

AUCKLAND UNITARY PLAN OPERATIVE IN PART

PROPOSED PLAN Modification 13: Enable Rainwater Tank Installation in Residential and Rural zones

Re-notified on 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 Modification 13 - 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	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.
2	2.1	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.
2	2.2	Kāinga Ora Attn: Brendon Liggett	developmentplanning@hnzc.co.nz	Opposes	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: (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.
2	2.3	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.

Plan Modification 13 - Enable Rainwater Tank Installation in Residential and Rural zones					
Summary of Decisions Requested					
Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
2	2.4	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 ⁵ to remove the current consenting requirements for rain water tanks.
2	2.5	Kāinga Ora Attn: Brendon Liggett	developmentplanning@hnzc.co.nz	Opposes	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.
2	2.6	Kāinga Ora Attn: Brendon Liggett	developmentplanning@hnzc.co.nz	Opposes	Any other alternative or consequential relief to give effect to this submission.
2	2.7	Kāinga Ora Attn: Brendon Liggett	developmentplanning@hnzc.co.nz	Opposes	In the absence of relief sought, PC54 and PM13: (a) is contrary to the sustainable management of the natural and physical resources and is otherwise inconsistent with Part 2 of the Act;
2	2.8	Kāinga Ora Attn: Brendon Liggett	developmentplanning@hnzc.co.nz	Opposes	In the absence of relief sought, PC54 and PM13: (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
2	2.9	Kāinga Ora Attn: Brendon Liggett	developmentplanning@hnzc.co.nz	Opposes	In the absence of relief sought, PC54 and PM13: (c) will create an overly complex regime for enabling domestic scale on-site water storage in the Auckland region.
3	3.1	Ngāti Wātua Ōrākei- Whaimāia Attn: Tarumai Kerehoma	tarumaik@nwo.iwi.nz	Supports	Approve the plan change without any amendments
3	3.2	Ngāti Wātua Ōrākei- Whaimāia Attn: Tarumai Kerehoma	tarumaik@nwo.iwi.nz	Supports	Ngāti Whātua Ōrākei support in full the modification of Plan change, we will appear at the court hearing when it is time.
4	4.1	Lance Dixon	izzy@farmside.co.nz	Supports	Approve the plan change without any amendments

Plan Modification 13 - Enable Rainwater Tank Installation in Residential and Rural zones

Summary of Decisions Requested

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
4	4.2	Lance Dixon	izzy@farmside.co.nz	Supports	Seeks to support the plan modification because plastic water tanks should never have been defined as a building. On Great Barrier island they are a crucial part of everyone's infrastructure. Individually we need to collect as much water as possible for household use and for firefighting. We do not have a reticulated water supply, you can not buy water or have water delivered, and peoples personal supply is crucial for survival and for fire fighting. The imposition of an impediment to this vital need was insane.
5	5.1	Bain Allott Cross	bacross@xtra.co.nz	Oppose	Seeks that 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.
5	5.2	Bain Allott Cross	bacross@xtra.co.nz	Oppose	Seeks that 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.
5	5.3	Bain Allott Cross	bacross@xtra.co.nz	Oppose	Seeks to accept the proposed plan changes with amendments as outlined above.

Submissions

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:

1.1

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 / 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:

2.1

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.
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.

2.2

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:

2.2

- (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.

2.3

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.

2.4

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)**:
 - (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.
 - (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:
 - (i) maximum size and volume of 7,500L;
 - (ii) maximum height at 3 metres; and
 - (iii) not located in any front yard.
 - (c) 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.

- (d) Delete the standard proposed for the Special Character Area Overlay – Residential and Business and rely upon the underlying zone provisions.
- (e) Retain the changes proposed for the Rural – Waitākere Ranges Zone and Rural – Waitākere Foothills Zones.
- (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.

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:

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

- (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

- (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:

Kāinga Ora – Homes and Communities

PO Box 74598

Greenlane, Auckland

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 strikethrough~~ 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</u> Rainwater tanks excluded below.	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.
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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.

Contact details

Full name of submitter: Tarumai Kerehoma

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230 Kupe Street 1071
Ōrākei
Central Auckland 1071

Submission details

This is a submission to:

Plan change number: Plan Modification 13

Plan change name: Plan Modification 13

My submission relates to

Rule or rules:
Proposed Plan Modification 13 Enable Rainwater Tank Installation in Residential and Rural zones

Property address: Tāmaki Makaurau

Map or maps: Auckland Central

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

3.2 | The reason for my or our views are:
Ngāti Whātua Ōrākei support in full the modification of Plan change, we will appear at the court hearing when it is time.

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

Details of amendments:

Submission date: 3 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.

Contact details

Full name of submitter: Lance Dixon

Organisation name:

Agent's full name:

Email address: izzy@farmside.co.nz

Contact phone number:

Postal address:
Box 42 Claris,
Great barrier Island
Auckland 0961

Submission details

This is a submission to:

Plan change number: Plan Modification 13

Plan change name: Plan Modification 13

My submission relates to

Rule or rules:

Plan modification PC13 to the HGI District plan which aims to amend the definition of "building" to exempt water tanks from the definition of building

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:

4.2 | Plastic water tanks should never have been defined as a building. On Great Barrier island they are a crucial part of everyone's infrastructure. Individually we need to collect as much water as possible for household use and for firefighting. We do not have a reticulated water supply, you can not buy water or have water delivered, and peoples personal supply is crucial for survival and for fire fighting. The imposition of an impediment to this vital need was insane.

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

Details of amendments:

Submission date: 5 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.

Yes

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

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

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.

5.1

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.

5.2 | 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.

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

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.

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

7. Standard H5.6.17 Rainwater tanks

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.

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

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”.

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)

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.

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

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

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.

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

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

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:

- 5.3 | **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.