

**Decision following the hearing of a Plan Modification 27 to the Auckland Unitary Plan under the Resource Management Act 1991**



Plan Change 27 makes amendments to Schedule 14.1 - Schedule of Historic Heritage and / or the planning maps for 73 historic heritage places already included in Schedule 14.1 of the Auckland Unitary Plan. It includes the deletion of 14 historic heritage places from Schedule 14.1 (13 places and one duplicate record)

This plan modification is approved, subject to amendments. The reasons are set out below.

<b>Plan modification number:</b>	27
<b>Site address:</b>	Regionwide
<b>Hearing commenced:</b>	Monday 3 February 2020, 9.30am
<b>Hearing panel:</b>	David Mead (Chairperson) Gina Sweetman Shona Myers
<b>Appearances:</b>	<p><u>For Council:</u> Emma Rush, Reporting Officer Tanya Sorrell, Team Leader Rebecca Freeman, Heritage Expert Robert Brassey, Heritage Expert Sam Otter, Hearings Advisor</p> <p><u>For the Submitters:</u> Robin Byron - Heritage New Zealand Pouhere Taonga (tabled submission) Anurag Rasela (tabled submission) Evan Vertue - Waiwera Property Holdings Limited Ian Jarvie, Penny Lush and Anton Lush – Lush House Terry Anderson Judge Tuiloma Neroni Slade Terry Anderson Alison Ellison Jeff Brown and Marco Creemers – Sampson Corporation Limited Andrew Brown - Ngāti Whātua Ōrakei Michael Duggan Mary Autagavaia - Manukau Pacific Islands Presbyterian Church Alison Vedder – St Stephens Anglican Church Whangaparāoa Allan Matson – Auckland Civic Trust</p>
<b>Hearing adjourned</b>	Monday 3 February 2020

<b>Commissioners' site visit</b>	Tuesday 4 February 2020
<b>Hearing closed</b>	Monday 6 April 2020

The following documents are appended to this decision:

Attachment One: Amendments to AUP (OP) Schedule 14.1

Attachment Two: Amendments to AUP (OP) maps.

## **INTRODUCTION**

1. This decision is made on behalf of the Auckland Council ("the Council") by Independent Hearing Commissioners David Mead (Chair), Gina Sweetman and Shona Myers appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 ("the RMA").
2. The Commissioners have been given delegated authority by the Council to make a decision on Plan Change 27 ("PC 27") to the Auckland Council Unitary Plan Operative in Part (the "AUP") after considering all the submissions, the section 32 evaluation, the reports prepared by the officers for the hearing and evidence presented during and after the hearing of submissions. The Minister of Conservation's approval will be subsequently required for the five historic heritage places included in PC 27 that are located within the coastal marine area<sup>1</sup>.
3. PC 27 is a Council-initiated plan change that has been prepared following the standard RMA Schedule 1 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as enabled under the RMA).
4. PC 27 was publicly notified on 30 May 2019. The closing date for submissions was 11 July 2019. Thirty seven submissions were received, including four late submissions. The Summary of Decisions Requested was publicly notified on 29 August 2019. The period for making further submissions closed on 12 September 2019 and seven further submissions were received.
5. Four late submissions were received. Pursuant to section 37 of the RMA, the time for receiving submissions was extended by the Council to accept these submissions.

## **SUMMARY OF PLAN CHANGE**

6. PC 27 is described in detail in the accompanying section 32 report and the Council's section 42A hearing report, and these reports should be referred to for relevant detail.
7. The plan change amends elements of Schedule 14.1 which relates to the Historic Heritage Overlay of the AUP. The Historic Heritage Overlay applies to scheduled historic heritage places on land and in the coastal marine area that are contained in

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<sup>1</sup> These are the Coombes/Daldy lime works site ID00569, Te Marae ō Hinekākea village site ID00729, Te Kōpua Kai a Hiku / Panmure Basin ID01587), ID 02735 Queens Wharf and ID 0499 Waiwera Bath House.

Schedule 14.1: Schedule of Historic Heritage (Schedule 14.1) and as identified in the Auckland Council GeoMaps/the AUP maps (plan maps).

