



SUBMISSION ON PLAN CHANGE 78: INTENSIFICATION TO THE AUCKLAND UNITARY PLAN

Background

Devonport Heritage Inc. (2017) first formed in 1994 in response to community concern at the demolition of heritage houses in the area. It has gone on to become a strong lobby group and guardian of Devonport's historic identity and buildings. The society's championing of heritage is widely recognised in Devonport and beyond.

We have 250 members, send out regular newsletters, have an active website and have received wide support from the community since the Government's intensification proposals were announced.

The society's petition to stop intensification in Devonport was signed by 2500 people and 78% of Devonport people supported the retention of the Special Character Area Overlay in feedback to Council in May this year.¹

General Reasons for Submission

Devonport is Auckland's foremost heritage marine suburb with a rich vein of Māori archaeology and early European history, much of it still visible.

The two volcanic cones of Takarunga Mt Victoria and Maungauika North head dominate Devonport and together with the timber houses and the coast on three sides, they present an enduring relationship between mountain, sea, and housing.

This special relationship between the geographic, historic, and built heritage makes Devonport a unique area that thoroughly deserves the protection of the Special Character Area Overlay.

European settlement began in Devonport in the 1840s and the area developed from a naval and farming settlement to become the vital stepping-stone to the north. In the 1890s through to the 1930s it developed as a thriving business and residential hub in its own right. It was in this period that most of the heritage buildings we see today were built.

¹ Ak Council final reports of April/May consultation on council's preliminary response to intensification

This enduring historic presence means Devonport is a significant cultural and historic landscape area that is widely valued by residents and recognised far beyond the shores of the suburb.

Devonport's historic value has long been acknowledged in statutory planning terms for many years, first by the Devonport Borough Council and in 1995 by the North Shore City Council in its Residential 3 Built Heritage rules that controlled demolition and renovation. The Auckland Unitary Plan has carried forward that recognition with the Special Character Area Overlay.

Given the widespread changes to the built environment that Proposed Plan Change 78 enables across Auckland, Special Character Areas like Devonport are more important now than ever. The area warrants continued strong protection at a time when much of the city is changing so rapidly.

Overall Devonport Heritage seeks that Proposed Plan Change 78 is accepted, with the amendments sought in our submission.

The specific provisions, property address or map that our submission relates to are listed in the **attachment**, recording whether we support or oppose the provision, proposed amendments if relevant, and the reasons for our submission.

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

We wish to be heard in support of our submission. If others make a similar submission, we will consider presenting a joint case with them at a hearing.

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Yours sincerely

Margot McRae
Chairperson

Date: 28/09/22

Provision/property address/map reference	Support/Oppose	Reason for submission	Amendment sought
1. Schedule 14.2 Historic Heritage Areas – Maps and statements of significance	Support in part	The Devonport town centre area is eligible for being recognised as a Historic Heritage Area. See attachment <i>Historic Heritage Evaluation: Devonport Historic Heritage Area</i> for additional reasons.	Add Devonport Historic Heritage Area to Schedule 14.2 Historic Heritage Areas – Maps and statements of significance
<p>2. Mapping</p> <p>(i) All land zoned for residential purposes, including schools, in Narrow Neck (south), Devonport and Stanley Point and not zoned Residential - Low Density Residential Zone with the Special Character Area Overlay, except for 142 Vauxhall Road, being Fort Takapuna Sec 1 SO 448861.</p> <p>(ii) All land zoned for business purposes, except for 31A and 35 Bartley Terrace and 22-24 Clarence Street, being New World Supermarket and adjacent business land and carpark, Lot 3 DP 118145, Sec 1 Blk VI SD RANGITOTO, Lot 1 DP 40969, Pt Lot 3 DP 32626, and Lot 1 DP 30920</p>	Oppose	<ol style="list-style-type: none"> 1. Oppose the methodology used for identifying the Special Character Areas as qualifying criteria, thus allowing many parts of Narrow Neck, Devonport and Stanley Point with special character to be unprotected from insensitive and inappropriate development. 2. Zoning pockets of land for Mixed Housing Urban undermines the objectives and policies in Chapter D18 which support the protection of Special Character Areas. 3. The introduction of the Residential Mixed Housing Urban Zone with a height limit of 11m (+1m) creates an unnecessary planning conflict with the Height Sensitive Area Overlay in relation to Takarunga Mt Victoria and Maungauika North Head which overlies all of central Devonport at 9m. 4. The objectives, policies and rules of the Residential Mixed Housing Urban Zone fail to recognise the prevalence of special character throughout Narrow Neck, Devonport and Stanley Point and the resulting adverse effect on this character, particularly at the zone interface. 5. The land not zoned Residential - Low Density Residential Zone and /or not with the Special Character Area Overlay is not required to give effect to the requirements of the 	<ol style="list-style-type: none"> (i) Land zoned for residential purposes, but not zoned Residential - Low Density Residential Zone with the Special Character Area Overlay is rezoned to Residential - Low Density Residential Zone with the Special Character Area Overlay; and (ii) Land zoned for business purposes, but not zoned with the Special Character Area Overlay is to be subject to the Special Character Area Overlay

