

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Warren MacLennan, Manager, Regional, North, West, and Islands Planning, Plans and Places, Chief Planning Office

FROM Austin Fox, Senior Policy Planner, Regional, North, West, and Islands Planning, Plans and Places, Chief Planning Office

DATE 11/10/2023

SUBJECT **Plan Change 84 to the Auckland Unitary Plan (AUP) Operative in part (15 November 2016)**



This memorandum requests an update to Auckland Unitary Plan Operative in part

Reason for update – To make Plan Change 84 (Private): Omaha South operative.	
Chapter	- Chapter I Precincts
Section	- 1528 Omaha South Precinct
Designation only	
Designation #	N/A
Locations:	N/A
Lapse Date	N/A
Purpose	N/A
Changes to text (shown in underline and strikethrough)	Update Chapter I Precincts to amend 1528 Omaha South Precinct text as shown in Attachment B .
Changes to diagrams	Update Chapter I Precincts to amend 1528 Omaha South Precinct to include the diagram as shown in Attachment C .
Changes to spatial data	N/A
Attachments	Attachment A – PC 84 Decision Attachment B – – Text changes for 1528 Omaha South Precinct (underlined, no strikethrough) Attachment C – – New precinct plan for 1528 Omaha South Precinct. Attachment D – Updated text changes

Prepared by: Austin Fox Senior Policy Planner	Text Entered by: Maninder Kaur Planning Technician
Signature: 	Signature: 
Maps prepared by: Geospatial Specialist	Reviewed by: Peter Vari Team Leader
Signature:	Signature:

N/A

PVari

Signed off by:

Warren MacLennan
Manager Planning - Regional, North, West and
Islands

Signature:

Warren MacLennan.

Attachment A – PC 84 Decision

Decision following the hearing of a Plan Change to the Auckland Unitary Plan under the Resource Management Act 1991



Proposal

To modify the Omaha South Precinct (I528), by the incorporation of the legacy district plan provisions in respect of side/rear yards specific to Omaha South and other modifications to the operation of the Precinct.

This plan change is Approved with Modifications. The reasons are set out below.

Private Plan Change:	84 - PC84 Omaha South
Applicant:	Omaha Beach Residents' Society
Hearing commenced:	Wednesday 12 April 2023, 9.30 a.m.
Hearing panel:	David Wren (Chairperson) Richard Blakey, Commissioner
Appearances:	<u>For the Applicant:</u> Jeremy Brabant, Legal Counsel Michael Campbell, Planning Yujie Gao, Planning Peter Neeve, Applicant <u>For the Submitters:</u> Derek and Christine Nolan, tabled statement <u>For Council:</u> Andrew Wilkinson, Consultant Planner Austin Fox, Senior Policy Planner Yasmine Ali, Hearings Advisor
Hearing adjourned	12 April 2023 at 10:39 am
Commissioners' site visit	19 April 2023
Hearing Closed:	20 April 2023

Introduction

1. This decision is made on behalf of the Auckland Council ("**the Council**") by Independent Hearing Commissioners David Wren (Chairperson) and Richard Blakey, appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 ("**the RMA**").
2. The Commissioners have been given delegated authority by the Council to make a decision on Plan Change 84 ("**PC84**") to the Auckland Council Unitary Plan Operative in Part ("**the AUP**") after considering all the submissions, the section 32

evaluation, the reports prepared by the officers for the hearing and evidence presented during and after the hearing of submissions.

3. PC84 is a private plan change that has been prepared following the standard RMA Schedule 1 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as enabled under the RMA).
4. The plan change was limited notified on 9 September 2022 following a feedback process involving Iwi, as required by Clause 4A of Schedule 1. Notification involved letters to directly affected landowners and occupiers alerting them to the plan change. This was aimed at ensuring that landowners and occupiers of properties affected by the changes were made aware of the changes.
5. The submission period closed on 7 October 2022. A summary of submissions was notified for further submissions on 11 November 2022. A total of 12 submissions (there were no late submissions) and one further submission was made on the plan change.

SUMMARY OF PLAN CHANGE

6. The proposed plan change is described in detail in the hearing report. A summary of key components of the plan change is set out below.
7. The main change within PC84 is to amend Rule I528.6.9 Yards by adding an additional point that effectively replaces the AUP definition of yards with a diagram from the previous Rodney District Plan that defines the location of yards in a different manner to the AUP definition. The diagram is reproduced from the provisions that applied to the Omaha South area in the previous district plan.
8. PC84 also amends the relationship between the Omaha South Precinct rules of the AUP and the underlying zone and subdivision chapter standards by inserting text to the effect that the standards within the Precinct replace all the standards within the Subdivision chapter and the underlying zone standards for activities within the Precinct activity table, with the exception of the home occupation standards.

HEARING PROCESS

9. As the majority of submitters to PC84 wishing to give evidence were experts, the Commissioners required the pre-circulation of expert evidence.

PROCEDURAL MATTERS AND LATE SUBMISSIONS

10. There were no procedural matters.

RELEVANT STATUTORY PROVISIONS CONSIDERED

11. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements are set out in the section 32 assessment that forms part of the hearing report and we do not need to repeat

these again in detail, as the plan change is very much focused on detailed rules within the Omaha South Precinct.

12. Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting submissions. The decision must include a further evaluation of any proposed changes to the plan change arising from submissions; with that evaluation to be undertaken in accordance with section 32AA. With regard to section 32AA, we note that the evidence presented by the applicant, submitters and the Council effectively represents this assessment and that that material should be read in conjunction with this decision, where we have determined that a change to PC84 should be made.
13. There are a number of provisions of the AUP that are relevant to PC84 and these are listed as:
 - a. All the provisions of I528 Omaha South Precinct and in particular:
 - i. I528.6 Standards; and
 - ii. I528.6.9 Yards
 - b. The provisions of the underlying zones being:
 - i. H3 Residential - Single House Zone (SHZ);
 - ii. H5 Residential - Mixed Housing Suburban Zone (MHS); and
 - iii. H12 Business – Neighbourhood Centre Zone (NCZ).
 - c. The provisions of E38 Subdivision – Urban.

PLANNING CONTEXT HISTORY

14. The evidence from Mr Campbell for the plan change applicant, being the Omaha Beach Residents' Society ("**OBRS**") notes that the development of the land at Omaha South was previously managed by the Special 16 (Omaha South Development) Zone in the legacy Rodney District Plan since January 2000. This zone was introduced by way of a plan change that provided for residential and small-scale local commercial development in Omaha South.
15. This zone was rolled over into the Omaha South Precinct under the Proposed Auckland Unitary Plan. It appears that the rollover did not fully implement Appendix 12M of the Special 16 Zone provisions. Appendix M contains a diagram that illustrates how the various yard denominations are to be applied to various types of sites.
16. We were told that the yard definitions in the AUP are different from those in Appendix M and this has caused problems in the implementation of the Precinct provisions.

17. We also note that the precinct provisions in the AUP work in a different way from the previous Special 16 Zone. The Special 16 Zone was a stand-alone zone while the Omaha South Precinct also relies on the provisions of the underlying zones. These include the Residential - Single House Zone, the Residential - Mixed Housing Suburban Zone and the Business – Neighbourhood Centre Zone.
18. As a response to the implementation problems being experienced, the OBRS has requested changes to the precinct provisions which will introduce the plan in Appendix M into the AUP and associated changes designed to give more primacy to the precinct provisions over the underlying zone provisions.

SUMMARY OF EVIDENCE

19. The Council planning officer's report was circulated prior to the hearing and taken as read. All expert evidence was pre-circulated and was summarised at the hearing by the witnesses.
20. The evidence presented at the hearing responded to the issues and concerns identified in the Council planning officer's report, the application itself and the submissions made on the application.
21. The evidence presented by the applicant at the hearing is summarised below.

Omaha Beach Residents' Society

Legal - Jeremy Brabant

22. Jeremy Brabant presented legal submissions on behalf of the OBRS in support of the plan change. Mr Brabant's submissions outlined the background to the plan change and outlined the statutory considerations related to our decision making. These include sections 31 and 32 of the RMA. In this case Mr Brabant did not consider that we need to make an assessment under Part 2 of the RMA as there are no ambiguities or uncertainties inherent in the plan change that would require such an assessment.
23. Mr Brabant summarised the evidence from the witnesses for the applicant and also from Mr Nolan who is a submitter in support of the plan change.
24. Mr Brabant submitted that the evidence in support of PC 84 clearly identified the issues, and explains why the plan change will not give rise to any material adverse environmental effects and will provide greater certainty to landowners in development (or redevelopment) of sites in Omaha South.
25. Mr Brabant addressed the matters raised in the submission from Tony and Loma Chevin who oppose the plan change. Mr Brabant considers that contrary to the concerns of Mr and Mrs Chevin, the plan change will allow development that is consistent with the character that has been established at Omaha South through the legacy provisions.
26. In response to questions from the Commissioners regarding the implications of the changes for the application of rules regarding subdivision, Mr Brabant suggested a

short recess to enable consideration of the questions. Following the break Mr Brabant suggested that further consideration of the points raised was required, but that he would like to progress with the hearing of evidence. The Commissioners agreed to this course of action.

Planning – Michael Campbell and Yujie Gao

27. Mr Campbell and Ms Gao who are both planning consultants had precirculated a joint statement of evidence which the Commissioners had pre-read.
28. Following a description of the background to the legacy zoning the evidence discussed the current yard setbacks and the impact of these on development. As we understand it, the legacy standards allowed for rear sites particularly to have front, side and rear yards allocated to different boundaries in accordance with the diagram in Appendix M of the Legacy District Plan. The existing sites have been created on the basis of the yard setback standards that were applied previously. The evidence illustrated how the application of the AUP standards has affected the permitted location for buildings on sites. We were given examples of sites affected including one site (8 Taiawa Place) where under the current standards, no building is possible while under the legacy standards, a 10m wide building platform was permitted.
29. Mr Campbell and Ms Gao also discussed other changes proposed as a result of having to apply both the Precinct provisions and the underlying zone provisions, and what they considered to be unintended consequences of plan interpretation. The solution proposed in PC84 is to insert text to the effect that the standards in the precinct replaced all standards in the underlying zones and Chapter E38 (urban subdivision).
30. The exception to the above is that PC84 provides for the home occupation standards within the SHZ and the MHS zones to apply within the precinct. This is seen as beneficial for the residents of the precinct and is not otherwise provided for in the precinct provisions.
31. The planning evidence included a description of the section 32 evaluation undertaken and concluded that the PC84 was the most appropriate way to achieve the purpose of the RMA.
32. The evidence further opined that the benefits of PC84 included:¹

Amending the provisions 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, particularly on rear sites.

