

AUCKLAND UNITARY PLAN OPERATIVE IN PART

PROPOSED PLAN Change 54: Enable Rainwater Tank Installation in Residential and Rural zones

Re-notified 26 November 2020

SUMMARY OF DECISIONS REQUESTED

Enclosed:

- **Explanation**
- **Summary of Decisions Requested**
- **Submissions**

Explanation

- You may make a “further submission” to support or oppose any submission already received (see summaries that follow).
- You should use Form 6.
- Your further submission must be received by 10 December 2020.
- Send a copy of your further submission to the original submitter as soon as possible after submitting it to the Council.

Summary of Decisions Requested

Plan Change 54 - Enable Rainwater Tank Installation in Residential and Rural zones					
Summary of Decisions Requested					
Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
1	1.1	Cherry Morgan	cherrymorgan.nz@gmail.com	Supports	Seeks to approve the plan change without any amendments
2	2.1	Auckland Council - Resource Consents Attn: Brogan McQuoid	brogan.mcquoid@aucklandcouncil.govt.nz	Supports	Seeks to approve the plan change with the amendments I requested
2	2.2	Auckland Council - Resource Consents Attn: Brogan McQuoid	brogan.mcquoid@aucklandcouncil.govt.nz	Supports	Seeks changes to Residential - Rural and Coastal Settlement Zone standard for rainwater tanks and changes to matters of discretions and assessment criteria for rainwater tanks as they relate to effluent dispersal areas.
3	3.1	Waikato Regional Council Attn: Lisette Balsom	Lisette.Balsom@waikatoregion.govt.nz	Supports	With such a high proportion of Auckland's water supply coming from the Waikato river catchment, Waikato Regional Council seeks to strongly support the proposed plan change as a practical response to help reduce demand.
4	4.1	Andrew David Miller	millerstheyounger@gmail.com	Oppose	Seeks to approve the plan change with the amendments I requested
4	4.2	Andrew David Miller	millerstheyounger@gmail.com	Oppose	Generally, I support this plan change. However, it seems the council is attempting to 'de-regulate' by introducing more regulation. This could perhaps be best dealt with via a blanket enabling of rainwater tanks by including appropriate exemptions in the definitions section of the plan. There is also the infrastructure chapter which could be modified instead of modifying every zone. by introducing all these rules, it will introduce more regulation for council planners and enforcement officers to check and enforce. Make it easier! this is a significant issue for our city and people should be able to install these tanks without consent, even if this is at the expense of some private and public amenity value.
5	5.1	Penelope Hartill	penny@hartillpr.co.nz	Supports	Seeks to approve the plan change with the amendments requested

Plan Change 54 - Enable Rainwater Tank Installation in Residential and Rural zones					
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Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
5	5.2	Penelope Hartill	penny@hartillpr.co.nz	Supports	Section E12.6.2(2) sets a standard on siteworks to not cause instability, so seeks an equivalent should be set for the placement of rainwater tanks.
5	5.3	Penelope Hartill	penny@hartillpr.co.nz	Supports	Seeks that assessment criteria should also be included for instances where such a standard are breached.
5	5.4	Penelope Hartill	penny@hartillpr.co.nz	Supports	Seeks that this amendment should consistently apply across the residential and rural zones and to special character overlay.
6	6.1	Ngati Whatua Orakei Whai Maia Ltd Attn: Robbie Hemara Paora	tokitaiao@ngatiwhatuaorakei.com	Supports	Seeks to approve the plan change without any amendments
7	7.1	Fire and Emergency New Zealand Attn: Eloise Taylforth	Eloise.taylforth@beca.com	Supports	Seeks that the permitted activity status and associated provisions enabling rainwater tanks to be installed without consent is retained.
8	8.1	Karaka and Drury Consultant Ltd Attn: Mark Tollemache	mark@tollemache.co	Supports	Seeks that PC54 as it relates to the AUP be accepted in part.
8	8.2	Karaka and Drury Consultant Ltd Attn: Mark Tollemache	mark@tollemache.co	Supports	Seeks that any enabling rules for raintanks apply to all land based zones
8	8.3	Karaka and Drury Consultant Ltd Attn: Mark Tollemache	mark@tollemache.co	Supports	Seeks that any enabling rules for raintanks apply to all Precincts
8	8.4	Karaka and Drury Consultant Ltd Attn: Mark Tollemache	mark@tollemache.co	Supports	Seeks that any new rules do not confuse or duplicate the weighting of provisions contained in the AUP, duplicate or conflict with any other rules of the AUP
8	8.5	Karaka and Drury Consultant Ltd Attn: Mark Tollemache	mark@tollemache.co	Supports	Seeks that any provisions are simplified to avoid unnecessary restrictions but also still enable the most efficient use of urban zoned land.

Plan Change 54 - Enable Rainwater Tank Installation in Residential and Rural zones					
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Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
8	8.6	Karaka and Drury Consultant Ltd Attn: Mark Tollemache	mark@tollemache.co	Supports	Seeks any other such relief that satisfies the concerns of the submitter.
9	9.1	Dianne Giles	d.giles990@hotmail.com	Not stated	Seeks to approve the plan change with the amendments requested
9	9.2	Dianne Giles	d.giles990@hotmail.com	Not stated	Seeks that Proposed Plan Change 54 be limited to rainwater tank structures with a design approach that must include the condition to connect and discharge to an existing public reticulation stormwater network.
9	9.3	Dianne Giles	d.giles990@hotmail.com	Not stated	Seeks that all other Rainwater Tank Installation within Residential and Rural zones that are unable to comply through the connection of the existing public reticulation stormwater network standard should be excluded from PC54. This would allow for the type of rainwater tank structure that would be classified as “tanks including retention tanks” under the definition Table J1.4.1: Buildings to remain as such.
9	9.4	Dianne Giles	d.giles990@hotmail.com	Not stated	Where “Tanks including retention tanks” are defined as “buildings” they would remain under continued scrutiny through the resource consent development and use process. This scenario should help eliminate: a.the potential for the vast and varied interpretation of ambiguous words or phrases such as “be avoided or limited such that it does not cause nuisance.” b.the inevitable problems that will be the result from this lack of clarity, when such vague wording lends itself to be exploited and interpreted in a manner that allows for the legislation not to be enforced as per its true intention. c.Any reliance on the Auckland Council Compliance Team to make a judgement call when interpreting loosely worded legislative language.

Plan Change 54 - Enable Rainwater Tank Installation in Residential and Rural zones					
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9	9.5	Dianne Giles	d.giles990@hotmail.com	Not stated	Adverse effects that result from the collection of water from impervious surfaces, in particular stormwater management, through legislative requirements in relation to both stormwater and freshwater management, impose on Auckland Council the necessity to ensure that any such proposed plan change will not allow the escalation of such effects.
10	10.1	Kāinga Ora Attn: Brendon Liggett	developmentplanning@hnzc.co.nz	Opposes	Kāinga Ora opposes the proposed plan changes, and seeks a more simplified permitted activity regime be introduced across all relevant zones into the AUP:OP and HGI Plan, compared to what has been prescribed and proposed, to efficiently and effectively implement the intention of the proposed plan changes.
10	10.2	Kāinga Ora Attn: Brendon Liggett	developmentplanning@hnzc.co.nz	Opposes	<p>Kāinga Ora questions and seeks clarification from Council on whether the analysis that was undertaken to arrive at the plan change stage has appropriately considered all options and alternatives (both RMA4 and non-RMA methods) in a consistent manner along with all and any influencing factors and what impact other authorisations and development obligations would have on the exercising of the proposed permitted activity regimes for the installation of rain water tanks in the AUP:OP and HGI Plan respectively. This includes, but is not limited to:</p> <p>(a) the consideration of exempted building work under Schedule 1 to the Building Act 2004;</p> <p>(b) requirements under the region-wide network discharge consent (NDC) that Auckland Council's Healthy Waters Department holds for the public stormwater network;</p> <p>(c) the Auckland Council's Stormwater Bylaw 2015, and/or</p> <p>(d) Intersection with existing provisions under the AUP:OP that manage stormwater and natural hazards effects respectively.</p>

Plan Change 54 - Enable Rainwater Tank Installation in Residential and Rural zones					
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10	10.3	Kāinga Ora Attn: Brendon Liggett	developmentplanning@hnzc.co.nz	Opposes	Kāinga Ora seeks that the scope of the proposed plan changes does not need to include all rural zoned areas in the Auckland region.
10	10.4	Kāinga Ora Attn: Brendon Liggett	developmentplanning@hnzc.co.nz	Opposes	Kāinga Ora seeks the following amendments to the proposed plan changes (set out at paragraph 22), assuming that the preferred RMA regulatory method is maintained and on the basis that these will ensure the proposed plan changes better align with the direction provided by the Auckland Council's Governing Body to remove the current consenting requirements for rain water tanks.
10	10.5	Kāinga Ora Attn: Brendon Liggett	developmentplanning@hnzc.co.nz	Opposes	Seeks to delete all proposed provisions related to the Rural zones (except for the Waitākere zones described below at (e)), Special Purpose – Maori Purpose Zone, Residential – Large Lot Zone and Residential – Rural and Coastal Settlement Zone in PC54.
10	10.6	Kāinga Ora Attn: Brendon Liggett	developmentplanning@hnzc.co.nz	Opposes	Seeks to delete and replace all proposed standards in the remaining Residential zones with a new standard that limits the permitted metrics of the rain water tanks to: (i) maximum size and volume of 7,500L; (ii) maximum height at 3 metres; and (iii) not located in any front yard.
10	10.7	Kāinga Ora Attn: Brendon Liggett	developmentplanning@hnzc.co.nz	Opposes	Seeks to delete and replace all proposed matters for discretion and assessment criteria with only two matters for discretion and assessment criteria limited to: (i) effects on residential character and amenity; and (ii) effects on stormwater management.
10	10.8	Kāinga Ora Attn: Brendon Liggett	developmentplanning@hnzc.co.nz	Opposes	Seeks to delete the standard proposed for the Special Character Area Overlay – Residential and Business and rely upon the underlying zone provisions.