		<p>Resource Management (Housing and Other Matters) Amendment Act 1991 or of the National Policy Statement - Urban Development, because Auckland has more than enough capacity to provide for its future housing needs for the foreseeable future.</p> <p>6. The failure of the proposed plan change to protect Special Character Areas is contrary to the purpose of the Resource Management Act 1991 (RMA), does not recognise and provide for the protection of historic heritage as required by section 6(f) RMA, and fails to have particular regard to the matters in section 7 RMA, including (b) efficient use and development of natural and physical resources, (c) the maintenance of amenity values, (f) maintenance and enhancement of the quality of the environment and (i) the effects of climate change.</p>	
3. Chapter D18 – Special Character Areas Overlay - Residential and Business	Support	The Special Character Area Overlay – Residential and Business meets the criteria for a qualifying matter in accordance with sections 77I(j) and 77O(j) of the RMA.	Retain Chapter D18 – Special Character Areas Overlay - Residential and Business
4. Mapping of NPS-UD Policy 3d	Oppose	The mapping for Devonport shows the extent of NPS-UD Policy 3d in relation to the Devonport Town Centre Zone. However, as the introduction of Terrace Housing and Apartment Building Zone (THABZ) is inappropriate, the Policy 3d area has not been rezoned THABZ. However, the Policy 3d extent remains on the maps. This causes confusion and potential argument for THABZ type development.	Delete the Policy 3d mapping around Devonport town centre

5. Rule D18.4 (3) – rules in the Special Character Area Overlay take precedence over zone rules	Support	It is important that the Special Character Area Overlay rules take precedence over the zone rules, and that this precedence is explicit.	Retain Rule D18.4 (3)
6. H3A Residential – Low Density Residential Zone H3A.2 Objectives Objective (4)	Oppose	The objective is vague and should be amended to be clear that any increase in intensity does not detract from the qualifying matters.	Amend Objective 4 to state: (4) More intensive residential development including medium density residential development is enabled only to the extent necessary, ensuring that <u>where</u> it does not detract from qualifying matters' values accommodated by the zone's purpose.
7. H3A Residential – Low Density Residential Zone H3A.2 Objectives Objectives (12) and (13)	Oppose	The incorporation of these MDRS objectives is inconsistent with the purpose of the zone, are not part of the IPI, the objectives have only been included pursuant to section 80H RMA, [and should be removed pursuant to section 80H(2)(b)]	Remove Objectives (12) and (13)
8. H3A Residential – Low Density Residential Zone H3A.3 Policies Policy (7)	Oppose	The policy is vague and should be amended to require that any increase in intensity does not detract from the qualifying matters.	Amend Policy 7 to state: (7) Require more intensive residential development including Medium Density Residential development to be enabled only to the extent necessary, ensuring that <u>where</u> it does not detract from the identified qualifying matters' values.
9. H3A Residential – Low Density Residential Zone H3A.3 Policies Policies (18), (19), (20),(21) and (22)	Oppose	The incorporation of these MDRS policies is inconsistent with the purpose of the zone, is not part of the IPI, the policies have only been included pursuant to section 80H RMA, [and should be removed pursuant to section 80H(2)(b)]	Remove Policies (18), (19), (20),(21) and (22)
10. H3A Residential – Low Density Residential Zone H3A.4 Activity Table – 2 nd para.	Support	It is important that the Special Character Area Overlay rules take precedence over the zone rules, and that this precedence is explicit.	Retain 2 nd paragraph which states: The rules and standards in this zone are replaced by the rules and standards of