8. PC 27 does not seek to amend any of the objectives and policies of the AUP. Nor does it introduce any new objectives, policies, rules or zoning to the AUP. The AUP policy approach and its purpose and function are not changed by PC 27.
9. PC 27 proposes amendments to correct errors and anomalies and, where appropriate, update information for some historic heritage places. In the notified version of PC 27, the amendments also proposed to delete 11 historic heritage places and one duplicate record from Schedule 14.1.
10. Examples of errors include mapping of the Extent of Place and incorrect property details. Some places require information in Schedule 14.1 to be updated, for example changes to align with the Council's property information, including legal descriptions and street addresses. Some places require amendment to ensure there is consistency with how similar places are identified in Schedule 14.1. Of the 11 places proposed to be deleted in the notified version of PC 27, two no longer exist, having been damaged by fire and subsequently demolished. The Council's advice is that the other nine places have been reviewed and are not considered to meet the AUP criteria and thresholds for scheduling.
11. Errors and anomalies have been identified by Council consents staff, the public and landowners of scheduled historic heritage places. Further errors were identified through a systematic review of Schedule 14.1 and the plan maps, undertaken by Council heritage staff.
12. As part of this review, a principle of "refining management" was followed by the Council. This was defined as ensuring the management of a historic heritage place is specific to the values and significance of that place. To refine management, once a place was identified as containing an error, the place was then subject to further review. The nature of this review was specific to each place, but has involved:
  - a. If the place was Category A\*, a review to clarify if a place is Category A or B;
  - b. Identification of a primary feature;
  - c. Correction/updating of any other column in the Schedule, including name, legal description, exclusions, and heritage values, as required; and/or
  - d. Revising or, where required, identifying the mapped extent of place.
13. PC 27 is the second plan change that the Council has notified to correct errors and update information for historic heritage places.

## HEARING PROCESS

14. The majority of evidence presented by submitters was provided on the day of the hearing. One brief of expert evidence was pre-circulated by Heritage New Zealand Pouhere Taonga (who did not appear at the Hearing). Anurag Rasela provided a letter which supported the recommendation in the section 42A report that the dwelling at 85 Kolmar Road be removed from Schedule 14.1.
15. The hearing was adjourned on Monday 3 February 2020. After the hearing of submissions, the Commissioners visited two of the sites that were subject to significant submissions, being Dilworth Terraces (ID 01634), and St Saviour's Chapel and Papatoetoe Orphan's Home and School (former) (ID 01466). Further information was provided by Council staff on a number of matters and clarification was sought from submitters as to particular details relating to Dilworth Terraces.
16. A Minute was issued on 10 February 2020 requesting that the Council commission an independent heritage expert to prepare a report on the former Papatoetoe Orphan's Home and School, including the appropriate Extent of Place for the place. A process for relevant submitters to comment on this report prior to it being considered by the Commissioners was put in place.
17. The report was received on the 4 March 2020 and circulated to relevant parties, with comments received by 19 March 2020. The Council were then requested to clarify an aspect of their response and they provided an updated recommendation as to changes to the Orphan's home entry to Schedule 14.1. The hearing was closed on Monday 6 April 2020.

## RELEVANT STATUTORY PROVISIONS CONSIDERED

18. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements are set out in the section 32 assessment that forms part of the hearing report and we do not need to repeat these again. The relevant matters to be taken into account were not disputed by any party.
19. Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting submissions. The decision must include a further evaluation of any proposed changes to the plan change arising from submission; with that evaluation to be undertaken in accordance with section 32AA. With regard to section 32AA, we note that the evidence presented by submitters and Council effectively represents this assessment, and that that material should be read in conjunction with this decision, where we have determined that a change to PC 27 should be made.
20. The provisions of the RMA require the Minister of Conservation to approve the regional coastal plan component of the AUP before it can be made operative<sup>2</sup>. A copy of PC 27 was sent to the Minister of Conservation and the Department of Conservation in March 2019 as part of the pre-notification consultation.

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<sup>2</sup> RMA Schedule 1, clause 19

21. The approval of the Minister of Conservation requires the signature of the Minister, which the Council will seek after the decisions on PC 27 are publicly notified and any relevant appeals have been resolved.

