation to roof pitch or slope of stairs.

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes  No

The reasons for my views are:

I simply want everything put back the way it was when Rodney District Council approved the sub division Auckland Council had no right to alter what Rodney had agreed too and signed off in the past. (continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation  12.1

Accept the proposed plan change / variation with amendments as outlined below

Decline the proposed plan change / variation


If the proposed plan change / variation is not declined, then amend it as outlined below.

Make exactly as Rodney District Council had originally approved

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

  
Signature of Submitter  
(or person authorised to sign on behalf of submitter)

28th September 2022  
Date

**Notes to person making submission:**

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could  / could not  gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am  / am not  directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

34	Deck		Outdoor living platform area, raised above the ground (can be on upper level of building).
35	Exterior deck		Deck located outside the building line. They may be solid but they don't have any living rooms beneath them.
36a 36b	Internal deck or Enclosed deck		Also known as 'enclosed deck' (in Building Regulation E2/AS1) has rooms or building structure beneath part or all of the deck. (Relates to what is underneath deck, not anything to do with handrails or walls.)
37	Verandah		In NZ and Australia this refers to the roof structure only, that is open underneath, that is outside the exterior walls of the house. Normally has a deck underneath it.
38	Scantling		Timber Framing.
39	Subfloor		The area beneath a ground floor suspended timber floor (that should be fully accessible).
40a 40b	Basement		Either an occupied area beneath the main floor of the house that is partially excavated out of the ground with a proper concrete floor. Or can be an area of subfloor that has full head height that is used for informal storage.
41a	Hardware	H/W	In connection with the subfloor framing can be, a) bolts and brackets either hot dipped galvanized or stainless steel. b) metal straps and light gauge fittings either electro-galvanised (the same as metal roofing). Hot dipped galvanized (reasonably corrosion resistant when fully exposed or fully sheltered. In protected areas subject to corrosion. Stainless steel in protected areas (where subject to contamination but no washing by rain).
41b	Hardware	H/W	In connection with joinery relates to catches, security stays, hinges, fiction stays.
41c	Hardware	H/W	In connection with interior and exterior doors relates to hinges, handles, latches and locks.
42	Hot water	h/w	In connection with interior plumbing.
43	Linings		Interior cladding / sheathing to the interior walls.
44	Roof cavity		Also known as ceiling cavity. The gap between the ceiling linings and the roof cladding.
45	Roof		The outside part of the top of the house (what rain lands on).
46	Ceiling framing		The inside structure above your head when standing inside a room.
47	Ceiling linings	Ceiling	The interior linings in a room above your head, referred to as simply 'ceiling'.
48	Upstand		The vertical section of bench running across the rear of the bench normally at the sink bowls. Can also refer to other areas of construction that are to keep water out (e.g. vertical face of flashings).
49	Cistern		Water container in relation to flushing the toilet pan. Can be concealed.
50a	Electrical cable	T.P.S.	'Tough plastic sheathed' cable since late 1950's far safer (normally white)
50b	Electrical cable	T.R.S.	'Tough rubber sheathed' 1935 to 1955 (normally black). Has problems with both heat break down (at connections) and vermin eating the insulation.
50c	Electrical cable	Conduit	Pre 1935 (and sometimes up to mid 1950's) individual cable (wires) inside steel conduit (pipes). By now the outer cloth wrapping has failed, the rubber insulation has perished and the copper wires are fatigued.
51	Power points	P/P	Can be s = single, d = double, or E/L = Earth leakage, a protected safety powerpoint for bathrooms and outside. Note: some houses now have the total house on 'Earth Leakage Protection' power points split onto 2 separate circuits (one faulty appliance may not blow that circuit breaker/fuse but trips (switches off) all the power points in the house on that 'Earth Leakage Protection' circuit.



# FURTHER SUBMISSION ON PROPOSED PLAN CHANGE 84 TO THE AUCKLAND UNITARY PLAN

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**To:** Auckland Council

**Name of submitter:** Omaha Beach Residents Society Incorporated (OBRS)

1. The Omaha Beach Residents Society Incorporated (OBRS) makes this further submission on proposed plan change 84 (PC84) of the Auckland Unitary Plan (AUP) in support of/in opposition to original submissions to PC84.
2. The OBRS is an entity who has an interest in PC84 that is greater than the interest the general public has, being the incorporated society that governs private land within the Omaha South Precinct, and the entity who initiated the plan change request.
3. The OBRS makes this further submission in respect of submissions made by third parties to PC84 to the extent that they directly affect the relief sought in it's plan change application, which seeks specific amendments to the provisions of the Omaha South Precinct to better enable land to be developed efficiently and practically.
4. The reasons for this further submission are:
5. The OBRS opposes primary submission 11.1 as lodged by Mr Tony and Mrs Loma Chevin.
6. In the case of the Primary Submission that is opposed:
  - i. The Primary Submission does not promote the sustainable management of natural and physical resources and are otherwise inconsistent with the purpose and principles of the Resource Management Act 1991 ("RMA");
  - ii. The relief sought in the Primary Submission is not the most appropriate in terms of section 32 of the RMA;
  - iii. Rejecting the relief sought in the Primary Submission opposed would more fully serve the statutory purpose than would implementing that relief; and
7. The OBRS supports primary submissions 1.1 – 10.1 and 12.1.
8. In the case of the Primary Submissions that are supported:
  - i. The plan change would promote the sustainable management of natural and physical resources, in accordance with Part 2 of the Resource Management Act 1991 ("the Act");

