

The Proposed Auckland Unitary Plan (notified 30 September 2013)

5.28 Omaha Flats

The activities, controls and assessment criteria in the underlying Mixed Rural zone 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.

1. Activity table

1. The following table specifies the activity status of subdivision activities in the Omaha Flats precinct.

Activity	Activity Status
Subdivision as set out in clause 2.1 below	RD

2. Subdivision controls

1. The subdivision controls in the Auckland wide rules - [Subdivision](#) rules apply in the Omaha Flats precinct unless otherwise specified below.

2.1 Restricted discretionary activities

1. The following categories of subdivision are restricted discretionary activities:
 - a. Subdivision of a site that complies with the development controls set out in clauses 2.2.1.1, 2.3.1 - 2.3.3, 2.4 and 2.12 below.
 - b. Subdivision for the protection of wetlands provided that the controls set out in clauses 2.2.2 and 2.4 - 2.9 below are met.
 - c. On Lot 10 DP 92086 (281 Takatu Road), two additional sites on this title over and above any site that were approved for subdivision prior to November 2010 in accordance with either clauses 2.1.1.a or 2.1.1.b above, provided that:
 - i. the additional sites are applied for at the same time in relation to each title, site meets the relevant rules above for the rule under which each site is created.
 - ii. the balance block remaining must be 5ha.

2.2 Density

1. No more than one site may be created from sites over five hectares, where those sites existed on 20 November 2010.
2. For subdivision for the protection of wetlands, the density controls are as follows:
 - a. one site is allowed on any site with at least 5000m² of continuous wetland which is not already legally protected, meeting the criteria set out in 4.4 below
 - b. Where any site contains over 5000m² of wetland meeting the criteria set out in clause 4.4 below which is not already legally protected the number of sites is as follows;

Table 1

Area of wetland protected	Total number of sites that may be created
5000m ² - 1.9999 hectares	1
2.0 - 3.999 hectares	2
4.0 - 7.9999 hectares	3

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8.0 - 11.999 hectares	4
12.0 - 15.9999 hectares	5
16.0 - 19.9999 hectares	6
20.0 - 24.9999 hectares	7
25.0+ hectares	8 plus 1 additional site for each 5 hectares of wetland above 30 hectares

2.3 Minimum site size

1. The site created by the subdivision must be between 4,000m² - 5,000m².
2. The site created must not be used in any boundary relocation subdivision to create sites greater than 4,000m² - 5,000m².
3. Any boundary relocation must not result in the site created by the subdivision having a site area of less than 4,000m² or greater than 5,000m² and any reduction in the size of any balance site created by the subdivision.
4. For sites created for the protection of wetlands the following minimum site size applies:
 - a. Where the protected wetland is to remain on the parent site the new rural residential site must have:
 - i. a minimum site size of 1 hectare
 - ii. a maximum site size of 2 hectares.
 - b. Where the protected wetland is to be contained within the new rural residential site the new rural residential site must have:
 - i. a minimum site size of 1 hectare
 - ii. a maximum site size determined by the size of the protected area together with a 1,500m² building and access area.
 - c. The minimum site size for the balance area is 1 hectare.

2.4 Minimum frontage and access

1. The minimum frontage of sites must be 6m provided that up to five sites may gain frontage over a jointly owned access site, right of way for the benefit of sites, or a combination of both, not less than 6m width.
2. In addition to the meeting the controls in clause 2.4.1, for sites subdivided under clause 2.2.2(b) above, the minimum site frontage for the balance area must be 6m.

2.5 Design of subdivision

1. For subdivision in accordance with clause 2.1.1(a) the following controls apply:
 - a. Appropriate legal measures must be put in place to prevent further subdivision of any balance area.
 - b. The site shapes must be varied so that subdivision does not result in uniform settlement patterns that are characteristic of urban or suburban development.
 - c. A conservation subdivision plan must be completed in accordance with the clause 4.1.1 below, and must include a detailed site design plan to address the relevant matters of discretion set out in clause 3.1.

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- d. The conservation subdivision plan must be used as the basis for the plans of subdivision and must be submitted with the plan of subdivision.
 - e. The plan of the subdivision must provide appropriate legal mechanisms to ensure the avoidance of the constraints and mitigation and/or permanent protection values identified in the conservation subdivision plan.
2. For subdivision in accordance with clause 2.1.1(b) the following controls apply:
 - a. A conservation subdivision plan must be completed in accordance with clause 4.1.1 below, and must be used as a basis for the plan of subdivision.
 - b. The conservation subdivision plan must be submitted with a plan of the subdivision.
 - c. The plan of the subdivision must provide appropriate legal mechanisms to ensure the avoidance of the constraints and mitigation and/or permanent protection values identified in the conservation subdivision plan.