## **EVIDENCE AND FINDINGS**

22. The following section of the Decision summarises the evidence presented at the hearing and provides our decisions as to whether the relevant submissions should be accepted or rejected, in whole or in part. A further section addresses submissions where submitters did not attend the hearing, but issues with PC 27 were raised in those submissions and the section 42A report recommended that the submissions be rejected.
23. Otherwise we have adopted the recommendation of the Council's section 42A report.

### **Submitters who appeared at the Hearing**

#### **Waiwera Property Holdings**

24. Project director for Waiwera Property Holdings, Evan Vertue, spoke to the submission made by the company. Peter Neeve, planning consultant, was also present. PC 27 proposed the deletion of the Waiwera Bath House from Schedule 14.1. The submission supports the plan change. Mr Vertue took issue with a submission from Raewyn Catlow (who did not attend the hearing) suggesting that the site should remain in the schedule to protect original bath house tiles that have been covered over.
25. Mr Vertue noted that the interior of the bath house was listed as an exclusion in the schedule, and as a result the tiles, if present, were never 'protected'. He made available a copy of a report by a Heritage expert, Rod Clough. This report notes that the scheduling of the Waiwera Bath House in the AUP did not include archaeological controls, despite the nineteenth century origins of the place.
26. The section 42A report recommended that the Property Holdings submission be accepted. We agree, and accordingly accept the submission from Waiwera Property Holdings and reject the submission from Raewyn Catlow.

#### **Lush House**

27. Ian Jarvie, Penny Jarvie (nee Lush) and Anton Lush spoke to their submissions on behalf of their parents, who own a house at 10 Scherff Road, Remuera. The house dates from the 1950s and was designed by the Group Architects. The submitters do not support the plan change and seek that the place be removed from the historic heritage schedule. Mr Jarvie's submission to remove the building from the schedule was opposed by Heritage New Zealand Pouhere Taonga.
28. A number of reasons were presented as to why the house should be removed from the schedule, including that there are other, better examples of Group Architects' houses; the listing of the house in the first instance through the AUP process had not

been appropriately handled with no input from the property owners; and the heritage assessment undertaken for the AUP process had not been impartial. The submitters also talked about the house being cold and damp, with a long list of maintenance issues needing to be addressed and the impact of the scheduling on the property's value.

29. PC 27 proposed to amend the entry in Schedule 14.1 for 10 Scherff Road by identifying the Primary Feature as 'residence' along with removing value C 'mana whenua' and adding value E 'technology' as the basis of scheduling.
30. It was noted during the hearing that there were no items included in the exclusions column, meaning that the interior of the house was also subject to the historic heritage rules and any modifications would require a resource consent.
31. Council staff clarified that in their opinion there was scope to accept the submission that the house be removed from the schedule, even though as notified, PC 27 only sought to amend details. This was because by amending the schedule, PC 27 opened the door to wider changes by way of submission.
32. We were presented with two different views from Council's heritage experts as to whether the place should be removed from the schedule. Ms Freeman recommended that the house be deleted from the Schedule while Ms Walker (Council Heritage Specialist), who peer reviewed Ms Freeman's report but was not present at the hearing, considered it should remain. Ms Rush explained to us that it was the Council's practice to have all heritage assessments peer reviewed either internally or externally. The peer review position is only presented when there is a disagreement between the reviewers.
33. Ms Freeman's evaluation was that while the house meets the first threshold of inclusion in relation to its physical attributes and it has considerable value as a Group Architect-designed house, it does not have considerable overall historic heritage significance. She agreed with the submitters that the value of being associated with Group Architects is already well demonstrated through the other nine houses scheduled in the AUP. Another house of the same style is scheduled in Stanley Point.
34. Ms Walker's evaluation considered that the house also has considerable regional aesthetic values under the aesthetic criteria, which demonstrates a clear and direct association with the Group Architect's manifesto and ideas. She considered it should remain on the Schedule.
35. Ms Rush's overall evaluation was that she preferred the evidence of Ms Freeman and that Ms Walker had placed too much emphasis on the association of the house with the Group Architects rather than on the merits of the house itself. She referred us to the guidance for assessing aesthetic values under the Council's Heritage Methodology and considered the association that Ms Walker was attributing to the house better sat under the physical attribute category.