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10	10.9	Kāinga Ora Attn: Brendon Liggett	developmentplanning@hnzc.co.nz	Opposes	Seeks to retain the changes proposed for the Rural – Waitākere Ranges Zone and Rural – Waitākere Foothills Zones.
10	10.10	Kāinga Ora Attn: Brendon Liggett	developmentplanning@hnzc.co.nz	Opposes	Seeks any other alternative or consequential relief to give effect to this submission.
10	10.11	Kāinga Ora Attn: Brendon Liggett	developmentplanning@hnzc.co.nz	Opposes	Seeks a number of amendments to PC54 and PM13 as set out in Attachment 1.
10	10.12	Kāinga Ora Attn: Brendon Liggett	developmentplanning@hnzc.co.nz	Opposes	In the absence of relief sought, PC54 and PM13 is contrary to the sustainable management of the natural and physical resources and is otherwise inconsistent with Part 2 of the Act
10	10.13	Kāinga Ora Attn: Brendon Liggett	developmentplanning@hnzc.co.nz	Opposes	In the absence of relief sought, PC54 and PM13 will in those circumstances impact significantly and adversely on the ability of people and communities to provide for their social and cultural wellbeing through reduced ability to install rain water tanks without the need for resource consent
10	10.14	Kāinga Ora Attn: Brendon Liggett	developmentplanning@hnzc.co.nz	Opposes	In the absence of relief sought, PC54 and PM13 will create an overly complex regime for enabling domestic scale on-site water storage in the Auckland region.
11	11.1	Tūpuna Maunga o Tāmaki Makaurau Authority Attn: Dominic Wilson	dominic.wilson@aucklandcouncil.govt.nz	Supports	Seeks to accept the proposed plan change
11	11.2	Tūpuna Maunga o Tāmaki Makaurau Authority Attn: Dominic Wilson	dominic.wilson@aucklandcouncil.govt.nz	Supports	Accept the definition of 'building' provided Volcanic Viewshafts and Height Sensitive Areas Overlays are not listed as an exclusion to the definition of rainwater tanks as buildings in Chapter J Definitions, Table J1.4.1.
11	11.3	Tūpuna Maunga o Tāmaki Makaurau Authority Attn: Dominic Wilson	dominic.wilson@aucklandcouncil.govt.nz	Supports	Any other relief that ensures the plan change does override the rules in Chapter D14 Volcanic Viewshafts and Height Sensitive Area Overlay.
12	12.1	Stormwater Systems Ltd Attn: Andrew Olsen	andrew@stormwatersystems.co.nz	Supports	Seeks to approve the plan change with the amendments requested

Plan Change 54 - Enable Rainwater Tank Installation in Residential and Rural zones					
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12	12.2	Stormwater Systems Ltd Attn: Andrew Olsen	andrew@stormwatersystems.co.nz	Supports	Rules don't account for the innovation with shallow at grade or below ground tanks. Doesn't allow for tanks laid at grade in all situations Seeks that it should be allowed in these areas as they do not adversely affect the area.
13	13.1	Ngati Tamaoho Attn: Lucie Rutherford	rmaofficer@tamaoho.maori.nz	Supports	Seeks that Council recommends that rain tank installation for clean roof harvesting [if only for outdoor reuse] should be mandatory within the Plan Change.
13	13.2	Ngati Tamaoho Attn: Lucie Rutherford	rmaofficer@tamaoho.maori.nz	Supports	Seeks that Council sets a minimum size limit on the tanks of 1-2,000 Litres
14	14.1	Bain Allott Cross	bacross@xtra.co.nz	Oppose	In reference to Table J1.4.1: Buildings: Seeks that the list beginning "Rainwater tanks in the following zones and overlays:" should be deleted, and in accordance with the section 32 analysis (which I agree with) provision for rainwater tanks should be made specifically in each zone and overlay. The definitions section is for clarifying terms used in the plan. Seeks that it would be simpler and easier for everyone using the plan if they both contained the same definition of rainwater tank.
14	14.2	Bain Allott Cross	bacross@xtra.co.nz	Oppose	In reference to Standard H3.6.13 Rainwater tanks: Seeks a simpler rule, that is, limiting (1)(b) to state simply "front yard" and omit the part about a tank not being allowed in front of the building, even if it complies with the front yard.

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14	14.3	Bain Allott Cross	bacross@xtra.co.nz	Supports	<p>In reference to Standard H4.6.16 Rainwater tanks:</p> <p>Refer to the discussion above about the location of rainwater tanks in front of buildings.</p> <p>I note that H4.6.16 omits the nuisance standard, which appears in a number of the other standards for rainwater tanks.</p> <p>Seeks to agree with this omission.</p>
14	14.4	Bain Allott Cross	bacross@xtra.co.nz	Oppose	<p>In reference to Standard H1.6.8 Rainwater tanks:</p> <p>Seeks that clause (4), as it appears in H1.6.8 and elsewhere should be deleted.</p>
14	14.5	Bain Allott Cross	bacross@xtra.co.nz	Oppose	<p>In reference to Standard H5.6.17 Rainwater tanks:</p> <p>Standard H5.6.17 Rainwater tanks includes the difficult to interpret provision (1)(b) about tanks not being allowed between the building and the street, even if they comply with yards. Refer to the discussion above, and amend the standard so it prevents tanks within front yards (unless of course they are more than 1.5m from the front boundary and less than 1m high), as per Residential Large Lot zone.</p>

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14	14.6	Bain Allott Cross	bacross@xtra.co.nz	Oppose	<p>In reference to Standard H2.6.11 Rainwater tanks:</p> <p>This rule includes the difficult to interpret provision 1) ii) about tanks not being allowed between the building and the street, even if they comply with yards. Refer to the discussion above, and amend the standard so it prevents tanks within front yards (unless of course they are more than 1.5m from the front boundary and less than 1m high), as per Residential Large Lot zone.</p>
14	14.7	Bain Allott Cross	bacross@xtra.co.nz	Oppose	<p>In reference to Standard H6.6.18 Rainwater tanks:</p> <p>This rule includes the difficult to interpret provision 1) b) about tanks not being allowed between the building and the street, even if they comply with yards. Refer to the discussion above, and amend the standard so it prevents tanks within front yards (unless of course they are more than 1.5m from the front boundary and less than 1m high), as per Residential Large Lot zone.</p>

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14	14.8	Bain Allott Cross	bacross@xtra.co.nz	Oppose	<p>In reference to Standard H6.6.18 Rainwater tanks:</p> <p>This standard also includes a curious provision 1 c). This standard prevents rainwater tanks being located in “a designated outlook space area unless located below finished ground level”.</p> <p>This standard creates several problems. Firstly, how many outlook space areas are designated? My guess is, not many. Secondly, the rule also means that if an outlook space area is not designated, then it is OK to locate a rainwater tank within it. This doesn't make sense, and I suspect that the use of the word “designated” is incorrect. It needs to be deleted or changed, as (I understand) it is a defined term, and will appear underlined with its specific meaning in the online plan. This problem is easily remedied.</p>
14	14.9	Bain Allott Cross	bacross@xtra.co.nz	Oppose	<p>In reference to D18.6.1 (X):</p> <p>Refer to my discussion above about the difficulties with a standard that regulates tanks placed forward of a building, but complying with the front yard, and amend D18.6.1.(X)(1) accordingly.</p> <p>D18.6.1.(X) (3) includes the words “must not obscure (partially or totally)...”.</p> <p>The standard is fraught with difficulty, and fails the test for permitted activity.</p> <p>Similarly, (5) includes a discretion to decide whether the colour of a tank will “match the colour...” of a building. This is fraught with difficulties, involving discretion of Council staff, and uncertainty for the landowner, and should be amended or deleted.</p>

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14	14.10	Bain Allott Cross	bacross@xtra.co.nz	Oppose	<p>In reference to Standard H27.6.9 Rainwater tanks:</p> <p>This includes the provision at (8) which requires Council and the landowner to decide whether a nuisance will be created. Refer discussion above, and delete accordingly.</p>
14	14.11	Bain Allott Cross	bacross@xtra.co.nz	Oppose	<p>In reference to H19.10 Standards:</p> <p>This is a matter of getting the grammar right. The standard states that “Rainwater tanks must only comply...”. The better way to express the standard would be to state “Rainwater tanks need comply with rainwater tank standard H19.10.17 only”.</p>
14	14.12	Bain Allott Cross	bacross@xtra.co.nz	Oppose	<p>In reference to H19.10.17 Rainwater tanks:</p> <p>This standard includes the problematic nuisance standard 3. Refer to the discussion above, and delete the provision because it fails the test for a permitted activity.</p> <p>This standard will lead to implementation problems, and should be deleted.</p>
14	14.13	Bain Allott Cross	bacross@xtra.co.nz	Oppose	<p>In reference to Standard H20.6.9 Dwellings:</p> <p>This standard includes the problematic standard d) which requires nuisance to be assessed.</p> <p>As discussed above, it should be deleted.</p>

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14	14.14	Bain Allott Cross	bacross@xtra.co.nz	Oppose	<p>In reference to Standard H21.6.9 Dwellings:</p> <p>This standard includes the problematic standard 5 d) which requires nuisance to be assessed. As discussed above, it should be deleted.</p> <p>It also includes the screening provision which, as discussed above, should also be deleted.</p>
14	14.15	Bain Allott Cross	bacross@xtra.co.nz	Oppose	Seeks to accept the proposed plan changes with amendments as outlined above.

Submissions

Contact details

Full name of submitter: Cherry Morgan

Organisation name:

Agent's full name: Cherry Morgan

Email address: cherrymorgan.nz@gmail.com

Contact phone number:

Postal address:
281 POINT CHEVALIER ROAD
POINT CHEVALIER
Auckland
Auckland 1022

Submission details

This is a submission to:

Plan change number: Plan Change 54

Plan change name: PC 54 - Enable Rainwater Tank Installation in Residential and Rural zones.

My submission relates to

Rule or rules:
PC 54

Property address:

Map or maps:

Other provisions:
Able to install rainwater tanks without requiring consent

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:
We need to encourage Aucklanders to install rain tanks and removing resource consent requirements removes a key barrier. With Auckland's 2020 drought and more expected with climate change it is important to make installing rain tanks easier for Aucklanders.

1.1 | I or we seek the following decision by council: Approve the plan change without any amendments

Details of amendments:

Submission date: 12 October 2020

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Contact details

Full name of submitter: Brogan McQuoid

Organisation name: Auckland Council - Resource Consents

Agent's full name:

Email address: brogan.mcquoid@aucklandcouncil.govt.nz

Contact phone number:

Postal address:

Level 1

Administration Building

Auckland Council

6 Henderson Valley Road

Henderson

Auckland 0612

Submission details

This is a submission to:

Plan change number: Plan Change 54

Plan change name: PC 54 - Enable Rainwater Tank Installation in Residential and Rural zones.

My submission relates to

Rule or rules:

1. Residential - Rural and Coastal Settlement Zone

Add the following Standard:

Standard H2.6.11 Rainwater tanks

An addition needs to be made to include the following standard as per the Residential Large Lot Zone and Rural Zones, as in the Waitakere Area there are a few enclaves of Residential - Rural and Coastal Settlement Zone which do not have public sewer connections and rely on on-site effluent fields.

-)Rainwater tanks must not be located on or outflow across an effluent dispersal area.

