

Memo

Date 22 December 2022

To: Warren MacLennan, Manager Planning – Regional, North, West & Islands
From: Jess Romhany, Policy Planner, Regional, North, West and Islands Planning

Subject: Plan Modification: Clause 20A modification to Auckland Unitary Plan

Corrections are required to the Auckland Unitary Plan (Operative in Part) 2016 (the AUP).


I seek your approval of this plan modification pursuant to clause 20A, first schedule, Resource Management Act 1991.

You have delegated authority, as a tier four manager, to make a decision to correct an error to an operative plan under clause 20A. Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register¹ authorises all powers, functions, and duties under RMA's first schedule (except clause 17 which cannot be delegated) to tier four positions.

Rule or Section of Unitary Plan	Designation 4308 - Devonport Naval Base - South Yard
Subject Site (if applicable)	South of Calliope Road, and west of Spring Street, Devonport.
Legal Description (if applicable)	Designation Number: 4308 Devonport Naval Base - South Yard Requiring Authority: Minister of Defence
Nature of change	<p>A Clause 20A modification is required to correct designations 4308 exceptions and notes for conditions 1 - 6 in the AUP.</p> <p>Discussion</p> <p>The designated area is located at the southern end of Devonport and is comprised of the Business – Light Industry Zone, Business – Mixed Use Zone and Residential – Single House Zone. Per the description provided in the designation text, the designated area is used for defence purposes, and functions primarily as a naval base.</p> <p>The surrounding environment is residential in nature, with the Residential – Single House Zone being predominant. The site lies to the west of the Devonport Town Centre and ferry terminal. To the south, the site adjoins the harbour, where part of this is subject to the Coastal – Defence Zone.</p>
Effect of change	The effects of the proposed change are minor in nature. No changes are proposed to the extent of the designation boundary, nor the activities that occur within the designation boundary. The requiring authority is seeking that the amendment is made to ensure that the plan is interpreted and administered as intended.

	<p>The land affected is owned and occupied by the Requiring Authority.</p> <p>Reviewing the amendments requested by the Requiring Authority, the amendments are considered neutral.</p> <p>It is considered that, a minor correction to the existing punctuation error would make it clear that, in note (f), the 25 metre height limit applies to structures necessary to accommodate cranes and derricks and ship superstructures, and does not apply to cranes and derricks.</p> <p>The correction would fix an minor error and would not affected the rights of some members of the public.</p>
Changes required to be made (text/in-text diagrams)	<p>Amend Designation 4308 in the Operative in Part version as follows:</p> <p>[...]</p> <p><i>Exceptions and notes for conditions 1-6:</i></p> <p>[...]</p> <p>f. Cranes and derricks, and structures necessary to accommodate cranes and derricks and ship superstructures, up to 25m, are exempt from building height control at DNB – South Yard: Dockyard; and</p>
Changes required to be made (maps)	Not amendments required.
Attachments	<p>Attachment 1: Corrections to text (strikethrough/underlines)</p> <p>Attachment 2: Corrected text</p>

<p>Prepared by: Jess Romhany, Policy Planner Regional, North, West and Islands Planning</p>	<p>Text Entered by: Maninder Kaur Planning Technician</p>
<p>Signature:</p> 	<p>Signature:</p> 
<p>Maps prepared by: Geospatial Analyst</p>	<p>Reviewed by: Peter Vari Team Leader</p>
<p>Signature: N/A</p>	<p>Signature: P Vari</p>

<p>Decision: I agree/disagree to authorise the Clause 20A modification using my delegated authority</p> <p>Warren MacLennan Manager Planning – Regional, North, West & Islands Date: 2 December 2022</p>	
<p>Signature:</p> 	

**Attachment 1: Corrections to
text (strikethrough/underlines)**

4308 Devonport Naval Base - South Yard

Designation Number	4308
Requiring Authority	Minister of Defence
Location	South of Calliope Road, and west of Spring Street, Devonport. All that area of land depicted on Figure 8 labelled "South Yard".
Rollover Designation	Yes
Legacy Reference	Designation 91, Auckland Council District Plan (North Shore Section) 2002
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

Defence purposes (as defined by section 5 of the Defence Act 1990) - naval base.