As yard setbacks are applicable to both new development, additions and alterations, and redevelopments, this is an important standard which will continue to have relevance to all sites in the Omaha South Precinct.

¹ EIC M.R. Campbell and Y. Gao para 66-69

Clarifying the application of the provisions would avoid the need for resource consents by simplifying standards which were not originally anticipated.

This 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.

33. Overall the evidence concluded that:

Overall, in our view, PC84 will give effect to the sustainable management purpose of the RMA, the RPS and relevant national direction, as it will provide for a planning framework for the Omaha South Precinct area that will better meet the social and economic needs of the community, while managing potential adverse effects on the environment. ²

34. The Commissioners asked the planning witnesses similar questions to the questions asked of Mr Brabant. That is, whether the replacement of many of the Chapter E38 Subdivision rules would result in unintended consequences from this plan change in that some of the more 'mechanical' rules that manage subdivision would be lost as there did not appear to be corresponding rules within PC84. We understood from the answers to questions that Mr Campbell and Ms Gao agree that this could be the case and that it would be appropriate for some further work to be carried out to amend the plan change to ensure subdivision could continue to be appropriately managed.

Peter Neeve – Omaha Beach Residents Society Development Control Committee

35. While Mr Neeve is an experienced resource management consultant, his evidence concentrated on his role as a member of the Omaha Beach Residents Society Development Control Committee ("**Residents Society**"). Mr Neeve explained that as part of the land covenants at Omaha South, all new building proposals must be submitted to the Committee for approval. Additionally, the Resident's Society has its own building guidelines which must be adhered to. Mr Neeve also explained that up until 23 January 2020 the Residents Society's constitution required compliance with the legacy district plan provisions.

36. Mr Neeve explained the problems being faced by those wishing to build under the current provisions as follows.

The changes to the planning standards that now apply to the Omaha South Precinct has taken many owners by surprise and these are causing issues in terms of the practicality of complying with the AUP standards. This affects new development on rear sites where the sites are of a shape and size that cannot accommodate development that complies with the yard standards and where additions to buildings are proposed, as often buildings approved by the DCC prior to January 2020, particularly two storey

² EIC M.R. Campbell and Y. Gao para 73

buildings, are not of a design that complies with the AUP Height in relation to boundary standards and additions often result in non-compliance.

The legacy Plan development controls, including the specific application of Yards and the absence of height in relation to boundary development controls, have formed the basis for the design and location of buildings on sites in Omaha South. The legacy Plan development controls have been important in forming the established character and building typology for the various neighbourhoods at Omaha South.

The Plan Change is necessary in order to ensure that the location of buildings on sites remains consistent with the overall established pattern and design of development in Omaha South, this includes ensuring that practical building platforms are enabled on rear sites.

37. Mr Neeve also explained why he disagreed with the submitter in opposition as he considers that the application of the current AUP rules does not reflect the form and pattern of established building locations and typical spacings between buildings in Omaha South and that PC84 will ensure that the established form of development will be able to continue.
38. The evidence presented by the submitters is summarised as follows.

Derek Nolan KC

39. Mr Nolan pre-circulated a brief of evidence but did not appear at the hearing. Mr Nolan's evidence supported the plan change and rather than repeat the material from the OBRS, Mr Nolan showed, in reference to his own property, why he considers the changes to be sensible. Mr Nolan explained that under the current rules he could only construct a house of 7-8m wide while under the legacy standards, a house on his site could be 18m wide. He also expressed concern about the time and cost involved in having to comply with two sets of standards (i.e. the Precinct and zone standards) particularly where there is a conflict between these.

Other Submitters

We did not hear from other submitters but we have read all the submissions and taken these into account in our decision making. Many of these were in support of PC84. The submission from Mr and Mr Chevin opposed PC84 on the basis that would change the allowable building platforms 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 Residents Society rules.

The Council

Andrew Wilkinson

40. Mr Wilkinson advised that he remained in support of PC84, but that he agreed with the applicant's witnesses that some amendments may be required in respect of the reference to the subdivision standards in Chapter E38.

Applicant's Response

41. The response and closing for the OBRS were given by Mr Brabant and addressed the following matters.
42. Initially, Mr Brabant advised that he would prefer to have a few days to confer with the applicant and its witnesses and to present the reply in writing. In his written response submission, dated 19 April 2023, Mr Brabant recommended some amendments to PC84 by referring to a supplementary statement from Mr Campbell and Ms Gao, also dated 19 April 2023 which he attached to his submission. He noted that;³

The solution outlined in the supplementary statement is to prefer the introduction of specific cross references to specified rules/standards which sit in other chapters. In my submission this is the better response than the alternative, being additions to the Precinct standards and provisions to make it a comprehensive fully standalone package with the inevitable consequence that there is duplication of provisions sitting elsewhere.

43. Mr Brabant submitted that the changes were within scope as they fell between the existing AUP provisions and the plan change as notified.
44. For completeness, we note that we have read the statement from Mr Campbell and Ms Gao and also note that the revised provisions had been developed in conjunction with Mr Wilkinson.
45. Prior to closing the hearing we sought confirmation from Mr Wilkinson through the hearing manager about his opinion of the proposed amendments. Mr Wilkinson advised as follows;⁴

I have reviewed the applicant right of reply, including the supplementary evidence of Campbell and Gao and the associated Appendix. Noting the questions raised by Commissioners at the hearing, I can confirm that having reviewed the details I agree with the changes that have been proposed for the reasons set out in the supplementary evidence. In my opinion the changes proposed go to the purpose plan change was proposed, which has been to simplify the provisions that apply within the Precinct area.

