

# Decision following the hearing of a Plan Change (PC 54) to the Auckland Unitary Plan and a Plan Modification (PM 13) to the Auckland Council District Plan – Hauraki Gulf Islands Section under the Resource Management Act 1991



## Proposal

The purpose of the plan change and the plan modification is to enable the installation of rainwater tanks in Residential and Rural zones.

PC 54 and PM13 are **APPROVED** with amendments. The reasons are set out below.

<b>Plan change/modification number:</b>	PC54 / PM13
<b>Site address:</b>	Auckland Unitary Plan and Auckland Council District Plan Hauraki Gulf Islands Section
<b>Applicant:</b>	Auckland Council
<b>Hearing commenced:</b>	Monday, 30 August 2021 at 9.30 a.m.
<b>Hearing panel:</b>	Les Simmons (Chairperson) Trevor Mackie
<b>Appearances:</b>	<p><u>For the Submitters:</u></p> <ul style="list-style-type: none"> <li>- Karaka and Drury Consultant Ltd represented by Renee Fraser-Smith</li> <li>- Kāinga Ora represented by Matthew Lindenberg</li> <li>- Bain Allott Cross</li> <li>- Dianne Giles</li> </ul> <p><u>For the Local Boards:</u></p> <ul style="list-style-type: none"> <li>- Waitemata Local Board represented by Alexandra Bonham, Deputy Chair</li> <li>- Whau Local Board represented by Jessica Rose</li> <li>- Albert-Eden Local Board represented by Christina Robertson</li> <li>- Aotea / Great Barrier Local Board represented by Izzy Fordham, Chair</li> </ul> <p><u>For Council:</u></p> <ul style="list-style-type: none"> <li>- Phill Reid, Manager Planning, Auckland Wide</li> <li>- Alison Pye, Planner</li> <li>- Prasta Rai, Hearings Advisor</li> </ul>
<b>Hearing adjourned</b>	Monday 30 August at 12.37pm
<b>Commissioners' site visit</b>	No site visits were undertaken
<b>Hearing Closed:</b>	Wednesday 29 September

## Introduction

1. This decision is made on behalf of the Auckland Council (“**the Council**”) by Independent Hearing Commissioners Les Simmons (Chairperson) and Trevor Mackie 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 54 (“PC 54”) to the Auckland Council Unitary Plan Operative in Part (“the Unitary Plan”) and on Plan Modification 13 (“PM 13”) to the Auckland Council District Plan Hauraki Gulf Islands Section 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. PC 54 and PM 13 are Council-initiated plan changes/plan modifications that have 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/plan modification was publicly notified on 9 October 2020 following a feedback process involving Iwi, as required by Clause 4A of Schedule 1.
5. The submission period closed on 9 November 2020. A summary of submissions was notified for further submissions on 19 November and re-notified on 26 November 2020. The further submissions period closed on 10 December 2020. A total of 14 submissions (including 2 late submissions) and one further submission was made on PC 54. A total of 5 submissions (including 1 late submission) were received to PM13.
6. The late submissions were accepted under delegation by Council Officers.
7. PC 54 and PM 13 were initiated and processed together. While they both share a common purpose, they relate to two separate planning documents. In our decision we provide a separate decisions version for PC 54 (in relation to the Auckland Unitary Plan (Operative in Part)) and PM 13 (in relation to the Auckland Council District Plan – Hauraki Gulf Islands Section). Where we have considered appropriate in our decision we have made separate comments with respect to PC54 and PM13 in regard to the specific provisions, the principal issues that remained in contention and our findings on those issues.

## SUMMARY OF PC 54/PM 13

8. The proposed plan change and plan modification are described in detail in the section 42A report prepared by Ms Alison Pye.
9. The key components of the proposed plan change/plan modification are set out in Section 3.0 of the section 42A report. They include, in relation to PC 54:
  - amending the definition of “Buildings” to exclude “rainwater tanks” in specified zones and overlays,

- introducing a new definition of “rainwater tank” and
- identifying “rainwater tanks” as a permitted activity in specified Residential and Rural zones and overlays.

In relation to PM13:

- introducing a new definition of “rainwater tank” and
- excluding rainwater tanks from the definition of “building” on the proviso that they meet standards for height, placement and colour.

## **HEARING PROCESS**

10. The pre-circulation of expert evidence had been directed and had been made available prior to the hearing commencing.
11. Due to Level 4 Covid-19 restrictions the hearing was held by way of Microsoft Teams.
12. The hearing was adjourned after the evidence of submitters had been presented. This was to enable the Council reporting team to prepare a written response to the matters raised during the hearing, including an updated tracked change version of the recommended amendments set out in Appendix 10 to the section 42A report. We also agreed to Mr Lindenberg being provided with a copy of the updated Appendix 10 to enable him to insert his recommended amendments and provide that prior to the hearing reconvening. We received all of this further information on 13 September.
13. After considering the reporting team’s written response to the matters raised by submitters, including Mr Lindenberg’s recommended amendments and matters raised during the hearing, the hearing was closed on Wednesday 29 September.

## **RELEVANT STATUTORY PROVISIONS CONSIDERED**

14. The RMA (and settled case law) sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements are set out in the section 42A report and the section 32 assessment that forms part of the hearing report and we do not need to repeat these again.
15. Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting submissions. We note that Clause 10(3) does not require us to give a decision that addresses each submission individually. 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 Ms Pye’s paragraph 2 in her response to submitters’ evidence dated 10 September. We note that the evidence presented by submitters and 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 either PC54 or PM13 should be made.

16. There are a number of provisions of both the Unitary Plan and the Hauraki Gulf Islands Plan that are relevant and these have been identified and discussed in the section 42A and section 32 reports, as well as in the evidence presented on behalf of submitters and the Council's reporting team. We do not see it necessary to specifically summarise these relevant plan provisions. We do record however that we have concluded that all the relevant provisions have been identified by the parties and we have taken into account these provisions and the expert evidence presented to us during the hearing.

## **CONTEXT AND HISTORY**

17. We note the Executive Summary in the section 32 report and the Background section of Ms Pye's section 42A report, which set out the reasons why the Council has initiated PC54 and PM13 as part of the Council's wider response to the impacts of climate change, low water levels in Auckland's storage dams and the resilience of Auckland's water supply system.
18. We recognise that the Auckland region includes extensive rural areas which do not have reticulated water supply and that the role of rainwater tanks for rural and island communities is different from the role of rainwater tanks in urban areas. In addition the physical nature and intensity of development within urban areas requires a careful consideration of the impact of the location of rain water tanks on yards, outdoor living areas and amenity values.
19. We note the support for the enabling nature of PC54 and PM13 from submitters and the Local Boards. The principal issues that were initially in contention focussed on whether or not a more simplified approach could be taken in terms of PC54 and how to improve the wording of specific provisions, rather than whether or not PC54 and PM13 should be declined. We also acknowledge that by the end of the hearing a considerable degree of agreement had been reached.