			Chapter D18 Special Character Areas Overlay – Residential and Business as they apply to residentially zoned land.
11. H3A Residential – Low Density Residential Zone H3A.5 (3) and (4) Notification	Oppose	The incorporation of the MDRS notification rule is inconsistent with the purpose of the zone, is not part of the IPI, the rule has only been included pursuant to section 80H RMA, [and should be removed pursuant to section 80H(2)(b)]	Remove H3A.5 (3) and (4) Notification rules
12. H3A Residential – Low Density Residential Zone H3A.6 Rules H3A.6.8 Height in relation to boundary	Oppose	The incorporation of the MDRS height in relation to boundary rule is inconsistent with the purpose of the zone, is not part of the IPI, the rule has only been included pursuant to section 80H RMA, [and should be removed pursuant to section 80H(2)(b)]	Replace rule with the standard in Standard D18.6.1.2 Height in relation to boundary Special Character Areas Overlay
13. H3A Residential – Low Density Residential Zone H3A.6 Rules H3A.6.9.1 Yards	Oppose	The incorporation of the MDRS Yards rule is inconsistent with the purpose of the zone, is not part of the IPI, the rule has only been included pursuant to section 80H RMA [and should be removed pursuant to section 80H(2)(b)]	Replace rule with the standard in Standard D18.6.1.3 Yards Special Character Areas Overlay
14. H3A Residential – Low Density Residential Zone H3A.6 Rules H3A.6.12 Landscaped area	Oppose	The incorporation of the MDRS Landscaped area rule is inconsistent with the purpose of the zone, is not part of the IPI, the rule has only been included pursuant to section 80H RMA, [and should be removed pursuant to section 80H(2)(b)]	Replace rule with the standard in Standard D18.6.1.5 Landscaped area Special Character Areas Overlay
15. H3A Residential – Low Density Residential Zone H3A.6 Rules H3A.6.14 Outdoor living space	Oppose	The incorporation of the MDRS Outdoor living space rule is inconsistent with the purpose of the zone, is not part of the IPI, the rule has only been included pursuant to section 80H RMA, and should be amended.	Amend H3A.6.14 as follows: Insert a purpose statement as follows: Purpose: to provide dwellings, supported residential care and boarding houses with outdoor living space that is of a functional size and dimension, has access to sunlight, and is accessible from the dwelling.

			<p>Amend H3A.6.14 (1)(a) as follows: (a) where located at ground level, has no dimension less than <u>3 4 metres</u> <u>and has a gradient not exceeding 1 in 20</u>;</p>
<p>16. H3A Residential – Low Density Residential Zone H3A.6 Rules H3A.6.15 Outlook space</p>	<p>Oppose</p>	<p>The incorporation of the MDRS Outlook space rule is inconsistent with the purpose of the zone, is not part of the IPI, the rule has only been included pursuant to section 80H RMA, and should be amended.</p>	<p>Amend H3A.6.15 as follows: Insert a purpose statement as follows: Purpose: <ul style="list-style-type: none"> • to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites; and • manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space. Amend H3A.6.15(1)(b)(i) as follows: (b) The minimum dimensions for a required outlook space are as follows: i) a principal living room must have an outlook space with a minimum dimension of <u>4 6 metres</u> in depth and 4 metres in width; and Amend H3A.6.15(1)(h) as follows: (h) Outlook spaces must— i) be clear and unobstructed by buildings <u>and fences</u>; and</p>