³ Submission R Brabant 19 April 2023 para 6

⁴ Email from Andrew Wilkinson 20 April 2023

The amendments proposed will create greater clarity around the Subdivision rules that apply and the applicable home occupation requirements. In both instances, specific changes were proposed by the requester for the plan change, such that I consider that there is the scope to include the amendments sought, consistent with Mr Brabant's comments at paragraph 8.

PRINCIPAL ISSUES IN CONTENTION

46. Having considered the submissions and further submissions received, the hearing report, the evidence presented at the hearing and the Council officers' response to questions, the following principal issues in contention have been identified. These are necessarily brief as the plan change itself is brief and the issues raised are well contained:
- Is PC84 the most appropriate means of achieving the purpose of the RMA and the most appropriate ways to achieve the objectives of the AUP?
 - Are the amendments proposed in the supplementary statement of Mr Campbell and Ms Gao appropriate so as to avoid unintended consequences?

FINDINGS ON THE PRINCIPAL ISSUES IN CONTENTION

Is PC84 the most appropriate means of achieving the purpose of the RMA and the most appropriate way to achieve the objectives of the AUP?

47. Subject to the discussion of the proposed amendment discussed below, we find that PC84 is the most appropriate means to achieving the purpose of the RMA and the objectives of the AUP.
48. In coming to this conclusion we accept the evidence for the OBRS that the standards applicable to the Omaha South Precinct are part of a package of provisions, developed under the legacy Rodney District Plan, that have managed the development of the urban area at Omaha South since its inception. We further accept that the package has been disrupted by the rollover of the provisions into the AUP, including through the omission of the yards plan in Appendix M and the requirement to comply with some standards in the underlying zones as well as the precinct standards.
49. The evidence presented to us outlined how the provisions within the legacy district plan are closely aligned with the covenants managed by the Residents Society and the objectives and policies of the Omaha South Precinct. We also find that the provisions are not complete without the yards plan in Appendix M and that the application of the AUP yard definitions are causing unintended outcomes and inefficiencies in the implementation of the Precinct provisions.
50. In coming to this conclusion we have also considered the submission from Mr and Mrs Chevin. It appears from the submission that they support development as it has previously been managed in Omaha South and are concerned that this plan

change will change the established status quo. We find that the established status quo is best served by PC84 over the existing AUP provisions. We can see that in some cases views over neighbour's properties will be protected by restricting development areas on sites to relatively narrow strips (a consequence of the all rear yard approach on rear sites by the AUP definitions) but we consider that this would be impractical given the extent of development already established under the earlier rules, and would unduly and unreasonably affect owners of rear sites. We accept the view of Mr Nolan that there are existing houses where alterations and additions will be difficult to achieve if the existing yard rules are retained. We also accept the evidence of Mr Campbell and Ms Gao that in some sites development will essentially be prevented without recourse to a resource consent for the infringement of the yard rule.

51. We also accept that the provision of home occupation standards within the precinct is appropriate and will ensure that the Omaha South Precinct is consistent with most other residential areas in the AUP. The revised text of PC84, provided in Mr Campbell and Ms Gao's supplementary statement, also includes changes to the precinct activity table to provide for home occupations. We find that this is a necessary addition and is within the scope of the notified plan change as it provides an activity basis for the home occupation standards that are included within the plan change.

Are the amendments proposed in the supplementary statement of Mr Campbell and Ms Gao appropriate so as to avoid unintended consequences?

52. We agree that approving PC84 as notified is likely to lead to unintended consequences, particularly in respect of subdivision. We have reviewed the proposed amendments recommended by the OBRS. We find that these will largely assist in aligning the provisions of the Omaha South Precinct with other chapters of the AUP.
53. We find that the amendments proposed will clarify which standards are relevant and apply and which don't. We find that these changes are necessary to ensure the efficient and effective implementation of the AUP in respect of the Omaha South Precinct.
54. We also find that the relationship between the Omaha South Precinct and Chapter E38 subdivision could be improved by the insertion of additional text after the second paragraph in I528.6 Standards as follows;

For the avoidance of doubt, the standards in E38.7 apply, however, the standards in E38.8, E38.9 and E38.10 do not apply as these standards relate to activity tables that do not apply to the Omaha South Precinct (Rule I528.4).

55. This additional text does not change the way in which the rules operate, but spells out more clearly which sets of subdivision standards apply to subdivision in the Omaha South Precinct.
56. With this amendment, we find that the changes proposed by Mr Campbell and Ms Gao are the most appropriate means of resolving this matter. We also confirm that

we agree with Mr Brabant that these changes are within the scope of the notified plan change as they sit between the existing provisions and the provisions within the notified plan change.

STATUTORY PROVISIONS

57. The RMA sets out a range of matters that must be addressed when considering a plan change, as identified in the section 32 report accompanying the notified plan change. We note that the evaluation of options undertaken by the applicant demonstrates that the preferred option for meeting the objectives of the OBRS 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.
58. We also note that section 32 clarifies that analysis of efficiency and effectiveness is to be at 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.
59. Having considered the evidence and relevant background documents, we are satisfied, overall, that PC84 has been developed in accordance with the relevant statutory and policy matters with regard to the implementation of the Omaha South Precinct provisions and the relationship between those provisions and the remainder of the AUP. The plan change will clearly assist the Council in its effective administration of the AUP by reducing complexity and potential conflict between provisions in various parts of the AUP and through removing the current need for resource consents as a result of existing discrepancies between provisions in different parts of the AUP.