## **SUMMARY OF EVIDENCE**

### **On behalf of Auckland Council**

20. The section 42A report was prepared by Ms Alison Pye, Auckland Council Senior Policy Planner, Plans and Places. Her report was circulated prior to the hearing and taken as read. Her recommendation was that PC 54 and PM 13 be approved with amendments in response to submissions.<sup>1</sup> She presented an oral summary of her report and identified a number of changes to her recommendations in response to the pre-circulated evidence of submitters. Ms Melanie McKelvie, Team Leader Design Review (Urban Design Unit, Plans and Places) also tabled her written response to the submitter evidence, in support of the updated recommendations identified by Ms Pye.

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<sup>1</sup> S42A, Executive Summary, para x.

21. In addition to Ms McKelvie's urban design assessment and advice, Ms Pye's planning assessment was supported by technical advice from Mr Justin De Silva (Engineer) and Mr Stephen Quin (Landscape Architect).
22. Ms Pye updated recommendations and amendments to PC 54 and PM13 in her written response to the evidence presented at the hearing. She recommended approval of both subject to her final amendments<sup>2</sup>.

### **On behalf of Local Boards**

23. Under the Auckland Council's governance model, Local Boards are able to provide feedback on publicly notified plan changes. Ms Pye informed us that such feedback does not carry the same weight as a submission and there are no appeal rights.<sup>3</sup> We received written feedback from all 21 Local Boards in support of PC 54 and PM 13. The following Local Board members attended the hearing, spoke in support of their Board's feedback and responded to our questions: Ms Alexandra Bonham (Waitemata), Ms Jessica Rose (Whau), Ms Christina Robertson (Albert-Eden) and Ms Izzy Fordham (Aotea/Great Barrier).
24. All 21 Local Boards supported the proposed changes to enable rainwater tanks installation for the Auckland Region. The Local Boards that were represented at the hearing reflected the unanimous region wide Local Board support.

### **On behalf of Submitters**

25. Ms Renee Fraser-Smith, planning consultant, had pre-circulated planning evidence on behalf of Karaka and Drury Consultant Limited in relation to PC 54. She presented a summary statement of her pre-circulated evidence. Her primary concern was that PC 54 does not achieve the objective of enabling the provision of rainwater tanks. She considered that PC 54 is very complex, modifies 18 different chapters of the AUP and requires an applicant to obtain expert advice to confirm the permitted status of a rainwater tank<sup>4</sup>. In her summary statement she noted her support for some of the specific changes recommended by Ms Pye. It remained her overall view that PC 54 is a cumbersome and over the top approach to resolving what is a simple issue.
26. Mr Matthew Lindenberg, Technical Director at Beca Limited, had pre-circulated planning evidence on behalf of Kainga Ora Homes and Communities in relation to both PC 54 and PM 13. In summary Mr Lindenberg sought simplification of PC 54 and PM13. He identified six broad planning themes in his evidence, being:
  - (1) Enablement of rainwater tanks in rural areas by confining the scope of PC54 to residential zones.
  - (2) Enablement of rainwater tanks in residential zones and the Special Purpose-Maori Purpose zone.

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<sup>2</sup> Written response dated 10 September

<sup>3</sup> Para 8.0.1

<sup>4</sup> Summary statement

- (3) Enablement of rainwater tanks in Rural Waitakere zones.
  - (4) Enablement of rainwater tanks in the Special Character Area Overlay.
  - (5) Matters of Discretion and Assessment Criteria.
  - (6) The definition of 'rainwater' tanks.
27. His evidence was comprehensive and included specific deletions and/or amendments to a large number of the recommended provisions. In response to the final recommendations from Ms Pye, Mr Lindenberg provided a tracked change version that included his final deletions and/or amendments.
28. Mr Bain Cross, retired planner, of Thames, had pre-circulated his evidence in relation to both PC 54 and PM 13. His primary concern related to the proposed wording of the definition of rainwater tanks. With respect to his concerns in relation to the wording of the proposed standards provisions, Mr Cross acknowledged that he agreed with most of the amendments recommended by Ms Pye in her section 42A report. He remained concerned about the proposed restrictions on the location of rainwater tanks in front yards, or forward of a dwelling facing a private driveway. It was his opinion that it was unnecessary to have restrictions on the height and location of such rainwater tanks as these matters could be managed through the resource consent process, particularly for comprehensive residential developments.
29. Ms Diane Giles of 340 Clevedon-Kawakawa Road, Clevedon had pre-circulated her evidence in relation to PC 54. Her concern related to stormwater discharges from rainwater tanks and the potential adverse effects of stormwater runoff on neighbouring properties. She requested that rainwater tanks be connected to and discharge their overflow into an existing public reticulation stormwater network. In rural areas, that public stormwater network would generally consist of the stream network and roadside water table, supplemented by overland flow paths.
30. In addition to the submitters who presented evidence at the hearing we have carefully considered and taken into account the matters raised in all submissions and further submissions to were lodged to PC54 and PM13.

## **PRINCIPAL ISSUES IN CONTENTION**

31. Having considered all of the submissions and further submissions received, the section 42A hearing report, the evidence presented at the hearing and the responses to our questions, together with the reporting team's written response to the evidence presented at the hearing, the following principal issues in contention have been identified:
- Are the proposed changes too complex and can they be simplified?
  - The wording of the proposed provisions.

- Will the proposed changes be the most appropriate method for achieving the objectives of the Plan having regard to efficiency and effectiveness of the proposed provisions?

32. With respect to PM13 we have concluded that there are no issues that remain in contention. Mr Cross in his evidence identified only two issues that remained of concern to him, neither of them related to PM13. As we understood Mr Lindenberg's evidence he also supported the recommendations of Ms Pye in relation to PM13. The only other submissions on PM13 were in support.

## **FINDINGS ON THE PRINCIPAL ISSUES IN CONTENTION**

### **Are the proposed changes too complex and can they be simplified?**

33. It is relevant to recognise that the final recommendations from Ms Pye were that the versions of PC54 and PM13 that were publicly notified in October 2020, should be amended, in response to the matters raised by submitters. In her section 42A report Ms Pye recommended many amendments and/or deletions in order to simplify the proposed provisions. After considering the evidence presented at the hearing she recommended further amendments and/or deletions. While her recommendations may resolve many of the concerns raised by submitters we have concluded that the issue of the complexity and simplification remains a principal issue in contention, in relation to PC54.