2.6 Defined building area

1. Each defined area for building must be identified on the ground before the proposed plan of subdivision is submitted for approval, and must be shown on all plans of subdivision submitted for approval, including the plan submitted for deposit, and its existence must be noted on the title for each site pursuant to a consent notice under s. 221 of the RMA or similar mechanism.

2.7 Riparian margin standards

1. All stream and river margins must be protected in the following manner:
 - a. A stock proof fence must be erected the following distance from the top of the bank of the stream or river:
 - i. A minimum of 10m each side of the stream (including ephemeral streams) where the stream is an average width across the property of less than 3m; or
 - ii. A minimum of 20m each side of the stream where the stream is an average width across the property of greater than or equal to 3m.
2. A minimum of 10m from the stream or river must be planted in native vegetation in compliance with the controls in clause 2.9, except that where the distance between the stream or river and the stock proof fence is less than 10m, it is only the area between the stream or river and the stock proof fence that is to be planted in native vegetation.
3. The native vegetation must be for the purpose of riparian margin protection and must not be clear felled or removed.
4. 10% of the required native planting may be substituted with exotic specimens provided that the planting standard specified in clause 2.9 is applied as if the planting were 100% native.
5. A covenant for the permanent protection of the native vegetation in the planted area must be applied.
6. The planted area must be kept free of stock.
7. The controls in clauses 2.7.1 -2.7.6 do not apply where the land within the 20m of the stream or riverbank is to be vested as a public reserve in the same application for subdivision.
8. Where exotics are included in a planting plan required by clause 4.3, written confirmation must be provided from a person qualified and experienced in vegetation restoration, that the exotic species will not compromise the long term sustainability of the native planting.
9. Willow and poplar species must be avoided unless their use can be demonstrated as being necessary to control actively eroding sites exhibiting signs of severe erosion.

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10. Where a stream or river forms the boundary of another site and the boundary is common to the proposed site and the parent site, both sides of the stream or river must be fenced and planted, otherwise only that side within the proposed site must be fenced and planted.
11. For the purposes of this control, an ephemeral stream is a channel (including grassed channels) indicative of recurrent water movement of reasonable frequency.

2.8 Management of overland flows

1. All subdivision and subsequent development should:
 - a. have regard to any relevant adopted Catchment Management plan and/or Comprehensive Discharge Consent
 - b. be hydrologically neutral
 - c. ensure volumes and time of concentration of overland flows from an area during rainfall are the same, both before and after subdivision has occurred
2. Subdivisions draining directly to the CMA will be exempt from providing hydrological neutrality reports for the 100 year return period storm where there is no existing or potential downstream development and flooding is not an issue.
3. The design principles used to achieve hydrological neutrality are:
 - a. overland flow disposal must mimic as far as possible the natural drainage process of an area
 - b. modifications to existing drainage patterns must be kept to a minimum
 - c. overland flows must not be discharged directly into streams from a piped system
 - d. impervious areas must be kept to a minimum
 - e. appropriate methods of stormwater detention must be employed before dispersal into waterways, including but not exclusively:
 - i. swales and depression landscaping
 - ii. dispersion into vegetative filters
 - iii. dispersal trenches
 - iv. detention ponds
 - v. detention tanks
 - vi. vegetation planting
 - vii. water reuse
4. Applicants must provide clear and accurate information on the present site conditions and the proposed development and its effects on stormwater, as set out in clause 4.2.

2.9 Native vegetation planting

1. The planting of native vegetation required by the controls set out in clause 2.7 above must meet the following standards:
 - a. a survival rate such that planting will be established to a minimum of 90% of the original density specified before the project is signed off as complete
 - b. a density of 1.4m centres (5,100 stems per ha) reducing to 1m centres (10,000 stems per ha) in kikuyu and wetland environments and riparian margins
 - c. a stock proof fence must be erected on the periphery of the planting or at the distance specified in clause 2.7 above