DECISION

60. That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, that Proposed Plan Change 84 to the Auckland Unitary Plan (Operative in Part) be approved, subject to the modifications as set out in this decision.
61. Submissions on the plan change are accepted and rejected in accordance with this decision. In general, these decisions follow the recommendations set out in the Council's section 42A report, the applicant's closing statement and supplementary evidence, except as identified above in relation to matters in contention.
62. The reasons for the decision are that Plan Change 84:
 - a. will assist the Council in achieving the purpose of the RMA by improving the workability of the Auckland Unitary Plan and maintaining the quality of the urban environment at Omaha South;
 - b. will remain consistent with the Auckland Regional Policy Statement;
 - c. will not result in any changes to the consistency of the Auckland Unitary Plan with the provisions of Part 2 of the RMA;

- d. is supported by necessary evaluation in accordance with section 32 and the amendments included within this decision have been evaluated as being the most appropriate means of achieving the objectives of the Auckland Unitary Plan; and
- e. will improve the efficiency of and the effective implementation of the Auckland Unitary Plan.

David Wren

Chairperson



Date: 11 May 2023

Amended Plan Change

Appendix A – Proposed Plan Change Text

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

.....

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
Use								
Residential								
(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

(A7A)	Home occupations in accordance with Standard H3.6.2 or Standard H4.6.2 of the underlying residential zones.	NC	P	P	P	P	P	P
Commerce								
(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
(A11)	Buildings and structures ancillary to the commerce land uses	RD	RD	RD	RD	RD	RD	RD
Community								
(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
Development								
(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						
Subdivision								
(A24)	Subdivision for the creation of commercial lots (including unit title subdivision)	NC	RD	RD	RD	RD	RD	RD
(A25)	Subdivision (fee simple) for the creation of public reserves	RD						

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 **all** the standards of [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.**

Standards I528.6.19 and I528.6.20 below replace E38.6.1. All other standards of E38.6 apply. For the avoidance of doubt, the standards in E38.7 apply, however, the standards in E38.8, E38.9 and E38.10 do not apply as these standards relate to activity tables that do not apply to the Omaha South Precinct (Rule I528.4).

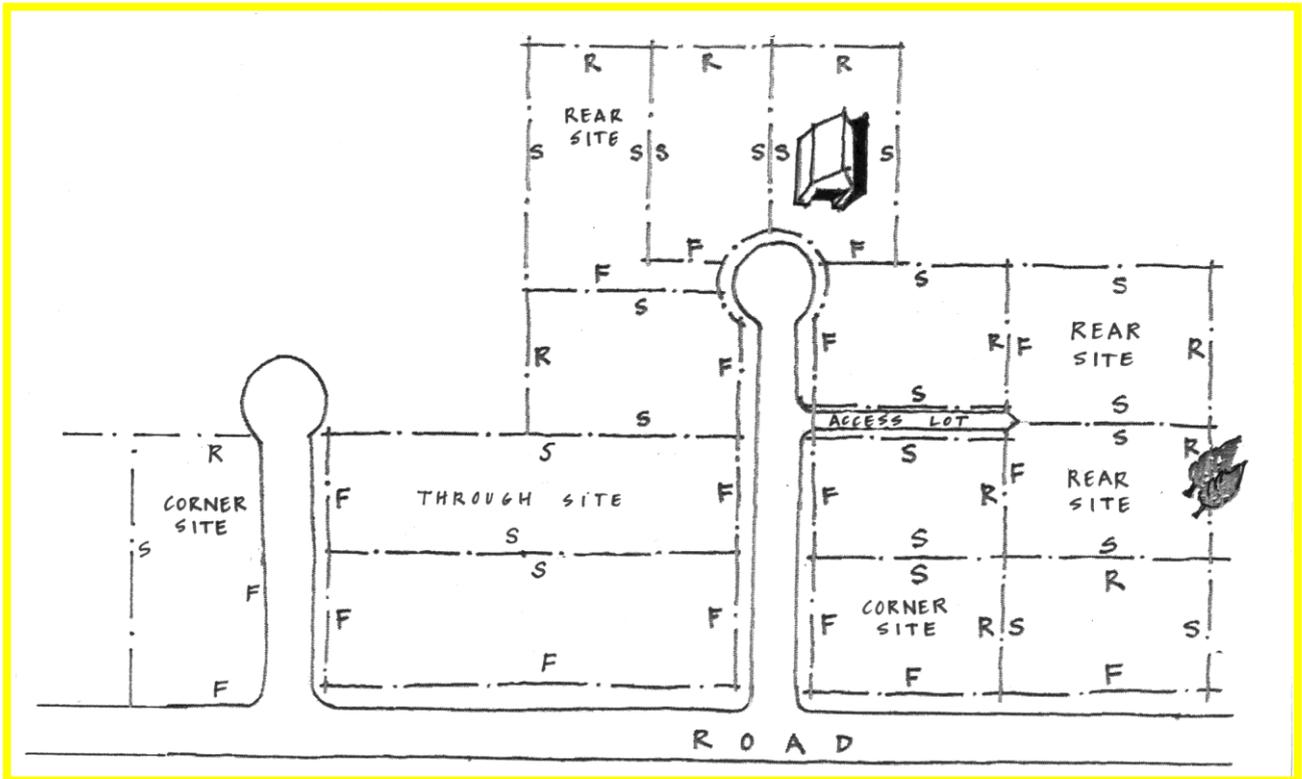
The Home Occupation Standards of H3.6.2 and H4.6.2 apply, for activities listed in Table I528.4.1 Activity Table.