The Defence Areas are administered by the New Zealand Defence Force (NZDF) and are currently occupied by NZDF, its contractors and licensees. The Areas are a Defence Work and may be utilised for any or every purpose required by section 5 of the Defence Act 1990, which are as follows:

- a. The defence of New Zealand, and of any area for the defence of which New Zealand is responsible under any Act;
- b. The protection of the interests of New Zealand, whether in New Zealand or elsewhere;
- c. The contribution of forces under collective security treaties, agreements or arrangements;
- d. The contribution of forces to, or for any of the purposes of, the United Nations, or in association with other organisations or States and in accordance with the principles of the Charter of the United Nations;
- e. The provision of assistance to the civil power either in New Zealand or elsewhere in time of emergency; and
- f. The provision of any public service.

The Governor-General of New Zealand, continues to raise and maintain Armed Forces on behalf of Her Majesty the Queen. Given the obligations placed on the New Zealand Defence Force by the Crown to meet the Crown's military defence needs, including those imposed by any enactment or by the policies of the government, the function of the Defence Areas include, at all times, to provide for the following functions of the New Zealand Defence Force (including visiting forces and third parties contracted to the New Zealand Defence Force):

- i. Defence Force command, land operations, sea operations, air operations, training, logistic support, ship berthing and docking, construction, repair, maintenance, munitions handling and storage, administration, and communication, and for the acquisition and improvement of the skills necessary for such functions;
- ii. Resources, accommodation and facilities for these functions;
- iii. Accommodation for members of the New Zealand Defence Force and any visiting force, training, recreational, welfare and medical facilities for them;
- iv. Facilities for the storage of matériel, food and fuel, and the conservation and display of historic material;
- v. Facilities for the construction, repair and maintenance of vessels, aircraft, vehicles and other equipment, including the vessels, aircraft, vehicles and equipment of forces of other nations;
- vi. To provide for the rapid and efficient deployment of the New Zealand Defence Force; and
- vii. Any other activity required in the delivery of New Zealand Defence Force outputs as described annually in the Departmental Forecast Report: New Zealand Defence Force.

Conditions

Yards

1. DNB - South Yard: Calliope Road
 - a. The following yards shall apply in respect of designation boundaries except the boundary with the Coastal Marine Area (where no yard shall apply):
Calliope Road and Spring Street: 3m
All other boundaries: 1.2m.
 - b. The following yard shall apply in respect of the cliff top: 10m

For the purposes of this control, cliff top is defined as the point at which the gradient of the slope (as approached from the top of the slope) reaches a gradient steeper than 1 in 0.5.

2. DNB - South Yard: Philomel
The following yard shall apply in respect of the designation boundary with Spring Street: 5m

Building height

3. DNB - South Yard: Calliope Road
9m
4. DNB - South Yard: Philomel and DNB - South Yard: Dockyard
18m

Height in Relation to Boundary

5. DNB - South Yard: Calliope Road and DNB - South Yard: Philomel: Buildings must not project beyond a 45 degree recession plane measured from a point 2.5 m vertically above ground level where the designation boundary adjoins a residential zoned site.

Building length

6. DNB - South Yard: Calliope Road: Where sites adjoining the designation boundary are zoned residential, those parts of any building which exceed a height of 5 metres and are within 10 metres of the designation boundary are to be wholly confined within the arms of a 130 degree angle formed by two lines intersecting any point on an adjacent residential boundary such that each line forms an angle of 25 degrees with that boundary.

Exceptions and notes for conditions 1-6:

Building height, bulk and location controls apply only in respect of new buildings and additions to existing buildings.