2)For all zones which reference the requirement relating to effluent dispersal areas the Matters of discretion should be amended by adding the following relating to wastewater:

(x) For Rainwater tanks the matters of discretion are limited to:

x) Stormwater [and wastewater] management.

3) For all zones which reference the requirement relating to effluent dispersal areas the Assessment criteria should be amended by adding the following relating to wastewater:

Amend Assessment criteria by adding the following:

(x) For Rainwater tanks:

x) Whether the rainwater tank is located to avoid natural hazards [and effluent dispersal areas].

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

To enable consistency across zones where they are subject to on-site wastewater disposal systems, and to enable consistent matters of discretion and assessment criteria as with stormwater and natural hazards where effluent fields are specified in the standard. Also to enable resource consent planners to turn their mind to wastewater management whereby a proposal is put forward which would not comply with locating a tank outside of an effluent dispersal area (which would be enabled as a Restricted Discretionary Activity under C1.9(2)).

2.1

I or we seek the following decision by council: Approve the plan change with the amendments I requested

2.2

Details of amendments: As per above - changes to Residential - Rural and Coastal Settlement Zone standard for rainwater tanks and changes to matters of discretion and assessment criteria for rainwater tanks as they relate to effluent dispersal areas.

Submission date: 28 October 2020

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

File No: 25 12 00
Document No: 17446017
Enquiries to: Lisette Balsom



29 October 2020

Auckland Council
Unitary Plan
Private Bag 92300
Auckland 1142

Private Bag 3038
Waikato Mail Centre
Hamilton 3240, NZ

waikatoregion.govt.nz
0800 800 401

Attention: Planning Technician

Email: unitaryplan@aucklandcouncil.govt.nz

Tēnā koe,

Waikato Regional Council Submission to Proposed Plan Change 54 Auckland Unitary Plan

Thank you for the opportunity to make a submission on Proposed Plan Change 54 to the Auckland Unitary Plan. Please find attached the Waikato Regional Council's (WRC's) submission, endorsed at its meeting on 29 October 2020.

We look forward to keeping informed regarding the development of the proposed plan change.

Should you have any queries regarding the content of this document please contact Lisette Balsom, Team Leader, Policy Implementation directly on (07) 8590572 or by email Lisette.Balsom@waikatoregion.govt.nz.

Regards,

A handwritten signature in black ink, appearing to read "Tracey May". The signature is stylized and cursive.

Tracey May
Director Science and Strategy

Submission from Waikato Regional Council on Proposed Plan Change 54 to the Auckland Unitary Plan

Introduction

1. Waikato Regional Council (WRC) appreciates the opportunity to make a submission to Proposed Plan Change 54. Our primary interests relate to supporting Auckland Council's efforts towards careful management of the freshwater resource, the majority of which comes from the Waikato River catchment.

Submission

2. WRC supports the intent of Proposed Plan Change 54 to the Auckland Unitary Plan.
3. The Waikato Region's water resources are under increasing pressure from growing demand, stronger environmental standards, greater community expectations for environmental quality and a changing climate, which is why water is one of WRC's six strategic priorities set out in our 10-year strategy:

People and our economy need clean water. The health of our environment also depends on it. With our support, landowners are doing more to reduce contaminants to water. The equivalent of 243 rugby fields were planted with native species and 950ha of land retired in just one season, but more is needed. And it's not just about water quality. We're at the point where our water is nearly fully allocated. Unless something changes, there won't be enough clean water in our waterways to keep the ecosystem healthy, let alone meet community demands and iwi aspirations. (Waikato Regional Council 10-year Strategy)

4. This priority is also reflected in the Waikato Regional Policy Statement (RPS). An objective of the RPS is to manage the allocation of freshwater by, among other things, increasing efficiency in the use of water.
5. We work towards this objective by promoting the adoption of water conservation and demand management measures (RPS 8.7.1.d) which may include a) water saving devices; b) water metering; c) water recycling; d) water demand management plans; e) water efficient technology; and f) leak detection and loss monitoring technologies. (RPS 8.7.2).

- 3.1 6. With such a high proportion of Auckland's water supply coming from the Waikato river catchment, we are strongly supportive of the proposed plan change as a practical response to help reduce demand.

Submitter details

Waikato Regional Council
 Contact person: Lisette Balsom (Policy Implementation)
 Email: Lisette.Balsom@waikatoregion.govt.nz
 Phone: (07) 8590572

Post: Private Bag 3038
 Waikato Mail Centre
 Hamilton 3240

I could not gain an advantage in trade competition through this submission
 I am not directly affected by an effect of the subject matter of the submission that:
 (a) does not adversely affect the environment; and
 (b) does not relate to trade competition or the effects of trade competition.

Further information and hearings

- 3.1 WRC **does not wish to be heard** at the hearings for Proposed Plan Change 54 in support of this submission.
- 3.2 WRC **could not** gain an advantage in trade competition through this submission.

Contact details

Full name of submitter: Andrew David Miller

Organisation name:

Agent's full name:

Email address: millerstheyounger@gmail.com

Contact phone number:

Postal address:
56A Moore Street
Howick
Auckland 2014

Submission details

This is a submission to:

Plan change number: Plan Change 54

Plan change name: PC 54 - Enable Rainwater Tank Installation in Residential and Rural zones.

My submission relates to

Rule or rules:
All of plan change.

Property address:

Map or maps:

Other provisions:
All of plan change.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

4.2

Generally, i support this plan change. However, it seems the council is attempting to 'de-regulate' by introducing more regulation. This could perhaps be best dealt with via a blanket enabling of rainwater tanks by including appropriate exemptions in the definitions section of the plan. There is also the infrastructure chapter which could be modified instead of modifying every zone. by introducing all these rules, it will introduce more regulation for council planners and enforcement officers to check and enforce. Make it easier! this is a significant issue for our city and people should be able to install these tanks without consent, even if this is at the expense of some private and public amenity value.

4.1

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: As listed.

Submission date: 2 November 2020

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

Penelope Hartill

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

PO Box 147191, Ponsanby
Auckland 1144

Telephone:

021 721 424

Fax/Email:

penny@hartillpr.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number PC 54

Plan Change/Variation Name Enable Rainwater Tank Installation in Residential and Rural zones

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Standards and assessment criteria across residential & rural zones
(see attached)

Or

Property Address

—

Or

Map

—

Or

Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended

Yes

No

(see attached)

The reasons for my views are: (see attached)

(continue on a separate sheet if necessary)

I seek the following decision by Council:

5.1

Accept the proposed plan change / variation

Accept the proposed plan change / variation with amendments as outlined below in attached

Decline the proposed plan change / variation

If the proposed plan change / variation is not declined, then amend it as outlined below.

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

[Handwritten Signature]

Signature of Submitter
(or person authorised to sign on behalf of submitter)

30 October 2020

Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I ~~could~~ / could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Specifics of submission

Standards should be introduced to manage the placement of rainwater tanks where they may cause the subsidence or instability of land due to the weight of the tanks.

This is most obviously a concern where a tank is placed within a yard setback area that in-turn causes an adjoining land-owners retaining wall to fail.

This could also be an issue on-site where a tank is placed atop or near the edge of existing retaining walls or battered banks.

5.2 | Section E12.6.2(2) sets a standard on siteworks to not cause instability so an equivalent should be set for the placement of rainwater tanks.

5.3 | Assessment criteria should then also be included for instances where such a standard are breached.

5.4 | This amendment should consistently apply across the residential & rural zones & the special character overlay.

Contact details

Full name of submitter: Robbie Hemara Paora

Organisation name: Ngati Whatua Orakei Whai Maia Ltd

Agent's full name:

Email address: tokitaiao@ngatiwhatuaorakei.com

Contact phone number: 0212130114

Postal address:
230 Kupe Street
Orakei
Auckland 1071

Submission details

This is a submission to:

Plan change number: Plan Change 54

Plan change name: PC 54 - Enable Rainwater Tank Installation in Residential and Rural zones.

My submission relates to

Rule or rules:

.

Property address: .

Map or maps: .

Other provisions:

.

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:
We support this plan change.

6.1 | I or we seek the following decision by council: Approve the plan change without any amendments

Details of amendments:

Submission date: 4 November 2020

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Form 5

SUBMISSION ON A NOTIFIED PLAN CHANGE UNDER RESOURCE MANAGEMENT ACT 1991

To: Auckland Council

Submission on: Plan Change 54

Name of submitter: Fire and Emergency New Zealand

Address for service: c/o Beca Ltd

Eloise Taylforth
PO Box 6345
Auckland, 1142

This is a submission on on behalf of Fire and Emergency New Zealand (FENZ or Fire and Emergency) on proposed Plan Change 54 which seeks to remove consenting requirements for rainwater tanks under the Auckland Unitary Plan (Operative in Part) (AUP: OP).

The Fire and Emergency submission is:

Fire and Emergency supports the exclusion of rainwater tanks from the definition of building and the addition of an activity status listing rainwater tanks as a permitted activity.

The Auckland region has experienced a period of extended drought that has placed pressure on water supply infrastructure and increased the probability of fire events and the risk to people, property and the environment.

Water tanks can reduce pressure on the demand for the reticulated network and increase water stored within the community which may provide backup firefighting water supplies if a reticulated network is inefficient. The provision for rainwater tanks to be listed in permitted activity tables for residential and rural zones may incentivize more for households to install tanks.

Furthermore, Fire and Emergency supports the introduction of a new definition of “rainwater tank” and proposed set development controls under the Auckland Council District Plan (Hauraki Gulf Island section). This will set clearer direction for households and will reduce the consenting requirements for non-reticulated areas. Fire and Emergency supports Auckland Council taking an adaptive approach to managing water resources in light of the current and foreseeable population growth, drought events and demands on water supply.

Fire and Emergency seeks the following decision from the consent authority:

The permitted activity status and associated provisions enabling rainwater tanks to be installed without consent is retained.

Fire and Emergency is not a trade competitor.

Fire and Emergency does not wish to be heard in support of this submission.

Eloise Taylforth

.....
(Signature of person authorised to sign
on behalf of Fire and Emergency New
Zealand)

09/11/2020

.....
Date

Title and address for service of person making submission:

Fire and Emergency New Zealand
c/o Beca Ltd

Attention: Eloise Taylforth

Address: Beca Ltd
PO Box 6345
Wellesley Street
Auckland 1411

Email: Eloise.taylforth@beca.com

Submission on Plan Change 54 – Enable Rainwater Tank Installation in Residential and Rural zones

To: Attn: Planning Technician
 Auckland Council
 Level 24, 135 Albert Street
 Private Bag 92300
 Auckland 1142
 unitaryplan@auckland.govt.nz

Introduction:

1. This is a submission on Plan Change 54 to the Auckland Unitary Plan (“AUP”) operative in part made by Karaka and Drury Consultant Limited (“KDCL”).
2. The submitter could not gain an advantage in trade competition through this submission.
3. The submitter has an interest in PC54 as it relates to the AUP only, as such the submission makes no comment on the changes proposed to the Hauraki and Gulf Islands District Plan.
- 8.1 | 4. This submission seeks that PC54 as it relates to the AUP be accepted in part. However, the submitter has concerns relating to the proposed Plan Change.