.....

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.

**Attachment B – Text changes for
1528 Omaha South Precinct
(underlined, no strikethrough)**

Appendix A – Proposed Plan Change Text

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

.....

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
Use								
Residential								
(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

(A7A)	Home occupations in accordance with Standard H3.6.2 or Standard H4.6.2 of the underlying residential zones.	NC	P	P	P	P	P	P
Commerce								
(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
(A11)	Buildings and structures ancillary to the commerce land uses	RD						
Community								
(A12)	Amenity, observation and viewing areas	RD						
(A13)	Car parks	RD						
(A14)	Outdoor recreation and entertainment facilities	RD						
(A15)	Passive recreation	RD						
(A16)	Public toilets / changing facilities	RD						
(A17)	Reserves	RD						
(A18)	Surf lifesaving towers	RD	D	D	D	D	D	D
(A19)	Walkways and beach walks	RD						
Development								
(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						

(A23)	Stormwater detention ponds	RD						
Subdivision								
(A24)	Subdivision for the creation of commercial lots (including unit title subdivision)	NC	RD	RD	RD	RD	RD	RD
(A25)	Subdivision (fee simple) for the creation of public reserves	RD						

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 **all** the standards of [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.**

Standards I528.6.19 and I528.6.20 below replace E38.6.1. All other standards of E38.6 apply. For the avoidance of doubt, the standards in E38.7 apply, however, the standards in E38.8, E38.9 and E38.10 do not apply as these standards relate to activity tables that do not apply to the Omaha South Precinct (Rule I528.4).

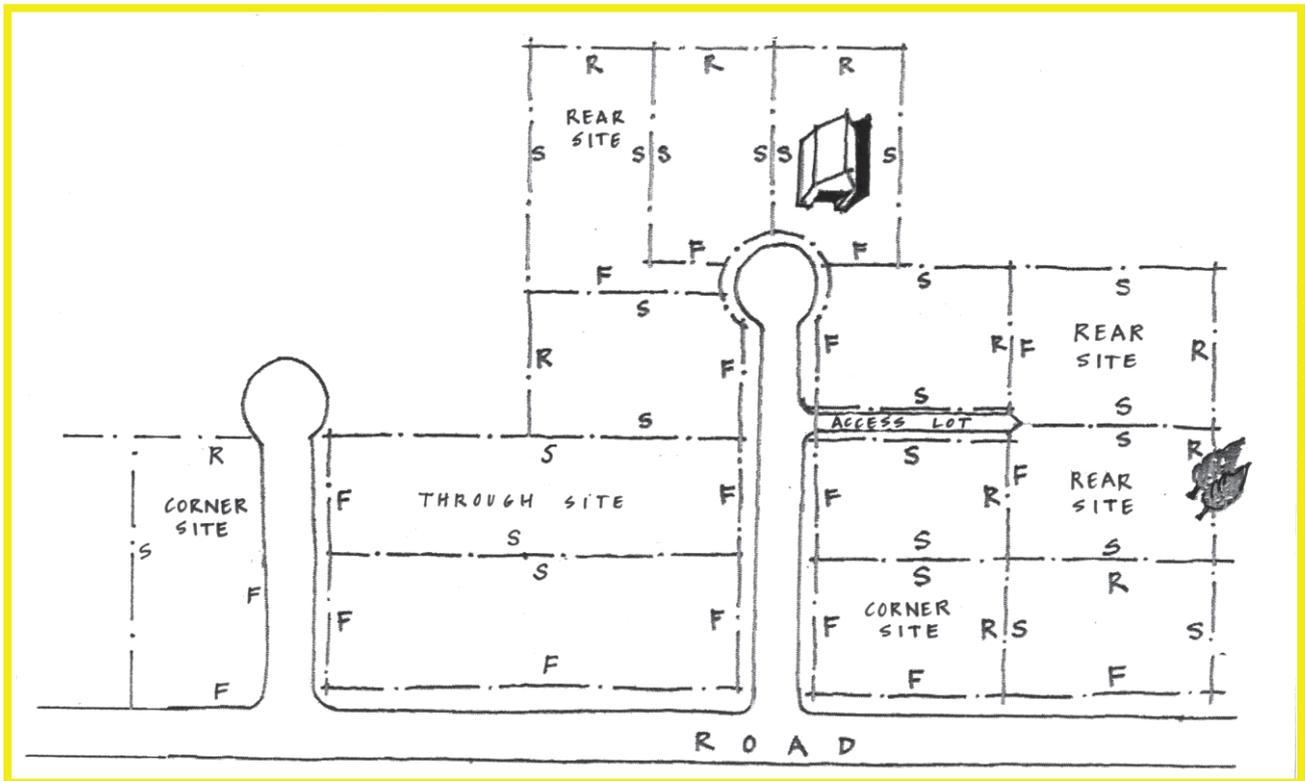
The Home Occupation Standards of H3.6.2 and H4.6.2 apply, for activities listed in Table I528.4.1 Activity Table.