The following structures are exempt from the following building height, bulk and location controls:

- a. Perimeter security fencing up to a height of 3 m is exempt from all height, bulk and location controls.
Flagpoles are exempt from:
 - i. yard control at DNB - South Yard: Philomel
 - ii. building height control at DNB - South Yard: Calliope Road, Philomel, and Dockyard; and
 - iii. height in relation to boundary at DNB - South Yard: Calliope Road and Philomel;
- b. Lighting standards up to a maximum height of 12.5m, and lighting standards exceeding a height of 12.5m subject to an outline plan, are exempt from:
 - i. yard control at DNB - South Yard: Calliope Road and Philomel;
 - ii. building height control at DNB - South Yard: Calliope Road, Philomel, and Dockyard;
 - iii. height in relation to boundary control at DNB - South Yard: Calliope Road, and Philomel; and

- iv. building length at DNB – South Yard: Calliope Road;
- c. Structures in the DNB - South Yard: Calliope Road that provide pedestrian or vehicular access to or from the cliff are exempt from yard and building height controls;
- d. Structures associated with the operation of any Main Gate at DNB – South Yard: Philomel, including but not limited to offices and security features, are exempt from yard and height controls;
- e. Lift motors, fly towers, machinery rooms, water towers, towers, turrets, provided they do not exceed 3m above permitted height and do not exceed 10% of the area of the roof to the storey below are exempt from all building height, bulk and location controls at DNB – South Yard: Philomel and Dockyard;
- f. Cranes and derricks, and structures necessary to accommodate cranes and derricks and ship superstructures, up to 25m, are exempt from building height control at DNB – South Yard: Dockyard; and
- g. Structures that are necessary to provide for access from the cliff top to buildings below, in not more than three locations, are exempt from the building height control at DNB – South Yard: Philomel.

Noise limits

- 7. The LAeq(15 min) noise level and maximum noise level (LAFmax) arising from any activity within the designated area, other than noise from construction, demolition or maintenance, measured at or within the boundary of a property in the residential zones outside the designated area, must not exceed the following limits:

Monday to Saturday 7am-10pm	LAeq(15 min) 55dB
Sunday 9am-6pm	LAeq(15 min) 55dB
All other times	LAeq(15 min) 45dB Leq(15 min) 60dB at 63 Hz Leq(15 min) 55dB at 125 Hz LAFmax 75dB

Construction, demolition and maintenance noise limits

- 8. Noise from construction and demolition activities must meet the requirements of Tables 2 and 3 of New Zealand Standard on Acoustics – Construction Noise (NZS 6803: 1999). The measurement and assessment of construction noise must be in accordance with New Zealand Standard on Acoustics – Construction Noise (NZS 6803: 1999) and the requirements of annex A of New Zealand Standard on Acoustics – Construction Noise (NZS 6803: 1999) must be used if it is necessary to assess the measured Leq levels in high background noise areas.

Exceptions to noise limits:

- a. Military helicopter operations except that:
 - a. There shall not be more than 50 landings and 50 take-offs per calendar year;
 - b. Over-flying of dwellings by landing helicopters is to be avoided;
 - c. Military helicopter landings and take-offs will be limited to between the hours of 0700 – 2200; and
 - d. Landing shall take place at the maximum practical distance from nearby residences (this will be dependent upon ground conditions).
- b. Emergency helicopter operations;
- c. Parade ground activities, gun salutes and other activities for ceremonial occasions, including preparation for such occasions;
- d. Noise from safety signals, warning devices or emergency pressure relief valves, provided they do not sound for more than a reasonable period; and
- e. Noise associated with outdoor recreational activities and sporting events.

Tree Protection

- 9. DNB - South Yard: Calliope Road
Auckland Unitary Plan Operative in part

Pohutukawa trees over 3 m in height on the cliff top shall be removed or pruned only for the reasons of:

- a. Adverse tree health;
- b. Human safety;
- c. Cliff stability; and
- d. Risk of property damage, including to buildings, vehicles, roads, and underground services.