Reasons for submission

Application to all zones

5. There is no section 32 reason for the selected zones only to be identified for the exclusion to raintanks applying as a building. Any provision to enable raintanks should be equally applicable across all zones. For example, in the current text any above ground raintank exceeding 1m in height in a Town, Local or Neighbourhood would require a restricted discretionary activity resource consent (due to these chapters requiring resource consent for any new building).

Precinct application

6. The submitter is concerned that PC54 in its current format would not apply to all of the relevant precincts of the AUP (including Drury 1 Precinct). Many of these precincts have been drafted with replacement development control standards and/or activity tables to the standard zones. As such the drafted solution to the provision of rainwater tanks proposed by PC54 would not apply to these Precincts.

Text

- 7. The submitter is concerned at the over complicated way in which PC54 has dealt with the matter, and whether the option selected the most efficient and effective means of achieving the outcomes. The submitter is concerned at the various standards to govern tanks which are now becoming more common place, and whether it is an efficient use of urban zoned land to require setbacks and locational exclusion for tanks which are less than 3m in height (notably only 1m taller than a fence). Similarly the matters of discretion and assessment criteria are overcomplicated. The general C1.9 criteria should be sufficient to address potential effects of any infringement. Notably, criteria relating to natural hazards are redundant, as this is already addressed though the activity table and discretions in E38.
- 8. If the method of implementing the enabling of raintanks is retained in the zone chapters, the provisions should be simplified to avoid duplication and/or repetition with other chapters of the AUP.

Chapter E26 - Infrastructure

- 9. The PC54 seeks to insert additional development standards into E26 under the permitted activity standards of E26.2.5.2. This is due to the construction of above ground or underground water storage tanks are a permitted activity (E26.2.3.1(A52)).
- 10. It appears to be unclear in the AUP ordering of chapters as to whether the provisions of E26 apply "instead of" or "as well" as the relevant zone standards (as the zone standards only apply to activities listed in the zone activity table). Thus, if the former is applied, PC54 is largely not needed as Chapter E26 includes the relevant activities permitted water storage tanks and also includes the relevant "bulk and location" requirements within the E26 permitted activity standards.
- 11. It seems at odds that Chapter 26 would have these as a permitted activity with specific permitted activity standards. The section 32 even includes as a new option the addition of rain tanks to E26 – when it is in fact already provided for. The section 32 then discounts this option as it considers it would still trigger the change to the definition. However, if E26 does in fact override the zone provisions, this is not an issue.
- 12. Therefore, a far simpler alternative to that proposed, would have been to clarify that the E26 provisions apply and that the zone standards did not apply.

Relief Sought:

- 13. The specific relief sought by this submitter is:
 - 8.2 | (a) That any enabling rules for raintanks apply to all land based zones;

- 8.3 | (b) That any enabling rules for raintanks apply to all Precincts;
- 8.4 | (c) That any new rules do not confuse or duplicate the weighting of provisions contained in the AUP, duplicate or conflict with any other rules of the AUP;
- 8.5 | (d) That any provisions are simplified to avoid unnecessary restrictions but also still enable the most efficient use of urban zoned land.
- 8.6 | (e) Any other such relief that satisfies the concerns of the submitter.

Hearing:

- 14. The submitter wishes to be heard in support of its submission.



Mark Tollemache (authorised agent)

For Karaka and Drury Consultant Ltd
c/- Tollemache Consultants Ltd
PO Box 52015, Kingsland, Auckland

mark@tolleamache.co

021 106 8991

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Me (Full Name)

Dianne Giles

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

PO Box 183

CLEVEDON, 2248

Telephone: (09) 2929255 Fax/Email: d.giles990@hotmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number PC 54

Plan Change/Variation Name Enable Rainwater Tank Installation in Residential and Rural zones

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Or

Property Address

Or

Map

Or

Other (specify) Please see Attached Submission Document

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: Please see Attached Submission Document

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation
- 9.1 | Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

Please see Attached Submission Document

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

DEGib
Signature of Submitter
(or person authorised to sign on behalf of submitter)

9th November 2020
Date

Notes to person making submission:
 If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could / could not gain an advantage in trade competition through this submission.
 If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Submission Document

Submitters details

Mrs Dianne Giles

Physical Address: 340 Clevedon-Kawakawa Road, Clevedon, Auckland, 2585

Postal Address: P O Box 183, Clevedon, Auckland, 2248

Telephone: (09) 2929255

Email: d.giles990@hotmail.com

Scope of Submission

Plan Change/Variation Number: PC 54

Plan Change/Variation Name: Enable Rainwater Tank Installation in Residential and Rural Zones

Submission

Reasons for my views are:

1. Proposed Plan Change 54 to enable as a permitted activity Rainwater Tank Installation in Residential and Rural zones (as per the list of exclusions added under the amended definition Table J1.4.1: Buildings), should be **limited** to a design approach that must include the condition to connect and discharge to an existing public reticulation stormwater network.
2. This would require that the rainwater tank overflow outlet pipe be integrated into the existing public reticulated stormwater network. It would remove the need for measures that otherwise must be implemented to ensure that any discharge of water beyond the boundary of the site from rainwater tank overflow pipes be avoided or limited so as not to cause nuisance.
3. All other Rainwater Tank Installation within Residential and Rural zones that are unable to comply through the connection of the existing public reticulation stormwater network standard should be excluded from PC54. This type of structure would continue to be classified as “tanks including retention tanks” under the definition Table J1.4.1: Buildings.
4. Where “Tanks including retention tanks” are defined as “buildings” they would remain under continued scrutiny through the resource consent development and use process. This scenario should help eliminate:
 - a. the potential for the vast and varied interpretation of ambiguous words or phrases such as “be avoided or limited such that it does not cause **nuisance.**”
 - b. the inevitable problems that will be the result from this lack of clarity, when such vague wording lends itself to be exploited and interpreted in a manner that allows for the legislation not to be enforced as per its true intention.
 - c. Any reliance on the Auckland Council Compliance Team to make a judgement call when interpreting loosely worded legislative language.

9.4

5. The amendments above would better achieve the main purpose behind PC 54 and address the water shortages that the Auckland region is currently experiencing for the following reasons:
- a. The permitted activity status given to the Residential and Rural zones **that are able to connect and discharge to an existing public reticulation stormwater network** provide the greatest source of water savings and some relief on ageing infrastructure.
 - b. Through necessity, most rural areas already use existing rainwater tank retention as it is the most suitable option available and able to be relied on for their daily water supply needs. Therefore, the possible savings that would be enabled through Auckland Council's currently proposed PC54 legislation, with respect to Rural zones, would be limited.
 - c. By retaining the current AUP(OIP) legislation to cover Residential and Rural zones **that are not able to connect and discharge to an existing public reticulation stormwater network**, it is reasonable to assume that this should help prevent exploitation by self-interested parties at the expense of other members of these communities.
 - d. The majority of urban areas are connected to the public reticulation stormwater system, wastewater system and on the whole are currently reliant on all of their water supply demands being met by the water reticulation system supplied through the Auckland dams or the Waikato River.

9.5

6. Adverse effects that result from the collection of water from impervious surfaces, in particular stormwater management, through legislative requirements in relation to both stormwater and freshwater management, impose on Auckland Council the necessity to ensure that any such proposed plan change will not allow the escalation of such effects.

With consideration to the above information I seek the following decision by Auckland Council:

Amend the proposed plan change/variation

As outlined below:

9.2

1. Proposed Plan Change 54 be **limited** to rainwater tank structures with a design approach that must include the condition to connect and discharge to an existing public reticulation stormwater network.

9.3

2. All other Rainwater Tank Installation within Residential and Rural zones that are unable to comply through the connection of the existing public reticulation stormwater network standard should be excluded from PC54. This would allow for the type of rainwater tank structure that would be classified as "tanks including retention tanks" under the definition Table J1.4.1: Buildings to remain as such.

SUBMISSION ON PLAN CHANGE 54 / PLAN MODIFICATION 13 (ENABLE RAIN WATER TANK INSTALLATION IN RESIDENTIAL AND RURAL ZONES) – AUCKLAND UNITARY PLAN AND AUCKLAND COUNCIL DISTRICT PLAN (HAURAKI GULF ISLANDS SECTION) BY KĀINGA ORA HOMES AND COMMUNITIES

TO: Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1010

Submission via email: unitaryplan@aucklandcouncil.govt.nz

KĀINGA ORA HOMES AND COMMUNITIES (“Kāinga Ora”) at the address for service set out below makes the following submission on Plan Change 54 (Enable Rain Water Tank Installation in Residential and Rural Zones) (“**PC54**”) to the Auckland Unitary Plan Operative in Part (“**AUP:OP**”), and Plan Modification 13 (Enable Rain Water Tank Installation in Residential and Rural Zones) (“**PM13**”) to the Auckland Council District Plan (Hauraki Gulf Islands Section) (“**HGI Plan**”), and together referenced as the **proposed plan changes**.

Background

1. Kāinga Ora was established in 2019 as a statutory entity established under the Kāinga Ora-Home and Communities Act 2019. Kāinga Ora consolidates Housing New Zealand Corporation, HLC (2017) Ltd and parts of the KiwiBuild Unit. Under the Crown Entities Act 2004, Kāinga Ora is listed as a Crown agent and is required to give effect to Government policies.
2. Kāinga Ora is now the Government’s delivery entity for housing and urban development. Kāinga Ora will therefore work across the entire housing spectrum to build complete, diverse communities that enable New Zealanders from all backgrounds to have similar opportunities in life. As a result, Kāinga Ora has two core roles:
 - (a) being a world class public housing landlord; and
 - (b) leading and co-ordinating urban development projects.
3. Kāinga Ora’s statutory objective requires it to contribute to sustainable, inclusive, and thriving communities that:

- (a) provide people with good quality, affordable housing choices that meet diverse needs; and
 - (b) support good access to jobs, amenities and services; and
 - (c) otherwise sustain or enhance the overall economic, social, environmental and cultural well-being of current and future generations.
4. Kāinga Ora is focused on delivering quality urban developments by accelerating the availability of build-ready land, and building a mix of housing including public housing, affordable housing, homes for first home buyers, and market housing of different types, sizes and tenures.
 5. In the Auckland region context, the public housing portfolio managed by Kāinga Ora comprises approximately 30,100 dwellings¹. Auckland is a continued priority to reconfigure and grow Kāinga Ora's housing stock to provide efficient and effective public and affordable housing that is aligned with current and future residential demand in the area, and the country as a whole.
 6. Kāinga Ora has a shared interest in the community as a key stakeholder, alongside local authorities. Kāinga Ora's interests lie in the provision of public housing to persons who are unable to be sustainably housed in private sector accommodation, and in leading and co-ordinating residential and urban development projects. Kāinga Ora works with local authorities to ensure that appropriate services and infrastructure are delivered for its developments.
 7. In addition to its role as a public housing provider, Kāinga Ora also has a significant role as a landowner, landlord, rate payer and developer of residential housing in urban development more generally. Strong relationships between local authorities and central government are key to delivering government's priorities on increasing housing supply.
 8. Policy decisions made at both central and local government level have impacts on housing affordability. The challenge of providing affordable housing will require close collaboration between central and local government to address planning and governance issues to reduce the cost of construction, land supply constraints, infrastructure provisions and capacity as well as an improved urban environment.