- ii. The proposed provisions are soundly based on evidence or an appropriate cost benefit analysis as required by section 32 of the Act;
- iii. The currently applicable objectives, policies and rules of the AUP, as they relate to the sites in Omaha South:
  - a) will not promote the sustainable management of natural and physical resources;
  - b) are inconsistent with the purpose and principles of the Act;
  - c) will give rise to adverse effects on the environment that are not avoided, remedied or mitigated;
  - d) are inappropriate and unjustified in terms of Section 32 of the Act.
- iv. The specific reasons for the OBRS' support of these primary submissions are as follows:
  - a) The proposed amendment will align the Precinct provisions with the original intent and application of the legacy Rodney District Plan development controls. These development controls, particularly the legacy district plan yard development controls, have determined the pattern of development in Omaha South.
  - b) The proposed amendment will assist to ensure that the established character of development in Omaha South is maintained. The majority of residential dwellings established in Omaha South have been established under the legacy Rodney District Plan provisions.
  - c) The proposed amendment will assist in maintaining the established standard of residential amenity for Omaha South.
  - d) The proposed amendment will enable the practical development of rear sites.
  - e) The proposed amendment will retain the established form and typology of buildings within Omaha South.
  - f) The proposed amendment avoids unnecessary resource consent applications having to be made to depart from the inappropriate yard rules currently applying to rear sites.
  - g) The proposed amendment clarifies that a number of rules in the underlying zones should not apply to activities in the Omaha South Precinct and instead just the Precinct rules should apply.

The specific relief in respect of each Primary Submission that is supported or opposed is set out in the **attached** Schedule.

The OBRS wishes to be heard in support of its further submission.

If others make a similar submission, the OBRS will consider presenting a joint case with them at the hearing.

The submitter is not a trade competitor, and could not gain an advantage in trade competition through this submission.



**Michael Campbell**

Campbell Brown Planning Limited

For and on behalf of Omaha Beach Residents Society as its duly authorised agent.

**Date: 15 November 2022**

**Address for service of submitter:**

Omaha Beach Residents Society  
C/- Campbell Brown Planning Limited  
PO Box 147001  
Ponsonby  
**AUCKLAND 1144**

**Attention:** Michael Campbell


**Telephone:** (09) 378 4936

**Mobile:** (021) 2789018

**Email:** michael@campbellbrown.co.nz

Attachment A

Sub #	Submitter Name	Summary	OBRS response and reasons
1	Mark Phillip Douglas	Accept the plan change	The OBRS supports the submission, for the reasons set out in the further submission letter.
2	Colleen Kenny	Accept the plan change	The OBRS supports the submission, for the reasons set out in the further submission letter.
3	BC Munro & CE Munro	Accept the plan change	The OBRS supports the submission, for the reasons set out in the further submission letter.
4	Derek and Christine Nolan	Accept the plan change	The OBRS supports the submission, for the reasons set out in the further submission letter.
5	Bryham Reedy Family Trust	Accept the plan change	The OBRS supports the submission, for the reasons set out in the further submission letter.
6	Carla Crabb	Accept the plan change	The OBRS supports the submission, for the reasons set out in the further submission letter.
7	Brett Carl Andrew Hyland	Accept the plan change	The OBRS supports the submission, for the reasons set out in the further submission letter.
8	Chris Beswick	Accept the plan change	The OBRS supports the submission, for the reasons set out in the further submission letter.
9	Fiona M Hyland	Accept the plan change	The OBRS supports the submission, for the reasons set out in the further submission letter.
10	Lindy Leuschke	Accept the plan change	The OBRS supports the submission, for the reasons set out in the further submission letter.
11	Mr Tony and Mrs Loma Chevin	Decline the plan change	<p>The OBRS opposes the submission, for the reasons set out in the further submission letter and for the additional reasons below.</p> <p>The proposed plan change aligns the Omaha South Precinct provisions with the original intent and application of the legacy Rodney District Plan, upon which the Omaha South Residents Society rules for development are based.</p> <p>The proposed plan change will therefore maintain the established built form, amenity and special character of Omaha South.</p> <p>The current application of the yard setback rules differs from the longstanding pattern of development within the Omaha South Precinct. It does not allow for a practical building platform on many rear sites and precludes development on some rear sites.</p>

Sub #	Submitter Name	Summary	OBRS response and reasons
			<p>The diagram below demonstrates available building platforms on a number of existing sites (noting the yard standards also apply to redevelopments, additions and alterations).</p>  <p>The following are examples of permitted building platforms on currently vacant sites:</p> <ol style="list-style-type: none"> <li>1. 41 Kewai Street (Type B) – approx. 19m wide permits a 4m wide complying building (Legacy rules permits a 15m wide building platform)</li> <li>2. 47 Kewai Street (Type B) – approx. 23m wide (average) permits a 8m wide complying building (Legacy rules permits an average 19m wide building</li> </ol>

Sub #	Submitter Name	Summary	OBRS response and reasons
			<p>platform) This property is approx. 18.3m wide 7.5m from the front boundary and 27.3m wide 7.5m from the rear boundary,</p> <p>3. 49 Kewai Street (Type B) – approx. 26m wide permits a 11m wide complying building (Legacy rules permits a 22m wide building platform)</p> <p>If this submission is accepted, it will prevent the reasonable use of many sites within Omaha South Precinct. It is also noted that the yard standards must be applied consistently across all sites within the Precinct, and any future development is in a context where the existing development has occurred in accordance with the legacy provisions.</p>
12	David John Cochrane and Janene Barbara Cochrane	Accept the plan change	The OBRS supports the submission, for the reasons set out in the further submission letter.