10. Trimming and maintenance of all native trees on the cliff top is to be undertaken by a qualified arborist.

For the purposes of this control, cliff top is defined as the point at which the gradient of the slope (as approached from the top of the slope) reaches a gradient steeper than 1 in 0.5, plus the first 10m back from the top of the cliff top.

Lighting

11. Lighting in all areas shall conform to the following:

- a. At no time between the hours of 10pm and 7am shall any outdoor lighting be used in a manner that the use of such lighting causes an added illuminance in excess of 20 lux measured horizontally or vertically at any point along any boundary of any adjoining site which is zoned Residential (and outside the designated area); and
- b. All outdoor lighting shall be shielded in such a manner that light emitted by the fixture is projected below a horizontal plane running through the lowest point in the fixture where that light is emitted, or is shielded in such a manner that the lowest edge of the shield is at or below the centre line of the light source.

Aerials and Antennae

12. Telecommunication and radio communication aerials and antennae that comply with the limits prescribed in NZS 2772.1 (1999) New Zealand Standard for radiofrequency fields – maximum exposure levels between 3 kHz and 300 GHz shall be permitted in all parts of the designated area. Where aerials and antennae are attached to buildings, their height plus that of any support structure shall not exceed the height limit of the area by more than 5m.

Administration

13. Works and projects that comply with the permitted activity rules of the underlying zoning are incorporated into this designation and, in accordance with section 176A(2)(b) of the Resource Management Act 1991, no outline plan is required for those activities.

14. For the avoidance of doubt, maintenance activities do not require an outline plan.

Historic Heritage

15. Where any construction works for a project involve the total or substantial demolition of, or modifications to, a scheduled historic heritage place, any outline plan that is required shall, pursuant to s176A(3)(f), include:

- a. an assessment of the effects on the historic heritage values of the place;
- b. a consideration of alternative methods and/or appropriate mitigation to prevent or avoid damage, loss or destruction of the values of the scheduled historic heritage place.

This condition shall not apply in respect of repair or maintenance of the scheduled historic heritage place.

This condition shall not apply where there is a conservation plan or similar plan (such as a NZDF Heritage Management Plan) for the management of the scheduled historic heritage place and the proposed construction works are in accordance with this plan.