¹ As of 30 September 2020

9. Kāinga Ora is interested in all issues that may affect the supply and affordability of housing. These include the provision of services and infrastructure and how this may impact on Kāinga Ora existing and planned housing, community development and Community Group Housing (“CGH”) suppliers.
10. In addition to the above, Kāinga Ora will play a greater role in urban development in New Zealand. The legislative functions of Kāinga Ora illustrate this broadened mandate and outlines two key roles of Kāinga Ora in that regard:
 - (a) initiating, facilitating and/or undertaking development not just for itself, but in partnership or on behalf of others; and
 - (b) providing a leadership or coordination role more generally.²
11. Notably, Kāinga Ora’s functions in relation to urban development extend beyond the development of housing (which includes public housing, affordable housing, homes for first home buyers, and market housing) to the development and renewal of urban environments, as well as the development of related commercial, industrial, community, or other amenities, infrastructure, facilities, services or works.³

Scope of Submission

12. The submission relates to PC54 and PM13 as a whole.

The Submission is:

13. Kāinga Ora generally **supports** the intent of the proposed plan changes in providing for a practicable permitted activity regime for the installation of rain water tanks in residential properties in Auckland, however **opposes** the specific methods and extent of application proposed in the plan changes.

10.1

14. Kāinga Ora **opposes** the proposed plan changes, and seeks a more simplified permitted activity regime be introduced across all relevant zones into the AUP:OP and HGI Plan, compared to what has been prescribed and proposed, to efficiently and effectively implement the intention of the proposed plan changes.

10.2

15. In addition to the above, Kāinga Ora questions and seeks clarification from Council on whether the analysis that was undertaken to arrive at the plan change stage has

² Sections 12(f)-(g) of the Kāinga Ora Act.

³ Section 12(f) of the Kāinga Ora Act.

appropriately considered all options and alternatives (both RMA⁴ and non-RMA methods) in a consistent manner along with all and any influencing factors and what impact other authorisations and development obligations would have on the exercising of the proposed permitted activity regimes for the installation of rain water tanks in the AUP:OP and HGI Plan respectively. This includes, but is not limited to:

10.2

- (a) the consideration of exempted building work under Schedule 1 to the Building Act 2004;
- (b) requirements under the region-wide network discharge consent (**NDC**) that Auckland Council's Healthy Waters Department holds for the public stormwater network;
- (c) the Auckland Council's Stormwater Bylaw 2015, and/or
- (d) Intersection with existing provisions under the AUP:OP that manage stormwater and natural hazards effects respectively.

16. As noted previously, a large number of Kāinga Ora property portfolio in Auckland is either subject to or becoming subject to residential development where resource consents are likely required, intensification and smaller yards will increasingly become the norm, and where desired built form outcomes for new builds are identified early in the design and build process, inclusive of pre-application discussions with Auckland Council. As such, the notion, discussion and placement of any rain water tanks will either be: proactively considered at this stage where mandated by other requirements (existing AUP:OP provisions relating to stormwater or where authority from Healthy Waters is sought to connect to public stormwater system); or retrospectively considered at a later date when future tenants seek to establish a rain water tank on-site. It is in relation to the latter that our submission seeks to provide for the most.

10.3

17. Kāinga Ora seeks that the scope of the proposed plan changes does not need to include all rural zoned areas in the Auckland region. The application of the proposed provisions under the proposed plan changes should be limited to those areas subject to urban residential zones where smaller lots will predominate, and where reticulated water supply is provided. The exception to this position is the provisions proposed in PC54 that relates to the Rural – Waitakere Foothills and Rural – Waitakere Ranges Zones where rain water tanks are already managed to some degree by way of

⁴ RMA stands for Resource Management Act 1991

standard/s in the AUP:OP, and the provisions (subject to our requested changes) proposed in PM13.

10.4

18. Kāinga Ora seeks the following amendments to the proposed plan changes (set out at paragraph 22), assuming that the preferred RMA regulatory method is maintained and on the basis that these will ensure the proposed plan changes better align with the direction provided by the Auckland Council's Governing Body⁵ to remove the current consenting requirements for rain water tanks. It is Kāinga Ora's view that rather than propose and create an enabling permitted activity regime, the proposed plan changes (in its current state) instead create a regulatory regime that will trigger the requirement for (needless) resource consent applications in the urban residential environments. Which in our view appears to be the main focus of the proposed plan changes.
19. In order to provide for a more enabling permitted activity regime, Kāinga Ora is of the view that the upper limit of the most common small scale rain water tanks available 'off the shelf' in Auckland – indicated in the s32 evaluation analysis report to the proposed plan changes is 7,000L capacity tanks, no more than 3m high – should be provided for as in those areas where such tanks are most likely and that the potential adverse residential and visual/streetscape amenity effects of these tanks be framed as 'acceptable' in all locations except for qualified front yard arrangements. This enablement is inclusive of deleting proposed provisions for the Special Character Area Overlay – Residential and Business and relying on the underlying zone provisions only.
20. The Council refers to eight resource consent examples as part of the evidence base for the proposed plan changes. Six of these examples have been provided to Kāinga Ora by Council and these have been reviewed. One consent is for a 15,000L tank on Waiheke Island where all water supply is from roof capture and the scale of the tank is more akin to a standard rural potable water supply tank. One other is for a 25,000L tank in the front yard of a property in Greenhithe (zoned Residential – Large Lot). In the four remaining examples, the tanks were in locations adjacent to boundary and were considered to not result in any adverse effects, inclusive of special character / streetscape effects in one example.
21. This limited sample of scenarios is not sufficiently comprehensive that it could be relied upon as a compelling rationale for one regime or another. However, it is worthwhile in noting the types of tanks that the differing locations attract – larger tanks for the areas not served by any reticulated water supply, and those where reticulated supply is relied

⁵ Minute GB/2020/56, Governing Body, 25 June 2020, Auckland Council

upon and the tanks are intended to be complementary to that reticulated source. It is also worthy to note that the largest tank in the example set would have still required resource consent under the proposed provisions.

22. With reference to the analysis at paragraph 17 above regarding Kāinga Ora's property portfolio, the requested changes would ensure that there is a reasonable ability for tenants to install tanks if they wished to do so (subject to landlord approval) without the need for a resource consent.
23. Overall, it is our view that the requested changes sought from Kāinga Ora would better enable the installation of rainwater tanks without the need for a resource consent across the Auckland region, and specifically the urban environments where the perceived consenting roadblocks are perceived to be the greatest.

Relief Sought

24. Kāinga Ora seeks the following decision from Auckland Council on PC54, as set out in **Attachment One – Amendments Sought to Plan Change 54 and Plan Modification 13 (Kāinga Ora track changes)**:

- | | |
|------|---|
| 10.5 | (a) Delete all proposed provisions related to the Rural zones (except for the Waitākere zones described below at (e)), Special Purpose – Maori Purpose Zone, Residential – Large Lot Zone and Residential – Rural and Coastal Settlement Zone in PC54. |
| 10.6 | (b) Delete and replace all proposed standards in the remaining Residential zones with a new standard that limits the permitted metrics of the rain water tanks to: <ul style="list-style-type: none"> (i) maximum size and volume of 7,500L; (ii) maximum height at 3 metres; and (iii) not located in any front yard. |
| 10.7 | (c) Delete and replace all proposed matters for discretion and assessment criteria with only two matters for discretion and assessment criteria limited to: <ul style="list-style-type: none"> (i) effects on residential character and amenity; and (ii) effects on stormwater management. |

10.8 | (d) Delete the standard proposed for the Special Character Area Overlay – Residential and Business and rely upon the underlying zone provisions.

10.9 | (e) Retain the changes proposed for the Rural – Waitākere Ranges Zone and Rural – Waitākere Foothills Zones.

10.10 | (f) Any other alternative or consequential relief to give effect to this submission.

25. Kāinga Ora seeks the following decision from Auckland Council on PM13:

(a) Modify the proposed definition to:

(i) delete the need for recessive colours;

(ii) not allow any tanks in a front yard or frontage control area; and

(iii) align the parameters for Mean High Water Springs (“**MHWS**”) proximity/relative levels to align with existing natural hazard rules in the HGI Plan.

(b) Any other alternative or consequential relief to give effect to this submission.

10.11 | 26. Kāinga Ora seeks a number of amendments to PC54 and PM13 as set out in **Attachment 1**.

27. In the absence of relief sought, PC54 and PM13:

10.12 | (a) is contrary to the sustainable management of the natural and physical resources and is otherwise inconsistent with Part 2 of the Act;

10.13 | (b) will in those circumstances impact significantly and adversely on the ability of people and communities to provide for their social and cultural wellbeing through reduced ability to install rain water tanks without the need for resource consent; and

10.14 | (c) will create an overly complex regime for enabling domestic scale on-site water storage in the Auckland region.

28. Kāinga Ora does not consider it can gain an advantage in trade competition through this submission.

29. Kāinga Ora wishes to be heard in support of this submission.

30. If others make a similar submission, Kāinga Ora would be willing to consider presenting a joint case with them at hearing.

Dated this 9st day of November 2020



Brendon Liggett
Development Planning Manager
Urban Development - Delivery

ADDRESS FOR SERVICE:

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Email: developmentplanning@hnzc.co.nz

Attachment One – Amendments Sought to Plan Change 54 and Plan Modification 13 (Kāinga Ora track changes)

Kāinga Ora Track changes shown in **red as ~~striketrough~~ and underline**. Consequential amendments may be necessary for numbering and paragraph adjustments.

Proposed Plan Change 54 to the Auckland Unitary Plan (Operative in part) and Proposed Plan Modification 13 to the Auckland Council District Plan - Hauraki Gulf Islands Section 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 from 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~~

2. Add the following definition to Chapter J Definitions:

Rainwater tank

An above or below ground tank used to collect and store rainwater for later use and/or for stormwater management purposes.