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- d. the area must be permanently protected via covenant from any activity which could adversely affect the planting
 - e. all plants must be sourced from the ecological district and be appropriate for the soil, aspect, exposure and topography
 - f. each plant must be fertilised in accordance with the recommendations of the revegetation report submitted as part of the planting plan assessment
 - g. planting undertaken must reflect the composition of former natural vegetation likely to have occupied the site and have regard to natural processes of succession
2. The maintenance of native plantings must meet the following standards:
 - a. maintenance must occur for a minimum of five years or until canopy closure has recurred within five years
 - b. maintenance must include the ongoing replacement of plants that do not survive
 - c. all invasive weeds must be eradicated from the planting site both at the time of planting and on an ongoing basis and plants released from kikuyu as necessary to ensure adequate growth
 - d. animal pest control must occur
 3. Applicants must provide information to the council regarding the native planting which meets clause 4.3 below
 4. The vegetation must be established for the purposes set out in the planting plan assessment and must not be clear felled or removed.
 5. Monitoring must be undertaken for a minimum of five years (6 monthly for the first 18 months then annually) at which point the council will review the planting.
 6. A monitoring report must be provided to the council which meets clause 4.3(a)(iii) below.
 7. Remedial action is required where monitoring indicates that these controls, or the measures contained in the planting plan assessment are not being met.

2.10 Assessment of wetlands

1. For the purposes of determining what constitutes a significant wetland, the guidelines entitled "Guidelines for the Field Assessment of Wetland Quality in Rodney District" set out in clause 4.4 must be used. The wetland must meet the acceptance criteria in these guidelines.
2. All applications based on protecting significant wetlands must demonstrate that an assessment of the wetland has been undertaken, and that the wetland meets the acceptance criteria set out in the guidelines clause 4.4.

2.11 Location of protected wetland, and site for dwelling

1. The area of the wetland to be protected can either:
 - a. remain entirely within the parent site from which the rural residential site is subdivided; or
 - b. be contained within the new rural residential site provided that the building area for building and access, (1,500m²) does not require or result in the removal or destruction of native bush and trees, or compromise in any manner any other feature to be protected.

2.12 Protection of wetlands

1. Every resource consent involving the protection of a wetland must include a condition or conditions providing for the effective and permanent protection of that wetland.

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2. Without limitation, such conditions must include a requirement that a permanent fence (minimum seven wire post and batten fence with no gates) capable of preventing browsing or other damage by farmed animals must be erected (and maintained) around the wetland to be protected. Any such fence must be setback a minimum distance of 10 metres from the wet area of the wetland in instances where there are no adjoining areas of native bush. No grazing of animals is to be permitted within the fenced area.
3. The area of wetland must be made free of plant pests, including other plant and tree species that are detrimental to wetlands i.e. willows, poplars and invasive terrestrial plant species, and maintained in that state.
4. Any conditions for the protection of the wetland must be complied with on a continuing basis by the subdividing owners and subsequent owners and must be the subject of consent notices to be registered under the Land Transfer Act 1952.

3. Assessment - Restricted discretionary activities

3.1 Matters of discretion

The council will reserve its control to the matters below for the activities listed as restricted discretionary activities in the precinct activity table:

1. Site size, shape and number of sites
2. Site contour
3. Site access and frontage
4. Duration and nature of covenants
5. Earthworks and land modification
6. Tree and bush removal/protection
7. Mitigation vegetation planting
8. Natural hazard avoidance/mitigation
9. Reserve provision
10. Utility provision
11. Suitability for building and building area location and size within a site
12. Neighbouring land use activities
13. Proximity to sites identified on the planning maps as a significant aggregate or limestone extraction resource.

3.2 Assessment criteria

The council will consider the relevant assessment criteria below for the restricted discretionary activity listed above.

1. Effects on rural character and rural amenity values
 - a. The location and design of the site in the proposed subdivision should not adversely impact on the productivity or management of established horticultural or agricultural activities or the ability of neighbouring sites to establish permitted activities.
 - b. Subdivision should occur without creating adverse effects, including cumulative effects, on the rural character anticipated within the particular zone.