Attachments

Figure 8 - Designation NZDF Devonport Site Plan

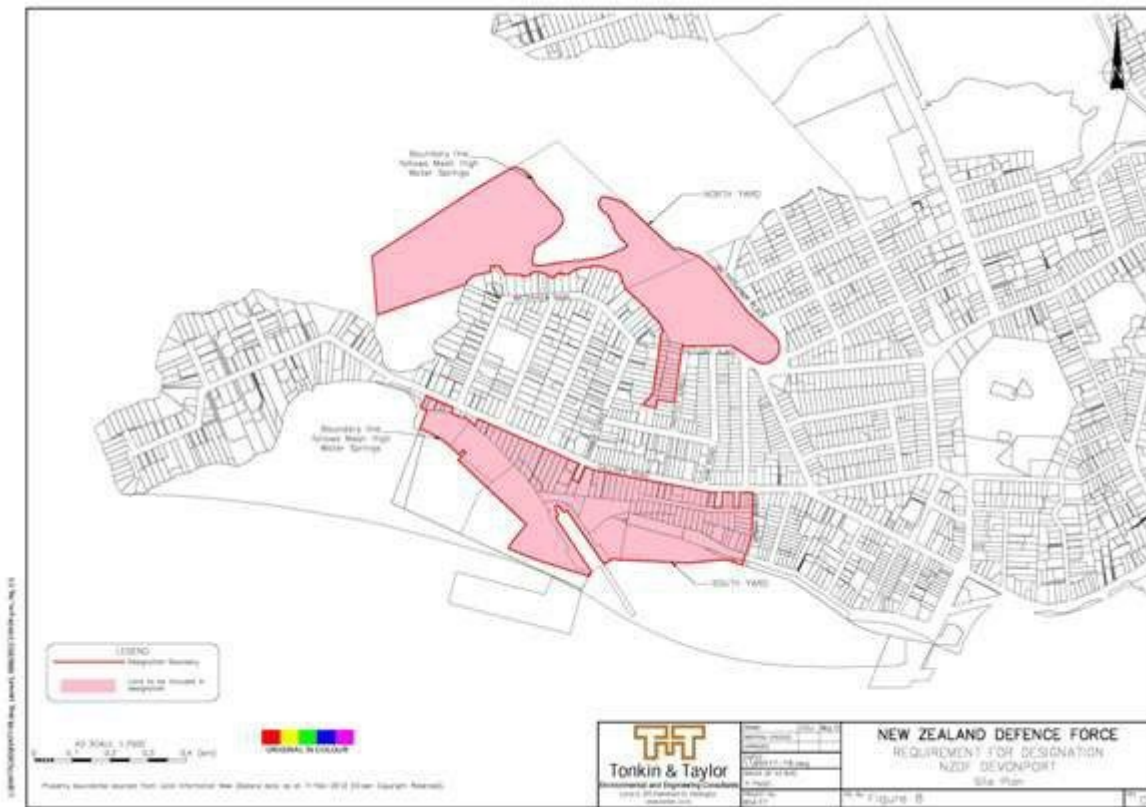
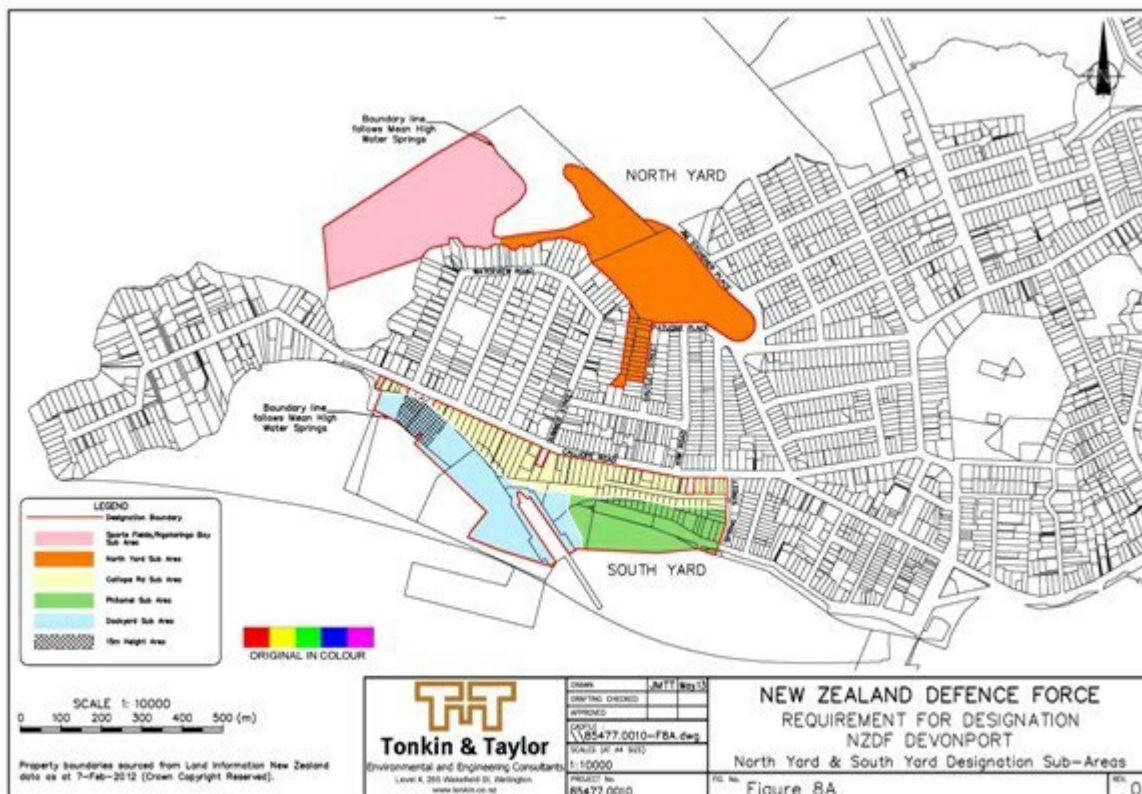