34. Ms Pye in her section 42A report stated:

*"I acknowledge the desire for a simple approach in the planning regulatory framework to enable the installation of rainwater tanks without the need for resource consent. The options analysis that was undertaken with the section 32 report for PC54 considered a number of different approaches to enable the installation of rainwater tanks whilst maintaining amenity values and minimising risk. The maintenance of some control over amenity values and minimisation of risk was considered important for each of the specified zones and special character overlay. The approach recommended in the section 32 report and adopted for the proposed plan change (PC54) achieves this through combining amendments to the definitions section of the plan – amending the definition of "building"; and providing for rainwater tanks as a permitted activity through the activity tables of the specific zones, and the special character overlay.*

*By addressing multiple zones, PC54 may appear complex, but I note that the common and intuitive approach to using the Unitary Plan by existing plan users is to check in the first instance the activity status and specific requirements in the zone/overlay provisions. This approach is how a lay person would generally check the activity status and specific requirements for any other activity.*

*I remain of the view that the approach is the most efficient and effective method to achieve the intended outcomes, which include striking the correct balance of enablement while maintaining the protection of amenity values and minimising risks*

*in a manner that remains tailored to the specified zones and special character overlay.”<sup>5</sup>*

35. While noting her support for some of Ms Pye’s recommendations, Ms Fraser-Smith’s overall conclusion was that:

*“In general, I remain of the view that the approach of the multiple development standards fails to consider whether the standards in themselves realistically relate to adverse effects on the environment as outlined in my evidence and whether these in fact are to the detriment of enabling raintanks.”<sup>6</sup>*

36. Mr Lindenberg, while also noting his support for a number of Ms Pye’s recommendations, concluded that with respect to the rural, residential-large lot and special character overlay provisions the proposed permitted activity standards and associated matters of discretion and assessment criteria should be deleted. With respect to the urban residential provisions he concluded the equivalent standards, matters of discretion and assessment criteria should be retained. He stated that:

*“I consider that adopting the amendments set out in this statement of evidence will set an appropriate and enabling framework for the installation of rainwater tanks in both rural and residential areas.”<sup>7</sup>*

37. We will discuss in more detail later in our decision the findings we have made on the specific provisions, including those that remained in dispute between the planning witnesses.

## **FINDINGS**

38. With respect to the question of whether or not PC54 can, or should be simplified, we have concluded that the location of rainwater tanks on any property should not undermine the existing development standards that apply to that property. In general terms we find that it would not be appropriate, for example, to simply allow rainwater tanks in any location on an urban residential property, given the size of most urban sites. Greater flexibility however is generally appropriate in rural environments, given the larger site sizes compared to urban areas.
39. In urban areas, the unitary plan provisions enable a wide range of residential development and intensification, with specific standards that require yard setbacks, outdoor living space and outlook areas, which generally keep these areas free of buildings. These areas need to be carefully assessed rather than simply identified as the only onsite location available for rainwater tanks.
40. The unitary plan provides for a large number of zones, each of which enable different development and environmental outcomes. We agree with Ms Pye that most people firstly identify what the zoning of their land is, then look at the activities

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<sup>5</sup> 9.2.1 S42A report

<sup>6</sup> Para 14 Summary Statement

<sup>7</sup> Para 11.4



that are permitted on that land, along with the standards that determine how their land can be developed. It is logical therefore that each zone contains the relevant standards that relate to rainwater tanks.

41. We have preferred and adopt the evidence of Ms Pye in relation to the effectiveness and efficiency of the zone and overlay approach that PC54 has adopted. Overall we find that she has struck the right balance between enabling the installation of rainwater tanks and the protection and maintenance of the amenity values that distinguish individual zones from each other.
42. During the hearing we specifically noted with approval the information provided on the Auckland Council website that enables property owners to check what planning and building consent standards apply in relation to the installation of rainwater tanks in all zones. While this information is not part of PC54 or PM13, or the respective planning documents, it does provide a 'one stop shop' for people to be informed of the relevant Council requirements that need to be taken into account when considering where to locate rainwater tanks. As a separate recommendation to the Council we recommend that the current website information be updated to incorporate the approved provisions for PC54 and PM13. The ability for people to access the relevant requirements without needing to consult the planning and building documents would appear to be a very useful tool for most property owners.

#### **The wording of the proposed provisions.**

43. Firstly we record that hearing process has enabled a considerable degree of agreement on the wording of many provisions.

#### **FINDINGS**

44. Before discussing the provisions that remained in contention, we record our findings on some general matters. We have taken an approach of consistency in wording, particularly in relation to the location of rainwater tanks.
45. Where rainwater tanks were required to be located "below ground level", or "below finished ground level" or "underground," we have used the wording "wholly below ground level" in all provisions.
46. Where the height of rainwater tanks were required to be measured "from ground level", or "above ground level" we have used the wording "above ground level" in all provisions.
47. Where "Advice Notes" had been provided we have instead used "Notes." We find that while "Advice Notes" can be used in relation to the wording of conditions in resource consents, "Notes" is the terminology used with the AUP. Where "Notes" have been provided in provisions throughout PC54 and PM13, we have standardised the wording, again for consistency.
48. We have used the headings in Ms Pye's report dated 10 September in relation to the wording of specific provisions.

### **Natural Hazard standards, distance from retaining walls standard**

49. We accept the uncontested expert evidence that the natural hazard and the distance from retaining wall standards be deleted as these issues are already provided for elsewhere in either the planning or building requirements.

### **Unitary Plan J.1.4 Definition of Building**

50. For the reasons set out by Ms Pye we prefer and adopt her evidence. No further amendments are made to the definition of building

### **Unitary Plan –Chapter E26 Infrastructure**

51. For the reasons set out by Ms Pye we prefer and adopt her evidence. We agree that privately installed rainwater tanks are not network utility structures. We accept Ms Fraser-Smith's point that clarification of this would be beneficial and a consequential change has been made to Table E26.2.3.1 (A52).

### **Rainwater tank provisions simplification**

52. We have addressed the need for simplification of provisions earlier in our decision.

### **Rainwater tank standards**

53. In relation to the **front yard standards** Mr Lindenberg considered rainwater tanks should not be permitted in front yards. We see no need to exclude the possibility of rainwater tanks with a maximum height of 1 metre, or wholly below ground level, that are set back at least 1.5 metres from the front boundary. We note Ms Pye's evidence that the exclusion of rainwater tanks in front yards would impose greater restrictions than currently exist. We adopt Ms Pye's evidence and retain the option for rainwater tanks in front yards.
54. In relation to rainwater tanks being **forward of private vehicle access facing façade**, Mr Cross and Ms Fraser-Smith sought the deletion of this standard. The standard mirrors the front yard standard in that rainwater tanks must be of a maximum height of 1 metre and at least 1.5 metres from the front boundary. Based on the urban design evidence of Ms McKelvie, we adopt Ms Pye's evidence that restrict rainwater tanks in these locations in the identical manner they are provided for in front yards.
55. In relation to **rear service lanes** there was agreement between Ms McKelvie, Ms Pye and Ms Fraser-Smith and we have accepted their uncontested evidence and have included the agreed exception wording in relation to rear service lanes where dwellings have frontage to a public street.
56. In relation to rainwater tanks within **rear yards of the Drury 1 Precinct** there was also agreement between the above expert witnesses that there was no justification to require a lower height limit in this precinct. The Drury 1 Precinct provisions initially

recommended by Ms Pye in Appendix 10 to her section 42A report have therefore been amended by deleting the proposed 2 metre height limit.