(Note: If a rainwater tank is to be used for firefighting purposes, please refer to the Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008) as mandated by the Fire and Emergency New Zealand Act has design, location and connection requirements that are also to be complied with)

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 (additional to any used primarily for potable supply) up to and including 7,500L in capacity and 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 below finished ground level;
 - ❖ ~~finished in a recessive colour in a natural colour range (green, brown, grey) with a maximum colour reflectivity of 40%;~~
 - ❖ 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 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.
- ~~at an elevation less than 1m above MHWS if less than 100m of MHWS;~~
- ❖ not located on a site identified in Appendix 1: Heritage schedules for the inner islands & Appendix 2: Heritage schedules for the outer islands.

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

Rainwater tank

Tanks used for collecting and storing rainwater for later use, or for stormwater management, and having a capacity of up to and including 7,500L.

RESIDENTIAL ZONES

Amend the Residential - Single House Zone as follows:

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

Activity	Activity Status	Standards to be complied with
Development		
<u>AX</u>	<u>Rainwater Tank</u>	<u>P</u> <u>Standard H3.6.13</u> <u>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;
 - b) front yard ~~or forward of the street facing building façade 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) Rainwater tanks (excluding any pipework) must not exceed 3 m in height in a rear or side yard.
- (3) Rainwater tanks must not exceed 7,500L in design capacity
- (4) Measures must be implemented to ensure that any discharge of water beyond the boundary of the site from rainwater tank overflow pipes is avoided or limited such that it does not cause nuisance.

Amend H3.8.1. Matters of discretion by adding the following:

- (5) For Rainwater tanks that do not comply with Standard H3.6.13 Rainwater tanks:
 - a) Effects on residential character and amenity
 - ~~b) Bulk and location~~
 - c) Stormwater management
 - ~~d) Effects on the amenity of dwellings on adjoining sites through shading, dominance and/or loss of outlook.~~
 - ~~e) Effects associated with natural hazards.~~

Amend H3.8.2. Assessment criteria by adding the following:

- (9) For Rainwater tanks:
 - a) Whether the bulk and location of the rainwater tank would have adverse effects on residential character and amenity, especially for adjoining site, **through increased shading, dominance and/or loss of outlook.**
 - b) Whether the rainwater tank is designed and maintained to effectively collect and store rainwater **and/or enable as part of a stormwater management system.**
 - ~~c) Whether the rainwater tank is located to avoid natural hazards.~~

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
Development		
<u>AX</u>	<u>Rainwater Tank</u>	<u>P</u>
		<u>Standard H4.6.16 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 in a:
 - a) riparian, lakeside or coastal protection yard;
 - b) 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) Rainwater tanks must not be located within a specified outlook area unless located below finished ground level.~~
- ~~3) Rainwater tanks must not be located in an outdoor living space unless located below finished ground level or unless they can maintain a minimum 20m² outdoor living space with minimum dimensions of 4m.~~
- 4) Rainwater tanks (excluding any pipework) must not exceed 3 m in height in a rear or side yard.

- 5) Rainwater tanks must not exceed 7,500L in design capacity

Amend H4.8.1. Matters of discretion by adding the following:

- (6) For Rainwater tanks the matters of discretion are limited to:
 - a) Effects on residential and streetscape character and amenity values.
 - ~~b) Bulk and location including visual dominance effects.~~
 - ~~c) Cumulative effects on the function and amenity of outdoor living and/or outlook spaces.~~
 - d) Stormwater management.
 - ~~e) Adverse effects on adjoining sites through shading, dominance and/or loss of outlook.~~
 - ~~f) Effects associated with natural hazards.~~

Amend H4.8.2. Assessment criteria by adding the following:

- (17) For Rainwater tanks:
 - a) Whether the bulk and location characteristics associated with the rainwater tank would adversely impact on residential character and amenity, including the subject site; adjoining sites and the street or private accessway through shading, dominance and/or loss of outlook.
 - ~~b) Whether the tank design and appearance are appropriate for the site context and planned built character.~~
 - c) Whether the rainwater tank is designed and maintained to effectively collect and store rainwater ~~and/or to enable as part of a stormwater management system.~~
 - ~~d) Whether the rainwater tank is located to avoid natural hazards.~~

~~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
Development		
<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;
 - 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) Measures must be implemented to ensure that any discharge of water beyond the boundary of the site from rainwater tank overflow pipes is avoided or limited such that it does not cause nuisance.~~

Amend H1.8.1. Matters of discretion by adding the following:

- ~~(4) For Rainwater tanks the matters of discretion are limited to:

 - a) Effects on residential character and amenity.
 - b) Effects on landscape character, landscape qualities and natural features
 - c) Bulk and location.
 - d) Stormwater management.
 - e) Effects associated with natural hazards.
 - f) Adverse effects on adjoining sites through shading, dominance and/or loss of outlook.~~

Amend H1.8.2. Assessment criteria by adding the following:

- ~~(7) For Rainwater tanks:

 - a) Whether the bulk and location associated with the rainwater tank would have adverse effects on residential character and amenity, especially for adjoining sites through shading, dominance and/or loss of outlook.
 - b) Whether the rainwater tank is designed and maintained to effectively collect and store rainwater and/or to enable stormwater management.
 - c) Whether the rainwater tank is located to avoid natural hazards.~~

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
Development		
<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 in a:
 - a) riparian, lakeside or coastal protection yard;
 - b) 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). Rainwater tanks must not be located within a specified outlook area unless located below finished ground level.
- 3). Rainwater tanks must not be located within a specified outdoor living space unless located below finished ground level or unless able to maintain a minimum 20m² outdoor living space with minimum dimensions of 4m.
- 4). Rainwater tanks (excluding any pipework) must not exceed 3 m in height in a rear or side yard.
- 5). Rainwater tanks must not exceed 7,500L in design capacity

Amend H5.8.1. Matters of discretion by adding the following:

- (6) For Rainwater tanks the matters of discretion are limited to:
- a) Effects on residential and streetscape character and amenity values.
 - b) ~~Bulk and location including visual dominance effects.~~
 - c) ~~Cumulative effects on the function and amenity of outdoor living and/or outlook spaces.~~
 - d) Stormwater management.
 - e) ~~Effects associated with natural hazards.~~
 - f) ~~Adverse effects on adjoining sites through shading, dominance and/or loss of outlook.~~

Amend H5.8.2. Assessment criteria by adding the following:

- (18) For Rainwater tanks:
- a) Whether the bulk and location characteristics associated with the rainwater tank would adversely impact on residential character and amenity, including the subject site; adjoining sites and the street or private accessway through shading, dominance and/or loss of outlook.

- b) ~~Whether the tank design and appearance are appropriate for the site context and planned built character.~~
- c) ~~Whether the rainwater tank is designed and maintained to effectively collect and store rainwater and/or to enable as part of a stormwater management system.~~
- d) ~~Whether the rainwater tank is located to avoid natural hazards.~~

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
Development		
(AX)	Rainwater Tank	P Standard H2.6.11

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 in a:

 - i. ~~riparian, lakeside or coastal protection yard;~~
 - ii. ~~front yard or forward of the street facing building façade 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) ~~Rainwater tanks (excluding any pipework) must not exceed 3 m in height in a rear or side yard~~
- 3) ~~Measures must be implemented to ensure that any discharge of water beyond the boundary of the site from rainwater tank overflow pipes is avoided or limited such that it does not cause nuisance.~~

Amend H2.8.1. Matters of discretion by adding the following:

- (6) ~~For Rainwater tanks that do not comply with Standard H2.6.11 Rainwater tanks:

 - a) ~~Effects on residential character and amenity~~
 - b) ~~Bulk and location~~
 - c) ~~Stormwater management~~
 - d) ~~Effects associated with natural hazards.~~
 - e) ~~Effects on the amenity of dwellings on adjoining sites through shading, dominance and/or loss of outlook.~~~~

Amend H2.8.2. Assessment criteria by adding the following:

~~(10) For Rainwater tanks:~~

- ~~a) Whether the bulk and location of the rainwater tank would have adverse effects on residential character and amenity, especially for adjoining sites.~~
- ~~b) Whether the rainwater tank is designed and maintained to effectively collect and store rainwater and/or to enable stormwater management.~~
- ~~c) Whether the rainwater tank is located to avoid natural hazards.~~

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
Development		
(AX)	Rainwater Tank	P
		Standard H6.6.18

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 in any:
 - a) riparian, lakeside or coastal protection yard;
 - b) 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.~~
 - ~~c) Rainwater tanks must not be located in a designated outlook space area unless located below finished ground level.~~
 - ~~d) Rainwater tanks must not be located in an outdoor living area unless located below finished ground level or unless able to maintain a minimum 20m² outdoor living space with minimum dimensions of 4m.~~
 - e) Rainwater tanks must not exceed 7,500L in design capacity

Amend H6.8.1. Matters of discretion by adding the following:

- (7) For Rainwater tanks that do not comply with Standard H6.6.18 Rainwater tanks:
 - a) Effects on residential and streetscape character and amenity values.
 - ~~b) Bulk and location including visual dominance effects.~~
 - ~~c) Cumulative effects on the function and amenity of outdoor living and/or outlook spaces.~~
 - d) Stormwater management.
 - ~~e) Effects associated with natural hazards.~~
 - ~~f) Adverse effects on adjoining sites through shading, dominance and/or loss of outlook.~~

Amend H6.8.2. Assessment criteria by adding the following:

(18) For Rainwater tanks:

- a) Whether the bulk and location characteristics associated with the rainwater tank would adversely impact on residential character and amenity, including; the subject site adjoining sites and the street or private accessway through shading, dominance/and or loss of outlook.
- b) Whether the tank design and appearance are appropriate for the site context and planned built character.
- c) Whether the rainwater tank is designed and maintained to effectively collect and store rainwater ~~and/or enable as part of a stormwater management system.~~
- ~~d) Whether the rainwater tank is located to avoid natural hazards.~~

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
A(X)	<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 or forward of any street or private vehicle access facing building façade unless they are located below ground level and at least 1.5m from the front boundary.~~
- ~~(2) Rainwater tanks adjoining a side yard facing building façade or located within a side yard must be 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 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 adjoins an existing building.~~

~~Any consequential changes necessary and arising from the Council’s decision on Plan Change 26: Clarifying the relationship between the Special Character Areas Overlay and the underlying zone provisions, which are necessary to clarify and confirm that the rainwater tank standards specified above for the Special Character Areas Overlay – Residential are the only standards that shall apply to rainwater tanks for the underlying zone.~~

~~Special Purpose – Māori Purpose Zone~~

Activity	Activity Status	Standards to be complied with
Development		
AX	Rainwater Tank	P
		Standard H27.6.9 Rainwater tanks