17. H5 Residential – Mixed Housing Urban Zone H5.2 Objectives	Oppose	The objectives fail to acknowledge that development within the zone may have adverse effects beyond the zone on special character values. This is particularly the case along a zone interface with Special Character Areas.	Insert an additional objective as follows: (11) Development does not adversely affect the special character values of adjoining special character areas.
18. H5 Residential – Mixed Housing Urban Zone H5.6 Standards	Oppose	The policies fail to acknowledge that development within the zone may have adverse effects beyond the zone on special character values. This is particularly the case along a zone interface with Special Character Areas.	Insert an additional policy as follows: (11A) To require development to incorporate design parameters that maintain the values of adjoining special character areas.
19. H5 Residential – Mixed Housing Urban Zone H5.6 Standards H5.6.6 Height in relation to boundary	Oppose	In order to maintain the values of special character areas a more responsive height in relation to boundary rule is required at the interface of the MHUZ and property with a Special Character Area Overlay	Reintroduce a Standard H5.6.7 Height in relation to boundary rule which is the same as Standard D18.6.1.2 Height in relation to boundary Special Character Areas Overlay to apply to immediate neighbours within the Special Character Area Overlay areas.
20. H5 Residential – Mixed Housing Urban Zone H5.6 Standards H5.6.8 Yards	Oppose	In order to maintain the values of special character areas more responsive yard setbacks are required at the interface of the MHUZ and property with a Special Character Area Overlay	Amend H5.6.8 Yards with the contents of the rule in Standard D18.6.1.3 Yards Special Character Areas Overlay to apply to immediate neighbours within the Special Character Area Overlay areas.
21. H5 Residential – Mixed Housing Urban Zone H5.6 Standards H5.6.10 Building coverage	Oppose	In order to maintain the values of special character areas a more responsive building coverage limit is required at the interface of the MHUZ and property with a Special Character Area Overlay	Amend H5.6.10 Building coverage as follows: Purpose statement is to include:

			<ul style="list-style-type: none"> • be commensurate with the existing built character of any adjacent SCAO; and • ensure sufficient open space is retained on sites to maintain the character values of any adjacent SCAO. <p>And the rule in Standard D18.6.1.4 (1) Building coverage Special Character Areas Overlay to apply to immediate neighbours within the Special Character Area Overlay areas,</p>
22. H5 Residential – Mixed Housing Urban Zone H5.6 Standards H5.6.11 Landscaped area	Oppose	In order to maintain the values of special character areas more responsive landscape area rules are required at the interface of the MHUZ and property with a Special Character Area Overlay	<p>Amend H5.6.11 Landscaped area as follows: Purpose statement is to include:</p> <ul style="list-style-type: none"> • to maintain a minimum level of planting on sites that is consistent with the character values of any adjacent SCAO. <p>For <u>Development adjacent to an Special Character Area Overlay</u> add an additional rule with the standard in Standard D18.6.1.5 (1) Landscaped area Special Character Areas Overlay</p>
23. H5 Residential – Mixed Housing Urban Zone H5.6 Standards H5.6.12 Outlook space	Oppose	In order to maintain the values of special character areas more responsive outlook space rules are required at the interface of the MHUZ and property with a Special Character Area Overlay	<p>Amend H5.6.12 Outlook space as follows: For <u>Development adjacent to an Special Character Area Overlay</u> require that “a</p>

			<p>principal living room must have an outlook space with a minimum dimension of 6 metres in depth and 4 metres in width.</p> <p>And</p> <p>Amend H5.6.12 (A1)(h)(i) and (9)(a) to include reference to “fences” as reasons for obstruction.</p>
24. Mapping: Height Variation Control and Figure D14.10.1	Support in part	The proposal to introduce a Historic Heritage Area for Devonport has re-evaluated the boundary between the 9m and 13m height limits in the Height Variation Control over Devonport.	Amend the Height Variation Control on the Planning Maps and also Figure D14.10.1 to show amended height limits and make any other corollary amendments to the AUP.