57. In relation to **riparian, lakeside and coastal protection yards** agreement was reached between Ms Fraser-Smith, Mr Lindenberg and Ms Pye and we have accepted their uncontested evidence. Rainwater tanks are to be permitted within these yards provided the tanks are less than 1 metre in height, or are wholly below ground level.
58. In relation to the **height of rainwater tanks outside yard areas**, we noted that there was no maximum height limit for rainwater tanks in these locations. Based on the further information provided as part of Ms Pye's report dated 10 September with respect to the 3.6 metre maximum height of rainwater tanks available from 24 tank suppliers to the Auckland market, we accept Ms Pye's and Ms McKelvie's evidence, together with the standard that allows 3 metre high tanks in rear yards, there is no resource management justification for imposing a maximum height limit in relation to tanks outside required yards.
59. In relation to the **height of rainwater tanks and the provisions of Chapter 26 Infrastructure**, Ms Pye had recommended Rule E26.2.5.2(3) be amended. As notified this rule added a new clause (c) as follows:
- “(c) The maximum height for rainwater tanks is 3m except in the THAB, Rural Conservation, Countryside Living, Rural Coastal, Mixed Rural and Rural Production zones where there is no maximum height limit for a rainwater tank.”*
60. In her 10 September recommendations Ms Pye no longer supported the unlimited height provisions for network utility rainwater tanks in the listed zones. She considered that the scale of rainwater tanks for a network utility purpose is likely to be much greater than a private rainwater tank. In that regard we agree. Her final recommendation was a maximum height of 3 metres for network utility rainwater tanks as follows:
- “(c) The maximum height for rainwater tanks is 3m.”*
61. In relation to **rainwater tanks within required outlook space**, as notified any rainwater tank was required to be located below ground level. Ms Fraser-Smith, sought the deletion of the proposed standard and identified that tanks less than 1 metre in height and 25,000 litres in volume are currently excluded from the definition of building. PC54 did not propose a change to this aspect of the definition. Mr Lindenberg supported the provision of rainwater tanks in required outlook space and sought that the standard be deleted. Ms McKelvie considered that rainwater tanks up to 1 metre in height would be acceptable in urban design terms. On balance, Ms Pye supported a 1 metre maximum height limit in recognition of the current requirements and that the status quo would uphold the amenity values consistent with a quality built environment.

62. We have preferred the evidence of Ms Pye and Ms McKelvie for the reasons identified by Ms Pye above. The standard has been amended to enable rainwater tanks up to 1 metre in height within required outlook space.
63. In relation to **rainwater tanks within required outdoor living space**, as notified any rainwater tank was required to be located below finished ground level, or unless they can maintain a minimum 20m<sup>2</sup> outdoor living space with a minimum dimension of 4 metres. Ms Fraser-Smith again identified that currently tanks up to 1 metre in height are currently permitted. She considered that the status quo should be retained. Mr Lindenberg considered that rainwater tanks should not be able to locate in the required outdoor living space as it would compromise the functionality of the space. Mr Cross considered any such tanks should be underground. He suggested the definition of outdoor living space should be amended accordingly. Ms McKelvie supported Mr Cross in this regard. Overall Ms Pye supported the status quo of tanks up to 1 metre in height provided they are outside the required 20m<sup>2</sup> minimum and 4 metre dimension. If they are to be located inside the required area, she considered that they should be underground.
64. We accept the evidence of Ms Pye and Mr Cross that any rainwater tank must be installed underground if it is to be located within the required minimum dimensions of an outdoor living area. We also accept the evidence of Mr Cross and Ms McKelvie that the definition of 'outdoor living space' should be amended to reflect the 1 metre height maximum if rainwater tanks are outside the required minimum dimension of 20m<sup>2</sup> and that they must be wholly below ground level if located within the required minimum dimensions.
65. In relation to **rainwater tanks below finished ground level**, as notified the relevant provisions used the wording "below finished ground level" when requiring rainwater tanks to be 'underground' if they were to be a permitted activity. Mr Cross opposed this wording and noted that "ground level" is a defined term in the AUP. That definition already includes reference to the finished ground level of the ground. Ms Pye agreed that the wording as notified could be simplified and recommended "below ground" be used instead of "below finished ground level."
66. In addition to this wording in the standards relating to outdoor living and outlook areas, we have noted that standard for riparian, lakeside and coastal protection yards includes the wording "underground."
67. For consistency and clarity in wording we have amended all relevant references to read "wholly below ground level" in both PC54 and PM13.
68. In relation to **overflow discharge (nuisance)** Ms Giles was concerned about the potential adverse effects from rainwater tank overflow discharges and particularly possible damage and nuisance to neighbouring properties. She was also concerned with the notified wording, which required measures to ensure that discharges beyond the boundary of any site are to be "...avoided or limited such that it does not cause nuisance." She considered this wording to be too vague and potentially difficult to enforce. She also considered that the proposed provisions should be limited to urban areas where public stormwater networks are available for discharges from tanks.

69. Ms Fraser-Smith opposed the reference to Chapter E8 in the proposed standards as this would require certification of compliance of these external requirements.
70. Healthy Waters and Ms Pye recommend the reference to Chapter E8 should instead be by way of an 'Advice Note' rather than being incorporated in the standard itself. We agree but noted this as being a 'Note' consistent with our inclusion of 'Notes' rather than 'Advice Notes.'
71. In relation to the issue raised by Ms Giles we have accepted the wording recommended by Ms Pye in her report dated 10 September as set out below.

"Any overflow from the rainwater tank must discharge to the authorised stormwater system for the site.

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

72. While appreciating the specific concerns raised by Ms Giles in relation to the potential impact of stormwater discharges in rural areas, we have included the above wording in both urban and rural zones. We find overall that this approach is the most efficient and effective method of managing the discharge of overflows from rainwater tanks in rural areas, particular as reticulated water supply is not generally available, rainwater tanks are therefore essential and the vast majority of sites are of a size where any adverse effects can be appropriately managed, in terms of Chapter E8 and the relevant Building Act requirements.
73. In relation **the colour of rainwater tanks** it was Mr Lindenberg's view that the colour of water tanks does not need regulation. We note that the Aotea/Great Barrier Local Board sought that non-reflective black and white tanks be permitted in terms of PM13 provisions.
74. Ms Pye, supported by the urban design/landscape evidence of Mr Quin, noted that the colour standard is not a blanket provision and it has only been applied to zones with sensitive landscape and amenity values. We note these zones include the Hauraki Gulf Islands, Rural Waitakere Ranges and Rural Coastal zones.
75. We accept and adopt the evidence from Ms Pye and Mr Quin and have retained the relevant standards in both PC54 and PM13.