36. We carefully considered the matters raised by the submitters and the differing views presented by Council staff. We prefer the evidence of Ms Freeman and Ms Rush to that of Ms Walker and find that the house should be removed from Schedule 14.1. While the house clearly has an association with the Group Architects, it does not have considerable historic heritage value; while in our view there are sufficient Group Architect houses already scheduled to provide representation.
37. We therefore accept the submissions and our finding is that the place be deleted from Schedule 14.1, as it does not meet the threshold for scheduling in the AUP.

### **Dilworth Terraces**

38. Submissions were received from the owners of seven of the eight houses that comprise the Dilworth Terrace houses, located at 1 to 8 Dilworth Terrace, Parnell. PC 27 proposes amending the category of protection from B to A; identifying the primary feature as 'each of the eight terrace houses', amending the heritage values, and modifying the exclusions so that the following are identified:

*Carports and garages; gate posts on driveway entrance to Dilworth Terrace; modern skylights; French doors in rear elevation entrances of 2 and 5 Dilworth Terrace; and the following interior spaces: interiors of rear-lane extensions and interiors of all bathrooms and kitchens.*

39. The submitters all supported the category change from B to A but sought additional exclusions be included.
40. Judge Slade, Alison Ellison and Terry Anderson attended the hearing in support of their submissions. They agree with the Council's recommendation that the exterior of the buildings be classified as 'A' category in the schedule, but sought that the interior be listed as an exclusion. They were opposed to Heritage New Zealand Pouhere Taonga's submission, and its tabled evidence that sought the interiors also be protected.
41. Judge Slade spoke to written evidence. He in particular spoke about Donald Ellison, an architect and owner of 8 Dilworth Terrace who, along with his wife, was the key proponent of the refurbishment and preservation of the houses since the 1960s. The interiors had been substantially modified over the years and should be excluded. The exclusions needed to allow for modifications such as additional French doors and improvements to the surrounding grounds. He reinforced the owners' commitment to the houses on an ongoing basis, but this needed to be accompanied with flexibility so that the interiors are not treated as a museum, but evolving home living spaces. Mr Slade also talked about the Plan-Heritage report appended to the Council section 42A report which was prepared as part of the AUP process in respect to the Dilworth Terrace Houses viewshaft.
42. The changes sought were to exclude:
  - a. all interiors;

- b. existing French doors added to the rear of 1, 2 and 8 Dilworth Terrace;
- c. gate posts on the driveway entrance to Dilworth Terrace;
- d. garages;
- e. modern skylights;
- f. paving.

And to allow:

- i. new French doors to be added to the rear elevation level and the bedrooms on the lower level;
- ii. new French doors in the courtyards of houses 3, 4, 5, 6 and 7 to match those of 1, 3 and 8;
- iii. French doors on lower levels that match upper deck doors;
- iv. landscaping of the rear entrance-level courtyards;
- v. steps from verandahs to patio areas on lower garden levels;
- vi. fences and gates and landscaping on lower garden levels.

43. The reasons provided, again in summary, were:

- a. the interiors have been significantly altered over the past century, having been originally built as houses, they were converted to flats, bedsitters, boarding houses, rooming houses, then reconverted back to houses;
- b. many of the rear elevation entrances have already been modified by installing French doors, which have enhanced the liveability of the houses;
- c. the exteriors have been modified;
- d. the owners are passionate about preserving the old buildings, but must be allowed to continue to be able to improve and upgrade the houses so they remain attractive and desirable;
- e. a lack of sensible discretion may lead to the houses being undesirable and badly maintained;
- f. allowing French doors at the lower level would allow access to the garden without needing to go through bedrooms;
- g. the exterior architecture is well preserved and retains major historical significance to the city.