.....

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



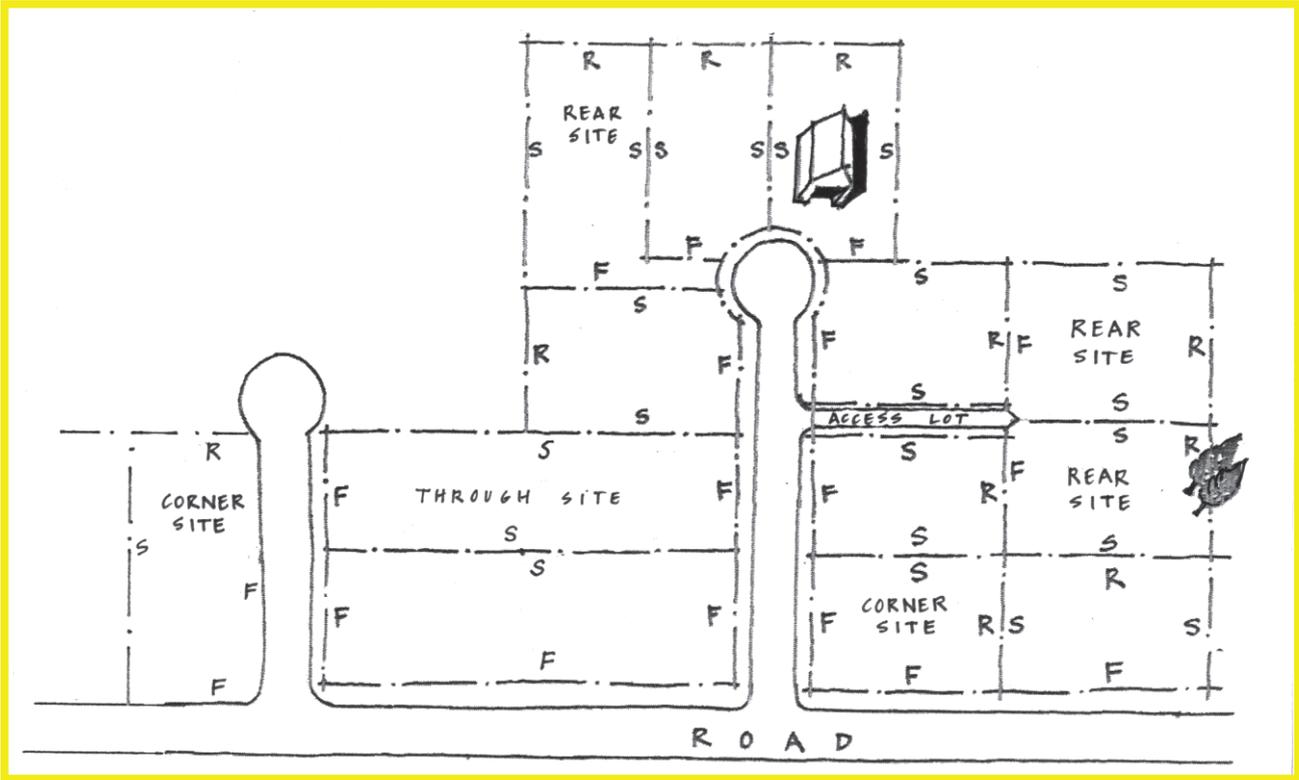
R = Rear Boundary
S = Side Boundary
F = Front Boundary

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.

**Attachment C – New precinct
plan for 1528 Omaha South
Precinct.**

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.

Attachment D – Updated text changes

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 1,100m² 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 - 1,100m² 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 450m² 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 1,800m² 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 300m² 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
Use								
Residential								
(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
(A7A)	Home occupations in accordance with Standard H3.6.2 or Standard H4.6.2 of the underlying residential zones.	NC	P	P	P	P	P	P

I528 Omaha South Precinct

Commerce								
(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
(A11)	Buildings and structures ancillary to the commerce land uses	RD						
Community								
(A12)	Amenity, observation and viewing areas	RD						
(A13)	Car parks	RD						
(A14)	Outdoor recreation and entertainment facilities	RD						
(A15)	Passive recreation	RD						
(A16)	Public toilets / changing facilities	RD						
(A17)	Reserves	RD						
(A18)	Surf lifesaving towers	RD	D	D	D	D	D	D
(A19)	Walkways and beach walks	RD						
Development								
(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						
(A23)	Stormwater detention ponds	RD						
Subdivision								

(A24)	Subdivision for the creation of commercial lots (including unit title subdivision)	NC	RD	RD	RD	RD	RD	RD
(A25)	Subdivision (fee simple) for the creation of public reserves	RD						

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 all the standards of [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.

Standards I528.6.19 and I528.6.20 below replace E38.6.1. All other standards of E38.6 apply. For the avoidance of doubt, the standards in E38.7 apply, however, the standards in E38.8, E38.9 and E38.10 do not apply as these standards relate to activity tables that do not apply to the Omaha South Precinct (Rule I528.4).

The Home Occupation Standards of H3.6.2 and H4.6.2 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.

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 20m² (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 56.8m³ (or 12,500 gallons);
 - (b) where visitor accommodation is proposed, 68.16m³ (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) 22.72m³ (or 5,000 gallons) where the individual dwelling roof catchment does not exceed 100m²;
 - (ii) 45.44m³ (or 10,000 gallons) where the dwelling individual roof catchment is between 100m² and 200m²;

- (iii) 68.16m³ (or 15,000 gallons) where the dwelling individual roof catchment exceeds 200m².