#### **Restricted Discretionary Activities – Assessment criteria**

76. In relation to the "Matters of Discretion" and "Assessment Criteria" where the permitted standards are not met and consent is required as a restricted discretionary activity, the expert planners had differing views.
77. The notified version of PC54 included standard wording for "Matters of Discretion" and "Assessment Criteria" in each zone. In response to the submission from Karaka Drury Consultants Limited, Ms Pye in her section 42A report recommended deleting

these provisions. She agreed that General Rule C.1.9 provided the opportunity for rainwater tanks that did not meet the permitted standards to be assessed, without the need for specific provisions being listed in each zone. Ms Pye and Ms Fraser-Smith supported this approach at the hearing.

78. Mr Lindenberg opposed the use and reliance on C.1.9. He considered that an assessment under C.1.9 was too broadly based and instead he sought a simple set of specific matters of discretion and associated assessment criteria. Rule C.1.9 restricts discretion to the following:

*“(3) When considering an application for a resource consent for a restricted discretionary activity for an infringement of a standard under Rule C1.9(2), the Council will restrict its discretion to all of the following relevant matters:*

- (a) any objective or policy which is relevant to the standard;*
- (b) the purpose (if stated) of the standard and whether that purpose will still be achieved if consent is granted;*
- (c) any specific matter identified in the relevant rule or any relevant matter of discretion or assessment criterion associated with that rule;*
- (d) any special or unusual characteristic of the site which is relevant to the standard;*
- (e) the effects of the infringement of the standard; and*
- (f) where more than one standard will be infringed, the effects of all infringements considered together.”*

79. Mr Lindenberg set out in his evidence, at his paragraph 8.4, his suggested wording for the Single House Zone. It was his opinion that such an approach was only necessary for the urban zones and did not support similar provisions in rural zones, consistent with Kainga Ora’s submission that PC54 should not apply to rural zones. In summary, he identified the matters of discretion to be: effects on residential character and amenity values, bulk and location and stormwater management. In summary, he identified assessment criteria relating to adverse effects on residential character and amenity, especially for adjoining sites through increased shading, dominance and/or loss of outlook, avoidance of natural hazards and stormwater management.

80. We have preferred and adopt the evidence of Ms Fraser-Smith and Ms Pye. Their approach simplifies the provisions of PC54, will utilise an existing general rule within the AUP and will enable an assessment that will include the matters raised by Mr Lindenberg. As PC54 will apply to both urban and rural zones Rule C1.1.9 enables all applications that do not comply with standards for rainwater tanks to be considered and assessed. We find overall this approach is the most efficient and effective method of considering applications for any rainwater tanks that do not comply with the permitted standards.

## Consequential Amendments

81. Ms Pye recommended a number of consequential amendments in section 4 of her 10 September report. These amendments were not contentious and we have accepted her recommendations, but modified some wording as set out below.

82. In relation to Activity Table E26.2.3.1 we have for clarity reworded (A52)\* to now read:

*“\*rainwater tank standards listed below do not apply to item (A52) which only relates to network utility tanks.”*

83. In relation to the amended definition of “Outdoor Living Space” we have modified the wording as **highlighted** below.

### Chapter J.1 Definitions

#### Amend definition ‘Outdoor living Space

Outdoor living space Outdoor area which is:

- clear of any parking or manoeuvring area; and
- set aside for the exclusive use of the occupants of the dwelling to which they relate.

All outdoor living spaces must be clear of any buildings, except for the following:

- pools;

...

- rainwater tanks less than 1m **in height** if located outside of required 20m<sup>2</sup> minimum dimension 4m area
- Rainwater tanks within the required 20m<sup>2</sup> minimum dimension 4m area if located **wholly below ground level**;

#### **Will the proposed changes be the most appropriate method for achieving the objectives of the Plan having regard to efficiency and effectiveness of the proposed provisions?**

84. After carefully considering the evidence presented at the hearing, particularly the expert planning evidence, as well as the section 32 report and the section 42A report, we have concluded that the decisions version of PC54 and PM13 attached to this decision is the most appropriate method for achieving all of the objectives of each Plan.

85. The objectives of the Plans are deemed to be the most appropriate way to achieve the purpose of the Act as they are part of the operative Plans.

## STATUTORY PROVISIONS

86. 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 and in the section 42A report. We confirm that we have considered and addressed those matters in reaching our decision.
87. 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.
88. Having considered the evidence and relevant background documents, we are satisfied, overall, that PC54 and PM13 have been developed in accordance with the relevant statutory and policy matters with regard to and will clearly assist the Council in its effective administration of both the Auckland Unitary Plan (Operative in Part) and the Auckland District Plan Hauraki Gulf Islands Section.

## DECISION

89. That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, that PC54 to the Auckland Unitary Plan (Operative in Part) AND that PM13 to the Auckland Council District Plan Hauraki Gulf Islands Section be **approved, subject to the modifications as set out in this decision.**
90. In terms of the requirements of Schedule 1, Clause 10 (3) of the RMA we are not required to give a decision that addresses each submission individually. While acknowledging that Ms Pye in her Section 42A report had provided recommendations on individual submissions, we have not followed that approach in our decision.
91. Instead, we have either **accepted** or **accepted in part** all submissions (including the further submissions) that either **supported**, or **sought amendments** to PC54 or PM13, to the extent that our decision enables the installation of rainwater tanks for the reasons set out below and in our findings on the principal matters that were in contention. The only submission that has been rejected relates to the request that the installation of rainwater tanks be made mandatory. The reason for rejecting this submission is that we have accepted Ms Pye's recommendation that we do not have scope to consider this request.<sup>8</sup>
92. The reasons for the decision are that PC54 and PM13:
- a. will assist the Council in achieving the purpose of the RMA;
  - b. gives effect to the Auckland Regional Policy Statement;

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<sup>8</sup> Recommendation 9.8.2 S42A report



- c. is consistent with the relevant provisions of the Auckland Unitary Plan (Operative in Part) and the Auckland Council District Plan Hauraki Gulf Islands Section;
- d. will promote the sustainable management of natural and physical resources as contemplated by Part 2 of the RMA;
- e. is supported by necessary evaluation in accordance with sections 32 and 32AA;
- f. gives effect to the relevant national policy statements, in particular the National Policy Statement for Freshwater Management 2020 and the National Policy Statement on Urban Development 2020; and
- g. will help with the effective implementation of the Auckland Unitary Plan (Operative in Part).
- h. will be effective and efficient and appropriately provides for the enablement of rainwater tank installation while protecting and maintaining the amenity values associated with the relevant rural and residential zones, special purpose zones and special character areas overlays.

#### **ADDITIONAL RECOMMENDATION**

During the hearing we specifically noted with approval the information provided on the Auckland Council website that enables property owners to check what planning and building consent standards apply in relation to the installation of rainwater tanks in all zones. While this information is not part of PC54 or PM13, or the respective planning documents, it does provide a 'one stop shop' for people to be informed of the relevant Council requirements that need to be taken into account when considering where to locate rainwater tanks.