44. Ms Freeman for the Council tabled floorplans of the terraces identifying interior modifications that she noted during site visits.
45. Heritage New Zealand Pouhere Taonga's submission and the tabled statement of evidence of Robin Byron supported the category change but opposed the exclusions. The evidence sought that all of the place, being its exterior, interior and site surrounds should be scheduled. Heritage New Zealand's reasons were that the houses are included as a Category 1 Historic Place in the New Zealand Heritage List. Future changes to this place should be considered in relation to effects on the whole place and may include the possibility of reversing some of the changes and potential restoration. The exclusions would be contrary to AUP objective D17.2(1) and policy D17.3(10)(a) and (b) and excluding the interior seems contrary to the intention to elevate the Category. Heritage New Zealand Pouhere Taonga also submitted in support and opposition to the owners' submissions.
46. Ms Freeman's view was that any interior modifications would, by and large, not affect the exterior or the overall historic heritage values of the place. On consideration of the submissions and a further assessment by Ms Freeman, the section 42A report recommended the exclusions be amended as follows: *"interior of building(s); carports and garages; gate posts on driveway entrances to Dilworth Terrace; modern skylights; French doors in rear elevation entrances"*.
47. Ms Rush supported this view. Ms Rush also disagreed with Heritage New Zealand Pouhere Taonga's submission that including the exclusions was contrary to listing the houses as Category A. Her view was that the AUP provisions, in particular Policy B5.2.2(5) of the Regional Policy Statement, recognise that in some cases there is a need to refine the management of a scheduled historic heritage place further, rather than having everything in the place subject to the same level of management. She noted that 37 of the 195 Category A buildings in Schedule 14.1 include exclusions; the majority of these being all or part of the interior.
48. Ms Freeman and Ms Rush remained of the view that no further exclusions should be included in the exclusions column, beyond those identified in the section 42A report. Many of the matters raised by submitters could be carried out as a permitted activity, such as maintenance and repair. However, changes such as inserting new French doors should be managed by the Historic Heritage Overlay provisions to ensure this was undertaken in a manner that did not adversely affect the significance of the place. After some confusion as to which houses currently have French doors, it was confirmed to us that it is houses 1, 2 and 8.
49. As to whether the interiors should be protected, we have considered the objectives and policies Ms Rush and Ms Byron referred us to, in particular Policy B5.2.2(5) of the Regional Policy Statement, which states:
- "Identify the known heritage values, the primary feature or features of historic heritage value and the exclusions from protection of each historic heritage place in the Schedule 14.1 Schedule of Historic Heritage."*

50. Clearly the policy anticipates exclusions. Council's non-statutory guidance suggests that whether interiors should be included or excluded depends, to a degree, upon the extent of modifications. The exclusions as originally proposed in PC 27 appear to be derived from a 2018 heritage assessment of the buildings. The floor plans presented by Ms Freeman at the hearing would suggest that modifications have been made to many of the interiors and, as a result, Ms Freeman considers the interiors of the houses are significantly modified. In addition to the extensive changes that have occurred, she considers that many features present are replicas, so the degree of authentic historic heritage fabric present inside the houses is quite low.
51. Our finding is that the Dilworth Terrace houses should be elevated to Category A level as recommended by the Council, and supported by submissions. Based on the evidence before us, we also agree that the interiors should be identified in the exclusions column. It was clear that the interiors have been modified over the years. Further, we have sympathy with the owners that they are private residences and they should have latitude to be able to modify the interiors to allow their continued use in a more modern age. However, this does not extend to the exterior and the surrounds. In that regard we concur with Ms Freeman that modifications to these, including new French doors, should be subject to a consent process that allows an assessment of the extent of change and impact on the place's significance. To provide certainty to what is identified in the exclusions, we amend the Schedule 14.1 entry as follows:
- "interior of building(s); carports and garages; gate posts on driveway entrances to Dilworth Terrace; modern skylights; French doors in rear elevation entrances of 1, 2 and 8 Dilworth Terrace"*.
52. We therefore agree with the Council's section 42A report that:
- a. the submissions which supported the change in Category from B to A be accepted;
  - b. the submissions which sought that the list of exclusions include the interiors and existing French doors be accepted;
  - c. the submissions which sought that the list of exclusions include new French doors, front gardens, fences and landscaping be rejected;
  - d. the submission which sought that owners be provided more flexibility be rejected in part;
  - e. the submission which sought that there be no exclusions be rejected.