Figure 8A - Designation NZDF Devonport North Yard & South Yard Sub-Areas



Attachment 2: Corrected text

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- e. The provision of assistance to the civil power either in New Zealand or elsewhere in time of emergency; and
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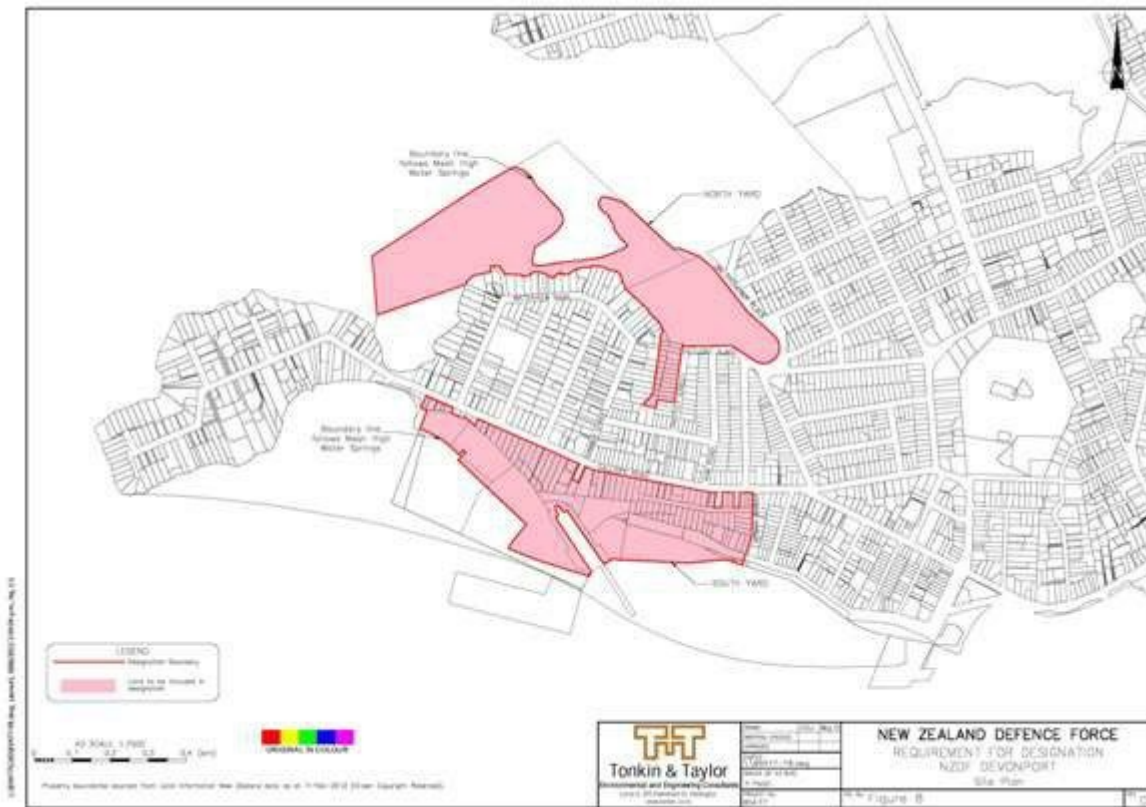


Figure 8A - Designation NZDF Devonport North Yard & South Yard Sub-Areas