~~Add the following Standard:~~

~~Standard H27.6.9 Rainwater tanks~~

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

- ~~(5) Rainwater tanks must not be located in a:

 - ~~a) riparian, lakeside or coastal protection yard;~~
 - ~~b) front yard unless they are at least 1.5m from the front boundary and are a maximum height of 1 m.~~~~
- ~~(6) Rainwater tanks (excluding any pipework) must not exceed 3m in height in a rear or side yard.~~
- ~~(7) Rainwater tanks must not be located on or outflow across an effluent dispersal area.~~

- ~~(8) Measures must be implemented to ensure that any discharge of water beyond the boundary of the site from rainwater tank overflow pipes is avoided or limited such that it does not cause nuisance.~~

Amend H27.8.1. Matters of discretion by adding the following:

- ~~(7) For Rainwater tanks the matters of discretion are limited to:~~

- ~~a) Effects on residential character and amenity.~~
- ~~b) Effects on landscape character, landscape qualities and natural features~~
- ~~c) Bulk and location.~~
- ~~d) Stormwater management.~~
- ~~e) Effects associated with natural hazards.~~
- ~~f) Adverse effects on adjoining sites through shading, dominance and/or loss of outlook.~~

Amend H27.8.2. Assessment criteria by adding the following:

- ~~(7) For Rainwater tanks:~~

- ~~a) Whether the bulk and location associated with the rainwater tank would have adverse effects on residential character and amenity, especially for adjoining sites through shading, dominance and/or loss of outlook.~~
- ~~b) Whether the rainwater tank is designed and maintained to effectively collect and store rainwater and/or to enable stormwater management.~~
- ~~c) Whether the rainwater tank is located to avoid natural hazards.~~

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	P	P	P	P	P

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

~~(3) Notwithstanding the above Rainwater tanks must only 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 in a:

 - a) riparian, lakeside or coastal protection yard;
 - 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 must not be located on or outflow across an existing effluent dispersal area.~~
- ~~3. Measures must be implemented to ensure that any discharge of water beyond the boundary of the site from rainwater tank overflow pipes is avoided or limited such that it does not cause nuisance.~~
- ~~6. Rainwater tanks located in the Rural Coastal zone must be finished in a recessive colour in a natural colour range (green, brown, grey) with a maximum colour reflectivity of 40% unless buried below finished ground level or fully screened by vegetation.~~

Amend the section titled “H19.12.1. Matters of discretion” by adding the following:

- ~~(7) infringement of Standard H19.10.17 Rainwater tanks:~~
- ~~a) the effects on rural character, integrity of distinctive landscape features, natural character and amenity;~~
 - ~~b) stormwater management;~~
 - ~~c) Effects associated with natural hazards;~~
 - ~~d) effects on adjoining sites.~~

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:

	Activity	Activity Status
Development		
<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 in a:
 - i. riparian yard;
 - ii. front yard unless they are at least 1.5m from the front boundary and are located below ground level;
- b) not exceed 3m in height (excluding any pipework) in a front, rear or side yard;
- c) not be located on or outflow across an existing effluent dispersal area;
- d) be operated so that measures are implemented to ensure that any discharge of water beyond the boundary of the site from rainwater tank overflow pipes is avoided or limited such that it does not cause nuisance.
- e) be finished in a recessive colour in a natural colour range (green, brown, grey) with a maximum colour reflectivity of 40% unless buried below finished ground level or fully screened by vegetation.

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

Amend standard H21.6.9 Dwellings as follows:

(5) rainwater tanks must:

- a) not be located in a:
 - i. riparian, lakeside or coastal protection yard;
 - ii. front yard unless they are at least 1.5m from the front boundary and are located below ground level;
- b) not exceed 3m in height (excluding any pipework) in a front, rear or side yard;

- c) not be located on or outflow across an existing effluent dispersal area;
- d) be operated so that measures are implemented to ensure that any discharge of water beyond the boundary of the site from rainwater tank overflow pipes is avoided or limited such that it does not cause nuisance;
- e) be finished in a recessive colour in a natural colour range (green, brown, grey) with a maximum colour reflectivity of 40% unless buried below finished ground level or fully screened by vegetation.

Consequential Changes

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

(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.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

Dominic Wilson

Organisation Name (if submission is made on behalf of Organisation)

Tupuna Maunga o Tamaki Makaurau Authority

Address for service of Submitter

Private Bag 92300, Victoria Street West, Auckland 1142

Telephone:

021 532 863

Fax/Email:

dominic.wilson@aucklandcouncil.govt.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 54

Plan Change/Variation Name

Enable Rainwater Tank Installation in Residential and Rural zones

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Or

Property Address

Or

Map

Or

Other (specify)

Volcanic Viewsheds and Height Sensitive Areas Overlays

are not listed as an exclusion to the definition of rainwater tanks

as buildings in chapter 4 Definitions, table 11.4.1

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: *In recognition of the significance of the Tūpuna Maunga, the overlay imposes more restrictive rules than the underlying zone.*

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- 11.1 | Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

P. P. Munn
Signature of Submitter
(or person authorised to sign on behalf of submitter)

9/11/20
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could / could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Submission on notified plan change 54: Enabling Rainwater Tanks

9 November 2020

Planning Technician
Auckland Council
Private Bag 92300
Auckland 1142
BY EMAIL unitaryplan@aucklandcouncil.govt.nz

Introduction

1. This submission is made on behalf of the Tūpuna Maunga o Tāmaki Makaurau Authority (**the Authority**).
2. The submission is to the Proposed Plan Change 54 (Operative in Part) to the Auckland Unitary Plan (AUP). The plan change seeks to remove rules that apply to a number of rural and residential zones to enable the installation of rainwater tanks without a resource consent.

Tūpuna Maunga Authority

3. In 2014, following five years of Te Tiriti of Waitangi settlement negotiations, 14 Tūpuna Maunga were transferred to the 13 iwi/hapū of Ngā Mana Whenua o Tāmaki Makaurau. The Tūpuna Maunga are held in Trust for the benefit of those iwi/hapū and people of Auckland.
4. Governance and administration of the Tūpuna Maunga is undertaken by the Authority. This is a co-governance body with equal representation from mana whenua and Auckland Council (together with a non-voting Crown representative).
5. Under section 109 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, the Authority must have regard to the spiritual, ancestral, cultural, customary, and historical significance of the Tūpuna Maunga to Ngā Mana Whenua.
6. The Tūpuna Maunga are among the most significant spiritual, cultural, historical, archaeological and geological landscapes in the Auckland region. The maunga are sacred to Mana Whenua as taonga tuku iho (treasures handed down the generations). The Authority has a direct interest in protecting views to, from and between the Tūpuna Maunga.

Scope of the submission

7. This submission is limited to the definition of 'building' in Chapter J Definitions and its relationship with the Volcanic Viewshafts and Height Sensitive Overlays.

Tūpuna Maunga Authority submission

8. The Authority is supportive of the proposed plan change, specifically:
- a. That the Volcanic Viewshafts and Height Sensitive Areas Overlays are not listed as an exclusion to the definition of rainwater tanks as buildings in Chapter J Definitions, Table J1.4.1.

Reasons for the submission

9. The reasons for this submission:
- a. Rainwater tanks up to 3m in height, regardless of location and recessive colour that intrude into Volcanic Viewshafts could compromise the visual character, identify, form and cultural integrity of the Tūpuna Maunga.
 - b. The purpose of the Volcanic Viewshafts and Height Sensitive Area Overlays is to manage the protection, maintenance and enhancement of the Tūpuna Maunga. Visual connections between Tūpuna Maunga are part of the cultural landscape that is embedded with identify, meaning and significance to mana whenua.
 - c. In recognition of the significance of the Tūpuna Maunga, the overlay imposes more restrictive rules than the underlying zone. The Authority would not support a generic exclusion for rainwater tanks if this were to override the rules in Chapter D14 Volcanic Viewshafts and Height Sensitive Area Overlay.
 - d. The Authority acknowledges initiatives to mitigate the impact of water shortages on Auckland's communities and is supportive of the proposed plan change provided the amendments do not impact on the Tūpuna Maunga.

Decision by the Council

10. The Tūpuna Maunga Authority seeks the following decisions by the Auckland Council:
- 11.2 | a. Accept the definition of 'building' provided Volcanic Viewshafts and Height Sensitive Areas Overlays are not listed as an exclusion to the definition of rainwater tanks as buildings in Chapter J Definitions, Table J1.4.1.
 - 11.3 | b. Any other relief that ensures the plan change does override the rules in Chapter D14 Volcanic Viewshafts and Height Sensitive Area Overlay.

11. The Tūpuna Maunga Authority could not gain an advantage in trade competition through this submission.
12. The Tūpuna Maunga Authority wishes to be heard in support of this submission.
13. If others make a similar submission, the Tūpuna Maunga Authority will consider presenting a joint case with them at the hearing.

9 November 2020



Dominic Wilson
Head of Co-governance / Te Pou Mana Whakahaere
Tūpuna Maunga o Tāmaki Makaurau Authority

Address for service of submitter:

Tūpuna Maunga o Tāmaki Makaurau Authority
C/- Dominic Wilson
Private Bag 92300
Victoria Street West
Auckland 1142
dominic.wilson@aucklandcouncil.govt.nz

Contact details

Full name of submitter: Andrew Olsen

Organisation name: Stormwater Systems Ltd

Agent's full name:

Email address: andrew@stormwatersystems.co.nz

Contact phone number:

Postal address:

Avondale
Auckland 1026

Submission details

This is a submission to:

Plan change number: Plan Change 54

Plan change name: PC 54 - Enable Rainwater Tank Installation in Residential and Rural zones.

My submission relates to

Rule or rules:
H3.6.13 and H4.6.16 and H1.6.8 and H5.4.1 and H5.6.17 and H6.6.18 including all overlays-

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

- 12.2 | The reason for my or our views are:
Rules don't account for the innovation with shallow at grade or below ground tanks.
- 12.1 | I or we seek the following decision by council: Approve the plan change with the amendments I requested
- 12.2 | Details of amendments: doesn't allow for tanks laid at grade in all situations should be allowed in these areas as they do not adversely affect the area.

Submission date: 9 November 2020

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? Yes

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Tena Koe

Please accept this late submission to PC 54

Ngati Tamaoho has been a strong advocate for Council to enable the installation of rain tanks within the Auckland Region

While we are pleased with the Plan Change proposal to lessen the rules around the installation, we do not believe it has "gone far enough".