As a separate recommendation to the Council we recommend that the current website information be updated to incorporate the approved provisions for PC54 and PM13. The ability for people to access the relevant requirements without needing to consult the planning and building documents would appear to be a very useful tool for most property owners.



Les Simmons  
**Chairperson**

**Date:** 23 November 2021

# Proposed Plan Change 54 to the Auckland Unitary Plan (Operative in part) to enable Rainwater Tank Installation in Residential and Rural zones.

## Auckland Unitary Plan (Operative in Part)

### Plan Change: Enabling Rain Tanks

~~Strikethrough~~ is to be read as a deletion

Underlining is to be read as an addition

Amend the Auckland Unitary Plan AUP(OP) as detailed below.

### Definitions

#### 1. Amend definition Table J1.4.1: Buildings as follows:

Tanks including retention tanks <u>other than Rainwater tanks excluded below.</u>	Over 1m in height above ground level, inclusive of the height of any supporting structure or More than 25,000l capacity, where any part of the tank is more than 1m above ground level.
-----------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

#### Add to the list of exclusions the following

And excludes the following types of structures:

Rainwater tanks in the following zones and overlays:

- Single House Zone
- Large Lot Zone
- Rural and Coastal Settlement Zone
- Mixed Housing Suburban Zone
- Mixed Housing Urban Zone
- Terrace Housing and Apartment Buildings Zone
- Special Character Areas Overlay - Residential and Business
- Rural Production Zone
- Mixed Rural Zone
- Rural Coastal Zone
- Rural Conservation Zone
- Countryside Living Zone
- Waitākere Foothills Zone
- Waitākere Ranges Zone
- Special Purpose - Māori Purpose Zone

Note: For the avoidance of doubt, rainwater tanks outside of the above listed zones and overlay are NOT exempt from the definitions of 'buildings.'

Note: Rainwater tanks remain defined as a building under the Building Act. A building consent may still be required under the Building Act.

**2. Add the following definition to Chapter J Definitions:**

Rainwater tank

A tank used for collecting and storing rainwater.

Note: If a rainwater tank is to be used for firefighting please refer to the Firefighting Water Supplies Code of Practice as mandated by the Fire and Emergency New Zealand Act)

## **RESIDENTIAL ZONES**

### **Amend the Residential - Single House Zone as follows:**

**Add the following to Table H3.4.1 Activity table Residential section and renumber:**

<b>Activity</b>	<b>Activity Status</b>	<b>Standards to be complied with</b>
Development		
<u>AX</u>	<u>Rainwater Tank</u>	<u>P</u>
		<u>Standard H3.6.13 Rainwater tanks</u>

**Add the following Standard:**

Standard H3.6.13 Rainwater tanks

Purpose: To enable rainwater tank installation while maintaining amenity values

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

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

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

### **Amend the Residential - Mixed Housing Suburban Zone as follows:**

**Add the following to Table H4.4.1 Activity Table Residential - Mixed Housing Suburban Zone and renumber:**

Activity	Activity Status	Standards to be complied with
<b>Development</b>		
<u>AX</u>	<u>Rainwater Tank</u>	<u>P</u> <u>Standard H4.6.16</u> <u>Rainwater tanks</u>

**Add the following Standard:**

Standard H4.6.16 Rainwater tanks

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

- 1) Rainwater tanks must not be located:
  - a) in a riparian, lakeside or coastal protection yard unless less than 1m in height, or wholly below ground level;
  - b) in a front yard, unless they are at least 1.5m from the front boundary and are a maximum height of 1 m;
  - c) forward of any street facing or private vehicle access building façade, unless they are at least 1.5m from the front boundary and are a maximum height of 1m;
  - d) Clause (c) does not apply
    - (i) to sites with (or proposed to have) three or less dwellings;
    - (ii) to a rear service lane where the dwellings have frontage to a public street.
- 2) Rainwater tanks located within any required outlook area must be no higher than 1 m.
- 3) Rainwater tanks located within the required 20m<sup>2</sup> outdoor living space with minimum dimensions of 4m must be installed wholly below ground level.
- 4) Rainwater tanks (excluding any pipework) must not exceed 3 m in height in a rear or side yard.
- 5) Any overflow from the rainwater tank must discharge to the existing authorised stormwater system for the site.

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

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

**Amend the Residential - Large Lot Zone as follows:**

**Add the following to Table H1.4.1 Activity table Large Lot section and renumber:**

Activity	Activity Status	Standards to be complied with
<b>Development</b>		
<u>AX</u>	<u>Rainwater tank</u>	<u>P</u> <u>Standard H1.6.8</u> <u>Rainwater tanks</u>

**Add the following Standard:**

Standard H1.6.8 Rainwater tanks

Purpose: To enable rainwater tank installation while maintaining amenity values.

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

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

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

**Amend the Residential - Mixed Housing Urban Zone as follows:**

Add the following to Table H5.4.1 Activity table Mixed Housing Urban and renumber:

Activity	Activity Status	Standards to be complied with
<b>Development</b>		
<u>AX</u>	<u>Rainwater Tank</u>	<u>P</u>
		<u>Standard H5.6.17</u> <u>Rainwater tanks</u>

**Add the following Standard:**

Standard H5.6.17 Rainwater tanks

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

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

- 2). Rainwater tanks located within a required outlook area must be no higher than 1m.
- 3). Rainwater tanks located within the required 20m<sup>2</sup> outdoor living space with minimum dimensions of 4m (Rule H5.6.14(1)) must be installed wholly below ground level.
- 4). Rainwater tanks (excluding any pipework) must not exceed 3 m in height in a rear or side yard.
- 5). Any overflow from the rainwater tank must discharge to the existing authorised stormwater system for the site.

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

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

### **Amend the Residential – Rural and Coastal Settlement Zone as follows:**

**Amend Activity Table H2.4.1 Residential – Rural and Coastal Settlement Zone by adding the following:**

Activity	Activity Status	Standards to be complied with
<u>Development</u>		
<u>(AX)</u>	<u>Rainwater Tank</u>	<u>P</u>
		<u>Standard H2.6.11</u>

#### **Add the following Standard:**

##### Standard H2.6.11 Rainwater tanks

Purpose: To enable rainwater tank installation while maintaining amenity values.

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

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

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

## Amend the Residential - Terrace Housing and Apartment Buildings Zone (THAB) as follows:

Amend Activity Table H6.4.1 Terrace Housing and Apartment Buildings Zone by adding the following:

Activity	Activity Status	Standards to be complied with
<u>Development</u>		
<u>(AX)</u>	<u>Rainwater Tank</u>	<u>P</u>
		<u>Standard H6.6.18</u>

### Add the following Standard:

Standard H6.6.18 Rainwater tanks

Purpose: To enable rainwater tank installation while maintaining amenity values.