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 21m² per dwelling must be provided in Type B subdivision/development;
 - (b) an on-site soakage area of 17m² per dwelling must be provided in Type C subdivision/development;
 - (c) an on-site soakage area of 10m² 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

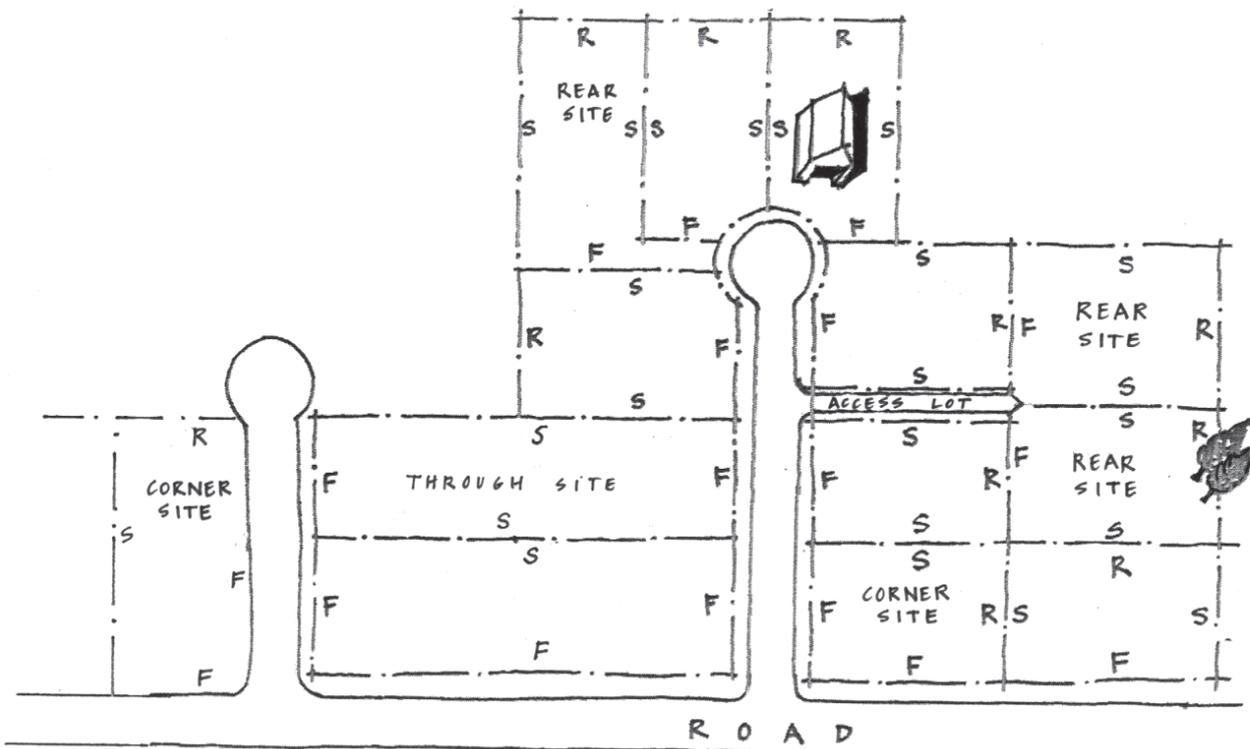
Use	Maximum height except in Sub-precinct E	Maximum height in Sub-precinct E	Maximum height of the finished second floor level in Sub-precinct E
Type A	7.5m	7.5m	NA
Type B	7.5m	7.5m	NA
Type C	7.5m	7.5m	NA
Type D	7.5m	12m	7m
Buildings and structures accessory to Residential Uses	7m	5m	NA
Visitor Accommodation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

PC 71 (see Modifications)

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.

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
Buildings and structures accessory to Residential Use	5m	1.5m	1.5m
Visitor Accommodation	7.5m	7.5m	7.5m
Retail		Nil	5m
Offices	Nil except where the site adjoins a residential sub-precinct where the yard must be 1m	Nil except where the site adjoins a residential sub-precinct where the yard must be 1m	5m
Restaurants		Nil except where the site adjoins a residential sub-precinct where yard must be 5m	5m
Buildings and structures accessory to Commerce Use	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
Type A	33%
Type B	30%
Type C	40%
Type D	40%
Visitor Accommodation	40%

Retail	70%
Offices	70%
Restaurants	70%

- (2) Buildings and structures accessory to Types A to D residential development/subdivision must have a gross floor area no greater than 60m².

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

Use	Maximum floor area ratio
Type A	1:0.37
Type B	1:0.40
Type C	1:0.50
Type D	1:0.45
Visitor Accommodation	1:0.5
Retail	1:1
Offices	1:1
Restaurants	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 20m² 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 15m² 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 6m² 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 ² 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 ²	15m
Type B	600m ²	10m
Type C	450m ²	7.5m
Type D	1800m ²	20m
Visitor Accommodation	1800m ²	20m
Retail	400m ²	6m
Offices	400m ²	6m
Restaurants	400m ²	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

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

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

Use	Minimum site area	Minimum frontage on front or corner sites
Access reserve development area	2000m ²	10m
Neighbourhood reserve development area	2000m ²	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