- 13.1 | Ngati Tamaoho request Council recommends that rain tank installation for clean roof harvesting [if only for outdoor reuse] should be **mandatory** within the Plan Change. Given the current climate change and water shortage within the region, and the fact that outdoor water use has been restricted for many months, Ngati Tamaoho urges Council to reconsider and make the installation mandatory on all new builds.
- 13.2 | There are many options available for developers to choose from We also recommend that Council sets a minimum size limit on the tanks of 1-2,000 Litres

With respect to our submission on Plan Change 54
Ngati Tamaoho wish to be heard

Naku noa na
Lucie Rutherford



Lucille Rutherford

RMA Technical Officer

Ph:09 930 7823 Mob:0211708543

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Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource management Act 1991

FORM 5

Submission No:

Receipt Date:

Proposed Plan Change 54 to the Auckland Unitary Plan (Operative in part) and Proposed Plan Modification 13 to the Auckland Council District Plan – Hauraki Gulf Islands Section, to enable Rainwater Tank Installation in Residential and Rural zones.

To: unitaryplan@aucklandcouncil.govt.nz

Submitter details

Full name of submitter: **Bain Allott Cross**

Address for service of Submitter:

Mail:

720 Mount Pleasant Road

Thames 3500

New Zealand

Telephone: 0272737572

Email: bacross@xtra.co.nz (preferred)

Scope of submission

This is a submission on the following Proposed Plan Change 54 and Proposed Plan Modification 13, as above.

The specific Unitary Plan provisions that my submission relates to are (unless otherwise stated):

- 1. Table J1.4.1: Buildings**
- 2. Chapter J Definitions**
- 3. Part 14 definitions (Hauraki and Gulf Islands section only)**
- 4. Standard H3.6.13 Rainwater tanks**
- 5. Standard H4.6.16 Rainwater tanks**
- 6. Standard H1.6.8 Rainwater tanks**
- 7. Standard H5.6.17 Rainwater tanks**
- 8. Standard H2.6.11 Rainwater tanks**
- 9. Standard H6.6.18 Rainwater tanks**
- 10. D18.6.1.(X) Rainwater tanks**
- 11. Standard H27.6.9 Rainwater tanks**
- 12. H19.10 Standards (3)**
- 13. Standard H19.10.17 Rainwater tanks**
- 14. Standard H20.6.9 Dwellings (5)**

15. Standard H21.6.9 Dwellings (5)

Submission

My submission is:

I oppose the specific provisions identified above, and wish to have them amended.

The reasons for my views are:

1. Table J1.4.1: Buildings

14.1 The purpose of the definitions is to provide a precise interpretation of terms used in the Unitary Plan. It is not desirable to include a long list of zones and overlays with a definition, because doing so is not part of the definition of the term. The zones and overlays have their own rules, and this is where provisions specific to those zones and overlays should be found. Therefore, the list beginning "Rainwater tanks in the following zones and overlays:" should be deleted, and in accordance with the section 32 analysis (which I agree with) provision for rainwater tanks should be made specifically in each zone and overlay. The definitions section is for clarifying terms used in the plan.

If the approach set out in the plan change is adopted, an additional difficulty will almost certainly surface later when new zones and overlays are created, or deleted, and it will be necessary to go back to the definitions to find reference to the particular zone or overlay being created or deleted. Invariable such linkages are missed. It is far simpler to avoid creating them in the first place.

2. Chapter J Definitions, and

3. Part 14 definitions (Hauraki and Gulf Islands section only)

The definition of Rainwater tank contains a lot of redundant words. Firstly, rainwater tanks can be above or below the ground. Is there anywhere else they can be located? I doubt it. Therefore, the words "above or below ground" are redundant, and can be deleted along with amending the opening word "An" to become "A", so it reads "Rainwater tank: A tank used..." Secondly, the purpose for storing rainwater in a rainwater tank is not an environmental effect, and does not need to be stated in a definition. In addition, what other purposes for collecting rainwater are there? Rainwater is collected either to use later, or to manage stormwater flows. This was ably set out in the section 32 analysis, where I noticed the word "Furthermore..." being used at the start of a paragraph that noted that the purpose for collecting water had not been stated in the plan. The reason for this is (as stated above) that the reason is not an environmental effect. The environmental effects are related to the bulk and location of tanks, and their effect on amenity values.

Therefore, the definition should be amended to read "A tank used to collect and store rainwater", or as in the Hauraki and Gulf Islands section, "Tanks used for collecting and storing rainwater, or for stormwater management", which is many ways I prefer.

Lastly, given that the Council administers both the Unitary Plan and the Hauraki and Gulf islands section plan, I think it would be simpler and easier for everyone using the plan if they both contained the same definition of rainwater tank.

4. Standard H3.6.13 Rainwater tanks

This standard includes wording which is difficult to follow. In H3.6.13 (1) b), The words “street facing building façade or private vehicle access facing building façade” are really difficult to follow. I am sure they can be simplified. The intention as I understand it, is to stop tanks being put into front yards, or, if the existing building is further back from the road boundary than the front yard, then in front of the building. Given that buildings can be constructed to the front yard, it would surely be fairer to simply prevent tanks being built in front yards. If a person wanted to, they could place a tank in a location that complies with the front yard, but is in front of the existing building, and then build a fence around the tank, or grow some screening vegetation around it.

14.2 | I favour a simpler rule, that is, limiting b) above to state simply “front yard” and omit the part about a tank not being allowed in front of the building, even if it complies with the front yard.

This provision appears in many if not most of the standards for rainwater tanks.

5. Standard H4.6.16 Rainwater tanks

14.3 | Refer to the discussion above about the location of rainwater tanks in front of buildings.
I note that H4.6.16 omits the nuisance standard, which appears in a number of the other standards for rainwater tanks. I agree with this omission.

6. Standard H1.6.8 Rainwater tanks

Standard H1.6.8 Rainwater tanks includes a clause (4) which is bound to cause a great deal of difficulty for Council (implementing the rule) and a landowner wishing to use the provision to install a rainwater tank.

It is a fundamental of the planning system under the RMA that permitted activities must be able to be determined without discretion. The rule of thumb I’ve used over 40 years of planning practice is that two people must be able to determine whether a proposal complies with permitted activity standards, independently, and both come up with the same answer. Either it does or it doesn’t. The trouble with a rule like this one is that a landowner installing a tank cannot know in advance of installation whether they are going to comply with the permitted activity standard. From the Council’s perspective, the rule cannot be measured in advance and it is likely that two staff will come up with different opinions about whether the tank will create a nuisance or whether it won’t. And from the point of view of the potentially affected neighbour, how are they to know whether the proposed tank will or won’t create a nuisance? The rules do not (and should not) involve neighbours, since they are permitted activity standards.

14.4 | Therefore this rule, as it appears in H1.6.8 and elsewhere should be deleted.

7. Standard H5.6.17 Rainwater tanks

14.5 | Standard H5.6.17 Rainwater tanks includes the difficult to interpret provision 1) b) about tanks not being allowed between the building and the street, even if they comply with yards. Refer to the discussion above, and amend the standard so it prevents tanks within front yards (unless of course they are more than 1.5m from the front boundary and less than 1m high), as per Residential Large Lot zone.

8. Standard H2.6.11 Rainwater tanks.

14.6 | This rule includes the difficult to interpret provision 1) ii) about tanks not being allowed between the building and the street, even if they comply with yards. Refer to the discussion above, and amend the standard so it prevents tanks within front yards (unless of course they are more than 1.5m from the front boundary and less than 1m high), as per Residential Large Lot zone.

9. Standard H6.6.18 Rainwater tanks

14.7 | This rule includes the difficult to interpret provision 1) b) about tanks not being allowed between the building and the street, even if they comply with yards. Refer to the discussion above, and amend the standard so it prevents tanks within front yards (unless of course they are more than 1.5m from the front boundary and less than 1m high), as per Residential Large Lot zone.

This standard also includes a curious provision 1 c). This standard prevents rainwater tanks being located in “a designated outlook space area unless located below finished ground level”.

14.8 | This standard creates several problems.

Firstly, how many outlook space areas are designated? My guess is, not many. Secondly, the rule also means that if an outlook space area is not designated, then it is OK to locate a rainwater tank within it. This doesn't make sense, and I suspect that the use of the word “designated” is incorrect. It needs to be deleted or changed, as (I understand) it is a defined term, and will appear underlined with its specific meaning in the online plan. This problem is easily remedied.

10. D18.6.1 (X)

14.9 | D18.6.1.(X) (3) includes the words “must not obscure (partially or totally)...”. A permitted activity standard must be precise, and as per the discussion above about the precision required for permitted activity standards, this particular standard is imprecise and difficult to interpret, and fails the test for permitted activities. The standard involves discretion, including what partial obstruction of a window or door means on the ground, and from

where? Obscured from the street? From the neighbour's? Which street, and which neighbour? And how much is "partial". The standard is fraught with difficulty, and fails the test for permitted activity.

- 14.9 Refer to my discussion above about the difficulties with a standard that regulates tanks placed forward of a building, but complying with the front yard, and amend D18.6.1.(X)(1) accordingly.

Similarly, (5) includes a discretion to decide whether the colour of a tank will "match the colour..." of a building. This is fraught with difficulties, involving discretion of Council staff, and uncertainty for the landowner, and should be amended or deleted.

11. Standard H27.6.9 Rainwater tanks

- 14.10 This includes the provision at (8) which requires Council and the landowner to decide whether a nuisance will be created. Refer discussion above, and delete accordingly.

12. H19.10 Standards

- 14.11 This is a matter of getting the grammar right. The standard states that "Rainwater tanks must only comply...". The better way to express the standard would be to state "Rainwater tanks need comply with rainwater tank standard H19.10.17 only".

13. H19.10.17 Rainwater tanks

This standard includes the problematic nuisance standard 3. Refer to the discussion above, and delete the provision because it fails the test for a permitted activity.

- 14.12 Similarly, H19.10.17 5) includes a discretion that can only create implementation problems. The words "or fully screened by vegetation" should not be used in a permitted activity, because it does not specify what screening means, or from where the tank needs to be screened. Where is the viewer? Public or private land? From above, if on hilly land overlooking the tank? And what does "fully screened" mean if viewed from above?

This standard will lead to implementation problems, and should be deleted.

14. Standard H20.6.9 Dwellings

- 14.13 This standard includes the problematic standard d) which requires nuisance to be assessed. As discussed above, it should be deleted.

15. Standard H21.6.9 Dwellings

- 14.14 This standard includes the problematic standard 5 d) which requires nuisance to be assessed. As discussed above, it should be deleted.

It also includes the screening provision which, as discussed above, should also be deleted.

I seek the following decision by Council:

14.15 | **Accept the proposed plan changes with amendments as outlined above.**

I wish to be heard in support of my submission.

If others make a similar submission, I would consider presenting a joint case with them at a hearing.

Signed: *Bain Cross (by email)*

Date: Initially sent via online portal on 7 November 2020 without success. This copy dated 23 November 2020.