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- c. Site boundaries should take into account the natural geographic features and building areas should be unobtrusive and avoid the need to remove areas of native trees and bush.
 - d. The location, design or density of the sites in the proposed subdivision should not adversely impact on the productivity or management of established rural production activities or the ability of neighbouring sites to establish permitted rural production activities.
2. Ecosystems and natural landscape quality
- a. Works and development associated with the subdivision should not adversely impact on the quality of any water bodies, including rivers.
 - b. There should be effective buffers and setbacks between development and natural areas and wildlife habitats, or development should be located an adequate distance away from natural areas to avoid significant adverse effects on ecological and wildlife values.
 - c. The subdivision and subsequent development should not adversely affect any flora or fauna species including threatened or endangered species existing on the site or in the surrounding area, including the area of land that extends down to the mean high water mark.
 - d. Vehicle access to ecologically sensitive areas should be avoided and walkway access should be carefully controlled to ensure that the human impacts of development, particularly in relation to adverse effects on threatened or endangered species are avoided.
3. Vegetation planting
- a. Any fencing of bush or wetland areas, or native and exotic and revegetation areas or land rehabilitation areas, as required as part of subdivision should be of an appropriate standard to be stock proof around the perimeter of the area. Where this requirement is to be waived, it should be shown that:
 - i. physical obstacles such as cliffs or rivers already provide sufficient protection from stock and animals
 - ii. fencing would detrimentally affect the area to be protected
 - iii. the natural features are of a type that would not be damaged by stock and animals and fencing is otherwise unnecessary
 - b. Any area of natural significance, wetlands, bush and wildlife habitat should be legally and physically permanently protected as part of the subdivision.
 - c. The riparian protection measures proposed should be adequate to protect the riparian margins permanently, including fencing and planting.
 - d. The subdivision should not result in removal of areas identified for protection in the primary and secondary conservation areas in the conservation subdivision plan.
 - e. Subdivision (taking into account remedial and mitigatory proposals) should:
 - i. avoid adverse effects on reserve land and any open sanctuary restoration projects, including buffer areas
 - ii. avoid adverse effects on significant flora and fauna habitats including habitats of threatened species
 - iii. avoid adverse effects on threatened ecosystem types such as wetlands and dune systems, and coastal ecosystems
 - iv. avoid the fragmentation of existing natural areas
4. Servicing
- a. On-site wastewater systems should be regularly monitored and maintained in accordance with

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best engineering practice.

- b. There should be adequate contributions of water and services and reserves to offset adverse effects generated by the subdivision.
- c. Adequate utilities should be provided for the subdivision.
- d. The overland flows should be hydrologically neutral (i.e. retain flows at pre-development levels).

5. Design and layout of subdivision

- a. The site size, shape, contour and access should be suitable for the intended use.
- b. The site(s) should be located so that it does not require substantial earthworks or land modification to obtain access or any building area.
- c. The site(s) should be located so that a dwelling can be erected on it without significantly detracting from, damaging or destroying any features on the site required to be protected, or from the visual amenity values present in the vicinity of the site.
- d. The site(s) should be located so that a proliferation of entranceways along a public road does not result and the adverse effects on the safe and efficient operation of the roading network are avoided.
- e. Where possible, subdivision should avoid direct vehicle access to a State Highway or a regional arterial road by using alternative access to a lower order road where such access exists or can be readily obtained.
- f. The subdivision layout should avoid locating building platforms on a prominent ridge, knoll or skyline where the erection of buildings would dominate the natural landscape or detract from the visual amenity values in the area.
- g. The subdivision should not initiate or exacerbate natural hazards, through earthworks or access provision, or result in building areas being subject to natural hazards.
- h. The subdivision layout should encourage the retention, protection and management of existing native vegetation, wildlife habitats, watercourses and natural features, including the fencing of perennial watercourses to prevent access by stock.
- i. Adequate reserves should be provided to meet recreational needs of residents.
- j. The layout, character and scale of the subdivision should be done in a manner and at a scale that complements natural features identified in primary and secondary conservation areas in the conservation subdivision plan and does not overwhelm them or result in a loss of or compromise the often "remote" and non-urban character of the underlying zones.
- k. The activity should not adversely effect the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.
- l. The works and development associated with the subdivision should not adversely impact on the natural quality of any water bodies, including rivers flowing to the sea and the sea itself.
- m. The subdivision should not have adverse cumulative effects, including:
 - i. effects of the proposed subdivision which add to, or act together with the effects of the existing environment and
 - ii. effects of any consented subdivision that may establish in the future which will add to, or act together with the proposed subdivision.