1. Rainwater tanks must not be located:
  - a) in a riparian, lakeside or coastal protection yard unless less than 1m in height or wholly below ground level;
  - b) in a front yard or forward of any street facing or private vehicle access facing building façade, unless they are at least 1.5m from the front boundary and are a maximum height of 1 m.
2. Clause b) shall not apply to a rear service lane where the dwellings have frontage to a public street.
3. Rainwater tanks located within a required outlook space area must be no higher than 1m.
4. Rainwater tanks located within the required minimum 20m<sup>2</sup> outdoor living space with minimum dimensions of 4m must be installed wholly underground.
5. Any overflow from the rainwater tank must discharge to the existing authorised stormwater system for the site.

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

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

## Overlays

Amend the Special Character Areas Overlay - Residential and Business as below.

Amend Table D18.4.1 Activity table – Special Character Areas Overlay – Residential by adding the following:

	Activity	Activity Status
<u>A(X)</u>	<u>Rainwater tank</u>	<u>P</u>

Amend section D18.6.1 to be: **D18.6.1. Standards for activities buildings in the Special Character Areas Overlay – Residential**

Add a new section to D18.6.1 ): **D18.6.1.(X) Rainwater tanks**

**Add the following section to new section D18.6.1**

**D18.6.1.(X) Rainwater tanks**

**Purpose:** To enable rainwater tank installation while maintaining the character of the streetscape

- (1) Rainwater tanks must not be located in a front yard unless they are at least 1.5m from the front boundary and located wholly below ground level. This standard shall not apply to a rear service lane where the dwellings have frontage to a public street.
- (2) Rainwater tanks directly adjoining a side yard facing building façade or located within a side yard must be wholly below ground level or set back at least 1m behind a line from the street facing building façade.
- (3) Rainwater tanks must not obscure (partially or totally) any window or door of the dwelling on the subject site.
- (4) Rainwater tanks directly adjoining a side façade or located within a side yard must be no greater than 800mm in width.
- (5) Rainwater tanks directly adjoining a side facade of a building must match the colour of that façade.
- (6) Rainwater tanks must not exceed 2 m in height, or 3 m in height where the rainwater tank directly adjoins an existing building.
- (7) Any overflow from the rainwater tank must discharge to the existing authorised stormwater system for the site.

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

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

## Special Purpose - Māori Purpose Zone

Activity	Activity Status	Standards to be complied with	
<b>Development</b>			
<u>AX</u>	<u>Rainwater Tank</u>	<u>P</u>	<u>Standard H27.6.9 Rainwater tanks</u>

**Add the following Standard:**

Standard H27.6.9 Rainwater tanks

Purpose: To enable rainwater tank installation while maintaining amenity values.

- (1) Rainwater tanks must not be located:
  - a) in a riparian, lakeside or coastal protection yard unless less than 1m in height or wholly below ground level;
  - b) in a front yard unless they are at least 1.5m from the front boundary and are a maximum height of 1 m.



- (2) Rainwater tanks (excluding any pipework) must not exceed 3m in height in a rear or side yard.
- (3) Rainwater tanks must not be located on or outflow across an effluent dispersal area.
- (4) Any overflow from the rainwater tank must discharge to the existing authorised stormwater system for the site.

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

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

## RURAL ZONES

**Amend the Rural Zone provisions as below.**

**Amend the section titled “H19.8 Activity table” as follows:**

Tables H19.8.1 and H19.8.2 specify the activity status of land use and development activities pursuant to section 9(2) and 9(3) of the Resource Management Act and subdivision pursuant to section 11 the Resource Management Act 1991.

The activity status of the activities in the table below also applies to new buildings including accessory buildings that will accommodate or are needed to facilitate the activity unless otherwise specifically provided for in the table.

**Add an additional row to Table H19.8.1 as follows:**

	Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
Development					
(AX) Rainwater tank	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

**Amend the section titled “H19.10 Standards” by adding the following:**

(3) Notwithstanding the above Rainwater tanks must comply with rainwater tank standard H19.10.17

**Amend the section titled “H19.10 Standards” by adding the following:**

H19.10.17 Rainwater tanks

1. Rainwater tanks must not be located:
  - a) in a riparian, lakeside or coastal protection yard unless less than 1 m in height or wholly below ground level;
  - b) in a front yard unless they are at least 1.5m from the front boundary and are a maximum height of 1 m.
2. Rainwater tanks must not be located on or outflow across an existing effluent dispersal area.

3. Any overflow from the rainwater tank must discharge to the existing authorised stormwater system for the site.
4. Rainwater tanks located in the Rural Coastal zone must be finished in a recessive colour in a natural colour range (green, brown, grey) unless wholly below ground level or fully screened by vegetation.

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

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

## **Rural-Waitākere Foothills Zone**

**Amend the Rural-Waitākere Foothills Zone as below.**

**Amend Activity Table H20.4.1 – Waitākere Foothills Zone – by adding the following:**

	<b>Activity</b>	<b>Activity Status</b>
<b>Development</b>		
<u>A(X)</u>	<u>Rainwater tank</u>	<u>P</u>

**Amend standard H20.6.9 Dwellings as follows:**

**The following standards apply to dwellings....**

(5) rainwater tanks must:

- a) not be located:
  - i. in a riparian yard unless less than 1m in height or wholly below ground level;
  - ii. in a front yard unless they are at least 1.5m from the front boundary and are located wholly below ground level;
- b) not exceed 3m in height (excluding any pipework) in a rear or side yard;
- c) not be located on or outflow across an existing effluent dispersal area;
- d) any overflow from the rainwater tank must discharge to the existing authorized stormwater system for the site.
- e) be finished in a recessive colour in a natural colour range (green, brown, grey) unless wholly below ground level or fully screened by vegetation.

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

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

## Rural-Waitākere Ranges Zone

Amend the Rural- Waitākere Ranges Zone as below.

Amend Activity Table H21.4.1 – Waitākere Ranges Zone – by adding the following:

	Activity	Activity Status
Development		
A(X)	Rainwater tank	P

Amend standard H21.6.9 Dwellings as follows:

(5) rainwater tanks must:

- a) not be located:
  - i. in a riparian, lakeside or coastal protection yard unless less than 1m in height or wholly below ground level;
  - ii. in a front yard unless they are at least 1.5m from the front boundary and are located wholly below ground level;
- b) not exceed 3m in height (excluding any pipework) in a rear or side yard;
- c) not be located on or outflow across an existing effluent dispersal area;
- d) any overflow from the rainwater tank must discharge to the existing authorized stormwater system for the site.
- e) be finished in a recessive colour in a natural colour range (green, brown, grey) unless wholly below ground level or fully screened by vegetation.