4. Special information requirements

- 1. Conservation subdivision plan

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- a. A conservation subdivision plan must be submitted, along with the relevant plan of subdivision.
 - b. The conservation subdivision plan must identify the following in a site analysis plan:
 - i. Primary Conservation Areas: Primary Conservation Areas are areas whose development is severely constrained for reasons associated with natural hazard or which have implications for human safety such as wetlands, floodplains, unstable land, steep land (generally over 1:5), and land unsuitable for sewage effluent disposal
 - ii. Secondary Conservation Areas: Secondary Conservation Areas identify 'noteworthy' natural features of the environment to which development has the potential for significant adverse effect such as areas of
 - native forest, bush and wetlands including any actual or potential SEAs identified on the planning maps
 - wildlife habitats
 - groundwater recharge areas
 - first and second order streams
 - heritage sites
 - important rural and coastal landscape features such as ridges, knolls and headlands, outlooks and open space
 - iii. A development sketch plan that overlays the site analysis plan and supporting statements should then be prepared illustrating how the adverse effects on the constraints and values identified in a. and b. above have been avoided, mitigated and/or protected (including permanent protection by means of covenant and/or stock-proof fencing where warranted) and must also identify:
 - proposed house sites
 - access roads
 - walking, horse and bike trails
 - proposed site boundaries around house sites.
 - iv. The council reserves the discretion to require professional assessment of ecological values, the potential for adverse effects from proposed development and any proposed measures for their protection, restoration and management.
 - v. The site analysis and development sketch plans are not required to be to survey standards, but should reasonably accurately depict all of the features specified above.
 - vi. One means of presenting the information required by this rule would be by way of a vertical aerial photograph at a scale appropriate to show the details required.
2. Management of overland flows
- a. Applicants must clearly and accurately provide information on the present site conditions and the proposed development and its effects on stormwater, including, but not necessarily exclusively:
 - i. Pre-site development site assessment
 - size of site
 - topography and steepness of site
 - extent of existing vegetation, land cover and land use
 - existing drainage patterns and streams
 - where the site is in relation to the catchment area

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- ii. Development proposal assessment
 - number and size of proposed sites
 - roading pattern (if required)
 - location of buildings on all proposed sites
 - estimated likely total area of impervious surface including driveways, roofs etc
 - interference with existing drainage patterns (drains and overland flow paths)
 - iii. Hydrological Neutrality Assessment
 - calculation of pre-development flow, volume and time of concentration using the council's Technical Publication 108 Guidelines for Stormwater Runoff Modelling in the Auckland Region
 - a detailed description of proposed stormwater management methods for each site, including methods listed in clause 2.8.3.
 - calculation of post development flow, volume and time of concentration to show "Hydrological Neutrality" criteria will be met by the methods proposed
3. Planting information requirements
- a. Applicants must clearly and accurately provide information on the following:
 - i. Pre-planting site assessment
 - the ecological district of the site
 - the characteristics of the soil ie. clay, silt, loam
 - soil drainage
 - topography of the area to be planted
 - aspect of the area to be planted
 - exposure of site to wind, frost, sunlight and salt spray
 - presence of animal pests and weeds
 - extent of existing bush or native vegetation on the site and its species composition
 - distance from established bush and the state of the established bush if there is none on the site
 - any restrictions on planting, such as safety issues, maintenance of views, etc.
 - ii. Planting plan assessment
 - purpose of the planting, including hill country erosion control, stream bank erosion control, habitat restoration, ecological corridor creation, buffer planting to protect edges of existing bush, water quality enhancement, retirement of marginally economic land, remove or amenity/landscape planting, riparian margin and wetland restoration and coastal margin restoration.
 - location and extent of planting on a plan
 - site preparation for planting, including stock-proof fencing of planting areas, weed and animal pest control
 - site planting, including species to be planted, size of plants, and where they are to be planted, density of planting, and sourcing of plants and fertilising.

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- maintenance of planting, including releasing plants, fertiliser, animal pest and weed control and mulching and replacement of plants which do not survive
- iii. Monitoring report
- The monitoring report (to be undertaken by a person with appropriate experience and qualifications) must include information on the following:
 - success rates, including growth rates and number of plants lost (including an analysis of the distribution of losses)
 - canopy closure, beginnings of natural ecological processes - natural regeneration in understory, use by native birds, etc
 - a running record of fertilisation, animal and weed pest control and replacement of dead plants
 - recommendations for replacement of dead plants and implementation of these recommendations. Any remediation action must specify a start date and be the subject of a progress report 6 months from that date (If remedial action is beyond the first 18 months the report must be independent of the annual report)
 - state of the fencing and recommendations for maintenance to be undertaken.
4. Refer to [Appendix 11.5.9.2](#) - Guidelines for the field assessment of native wetland quality

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