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

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

## PRECINCTS

### I519 Long Bay precinct

Amend precis text to the I519 Long Bay precinct Table I519.5 as follows:

***I519.4. Activity table***

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

*For the purposes of this precinct rainwater tanks are not exempt from the definition of 'building' in Chapter J.4.1; and the rainwater tank standards of the underlying Single House zone (H3.6.13); Large Lot zone (H1.6.8); Mixed Housing Suburban zone (H4.6.16) and Mixed Housing Urban zone (H5.6.17) do not apply.*

### I550 Millwater South Precinct

Amend standard I550.6.4 'Private outdoor living space' as follows:

#### **I550.6.4. Private outdoor living space**

1. For sites less than 450m<sup>2</sup>, the Residential - Mixed Housing Suburban zone standards apply.
2. In applying the Residential – Mixed Housing Suburban standard for outdoor living space, rainwater tanks shall be considered as 'buildings'.

**Amend I550 Millwater South Precinct standards I550.6.5 'Sunlight access to the private outdoor living space of proposed and existing dwellings' as follows:**

#### **I550.6.5. Sunlight access to the private outdoor living space of proposed and existing dwellings**

(1)....

(2) *A wall, building or rainwater tank on a side or rear boundary allowed by clause H3.6.8.2 in the Residential - Single House zone must not reduce sunlight to the private outdoor living space of another dwelling to less than five hours between 9am and 3pm on 22 March/September...*

## **I528 Omaha South Precinct**

**Amend standard I528.6.6. 'Potable Water Supply' as follows:**

#### ***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.*

## **I420 Mangere 1 Precinct**

**Amend I420.4.1- 'Activity Table' as follows:**

- Add an Asterix to item (A15) in Table I420.4.1 Activity Table with a supporting instruction as follows (words added are double-underlined):

*(A15\*) New buildings and additions to existing buildings*

*\*\*\*for the purposes of the precinct, a rainwater tank shall be considered a building\*\**

## **Drury 1 Precinct**

**Amend Rule 4. Development controls – Mixed Housing Suburban zone as follows:**

#### ***Rule 4. Development controls – Mixed Housing Suburban***

*The following development controls apply to activities listed in Activity Table 1.1 of this precinct and Activity Table H4.4.1 of the Residential – Mixed Housing Suburban Zone instead of the development standards listed in Standard H4.6, **with the exception** of the following standards:*

- a) *H4.6.2 Home occupations*
- b) *H4.6.3 The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings*
- c) *H4.6.16 Rainwater tanks*

Amend Rule 5. Development controls – Mixed Housing Urban zone as follows:

**5. Development Controls – Residential Mixed Housing Urban Zone**

The following development controls apply to activities listed in Activity Table 1.1 of this precinct and Activity Table H5.4.1 of the Residential – Mixed Housing Urban Zone instead of the development standards listed in Standard H5.6, with the exception of the following standards:

- a) H5.6.2 Home occupations
- b) H5.6.3 The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings.
- c) H5.6.17 Rainwater tanks

## Consequential Changes

### E26 Infrastructure

Amend Table E26.2.3.1 Activity table - Network utilities and electricity generation – All zones and roads as follows:

Water, wastewater and stormwater structures								
(A52)*	Water, wastewater and stormwater storage tanks	P	P	P	p	p	P	P

...

**\* rainwater tank standards listed below do not apply to item (A52) which only relates to network utility tanks.**

- H3.6.13 Single House Zone
- H1.6.8 Large Lot Zone
- H2.6.11 Rural and Coastal Settlement Zone
- H4.6.16 Mixed Housing Suburban Zone
- H5.6.17 Mixed Housing Urban Zone
- H6.6.18 Terrace Housing and Apartment Buildings Zone
- H19.10.17 Rural Zones
- H20.6.9 Waitākere Foothills Zone
- H21.6.9 Waitākere Ranges Zone
- H27.6.9 Special Purpose - Māori Purpose Zone

Amend E26.2.5.2(3) by adding the following:

- (c) The maximum height for rainwater tanks is 3m

### E36 Natural Hazards and Flooding

Amend Table Activity Table E36.4.1 as follows

Activities on land in the coastal erosion hazard area		Activity status
(A5)	On-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks (including rainwater tanks) or stormwater pipes or soakage fields on land in the coastal erosion hazard area	RD

...

Activities on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area		Activity status
(A10)	On-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks <u>including rainwater tanks</u> or stormwater pipes or soakage fields on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area	RD

## Chapter J.1 Definitions

### Amend definition 'Outdoor living Space

Outdoor living space Outdoor area which is:

- clear of any parking or manoeuvring area; and
- set aside for the exclusive use of the occupants of the dwelling to which they relate.

All outdoor living spaces must be clear of any buildings, except for the following:

- pools;

...

• rainwater tanks less than 1m in height if located outside of required 20m<sup>2</sup> minimum dimension 4m area

• Rainwater tanks within the required 20m<sup>2</sup>, minimum dimension 4m area if located wholly below ground level;

# Proposed Plan Modification 13 to the Auckland Council District Plan - Hauraki Gulf Islands Section to enable Rainwater Tank Installation.

## Plan Change: Enabling Rain Tanks

~~Strikethrough~~ is to be read as a deletion

Underlining is to be read as an addition

## Auckland Council District Plan (Hauraki and Gulf Islands section)

Amend the definition of “Building” in the Part 14 definitions section as detailed below:

### Building

means any structure or part of a structure. It also includes any fixed or moveable structure (including caravans) used for residential purposes, assembly or storage. It does not include any of the following:

- any deck or terrace, in whole or part, under 1m in height
- fences or walls under 2m in height
- retaining walls under 1m in height
- pools under 1m in height
- temporary tents or marquees
- satellite dishes less than 1m in diameter
- masts, poles or antennas, where these are less than 3m in height above the attachment point
- pergolas with a permanently open roof
- signs or billboards
- Rainwater tanks which are all of the following:
  - ❖ no greater than 3 m in height (excluding pipework);
  - ❖ not located in a front yard or frontage controls for the land unit unless they are located wholly below ground level;
  - ❖ finished in a recessive colour in a natural colour range (green, brown, grey) unless they are located wholly below ground level;
  - ❖ not located on or do not outflow across an existing effluent dispersal area;
  - ❖ designed to outflow into the site’s existing stormwater management system;
  - ❖ not located: -
    - in any natural hazard area identified on planning maps;
    - within a horizontal distance of 20 m of any coastal cliff;
    - at an elevation less than 1m above MHWS if less than 100m of MHWS;
    - at an elevation less than 3m above mean high water springs if the activity is within 20m of mean high water springs;
    - at an elevation less than 2m above mean high water springs if the activity is located more than 20m from mean high water springs.
- ❖ not located on a site identified in Appendix 1: Heritage schedules for the inner islands & Appendix 2: Heritage schedules for the outer islands.

Note: Rainwater tanks remain defined as a building under the Building Act. A building consent may still be required under the Building Act.

**Add the following definition to Part 14 definitions section as detailed below:**

Rainwater tank

A tank used for collecting and storing rainwater.