**Michael Duggan - 15B Rangiwai Road, Titirangi**

53. Mr Duggan requested various amendments to the Schedule 14.1 entry for the property at 15B Rangiwai Road. 15B Rangiwai Road is listed in Schedule 14.1 as a

Category B place. No Primary feature is listed, nor any exclusions. The Extent of Place covers the full property.

54. Mr Duggan spoke to a power point presentation. He was of the opinion that the Extent of Place should be reduced to the main feature, being the house. He was concerned that the Extent of Place covered a number of features on the site that need to be removed such as a dilapidated underground water reservoir and outlet structure. He advised that the house itself needs considerable work.
55. PC 27 did not propose to make any amendments to the entry for 15B Rangiwai Road in Schedule 14.1. The section 42A report recommended that the submission be found to be out of scope (that is, the submission is not 'on the plan change'). Mr Duggan maintained that the submission was in scope, given that the plan change related to 'errors and omissions' and as a result there should be scope for landowners to identify errors and omissions, not just the Council.
56. While we appreciate the concerns over the Extent of Place and whether this Extent of Place is appropriate, we accept the Council's view that the submission is out of scope. We are mindful that the RMA and related case law sets in place a framework for considering the scope of submissions and that we need to work within this framework. We are also aware that any modification of Schedule 14.1 needs to be based on relevant information and assessments. Any substantial modifications to the Schedule would need to be based on an assessment by a heritage expert.
57. Having said that, we encourage Council heritage staff to investigate the concerns identified and if appropriate, to address these matters in any subsequent plan change.
58. Accordingly, we reject the submission on the basis of it being out of scope and also reject the submission of Julie Rogers for the same reason.

#### **256-262 Ponsonby Road – Marco Creemers and Jeff Brown**

59. PC 27 proposed the following amendments to Schedule 14.1 in relation to a group of shops on Ponsonby Road:
  - a. an amendment to the address to make it correct;
  - b. the identification of the legal description;
  - c. the identification of the Primary feature as 'Circa 1910 shop buildings'; and
  - d. the amendment of the exclusions column to add 'buildings and structures that are not the primary feature'.
60. PC 27 also proposed to amend the plan maps by adding an Extent of Place that would cover the whole site.

61. The submitter supports the purpose of the plan change but sought the reduced mapped Extent of Place to only include the identified primary feature, being the 1910 shop buildings fronting Ponsonby Road.
62. The section 42A report agreed that a modified Extent of Place was appropriate, and Jeff Brown confirmed that the plan attached to the section 42A report was what they were seeking. Accordingly, we agree with the Council's recommendation, and the submission is accepted.

#### **Andrew Brown – Te Marae ō Hinekākea**

63. Andrew Brown appeared at the hearing for Ngāti Whātua Ōrākei. Ngāti Whātua Ōrākei lodged a further submission opposing the primary submission made by Richard Bremen and Susan Gibson.
64. Richard Bremen and Susan Gibson, owners of the property at 54 Iona Avenue, Paremoremo, submitted in opposition to the plan change and sought it be declined. PC 27 proposed to amend Schedule 14.1 to add an Extent of Place to better define the location of the Te Marae ō Hinekākea village site in the property at 54 Iona Avenue. PC 27 also proposed to amend its name, amend the legal description to include the coastal marine area, identify the Primary feature, amend the values to include 'A' historical and 'B' social and amend the extent of place column in Schedule 14.1. The site is currently identified in the AUP by a 'dot' notation with the Extent of Place of the village site not having been mapped.
65. The reasons presented in the submission in opposition were that there had been no reference to the village site on the Land Information Memorandum when the property was purchased; they had dug trenches and not encountered any archaeological material; the dot that had been included on the property had been located in the middle of a man-made lake and any values would have been lost when the lake was put in; the village had burnt down and therefore the special interest in the site is not understood; the Council has taken a best guess to the location of the village without evidence; and the Council should purchase or compensate them for the land.
66. This submission was opposed by Ngāti Whātua Ōrākei, Ngā Maunga Whakahii o Kaipara, Te Kawerau Iwi Tribal Authority and Settlement Trust, Heritage New Zealand Pouhere Taonga and Raewyn Graham.
67. The position of Ngāti Whātua Ōrākei was that the site is of high cultural value and Te Pou o Kāhu Pōkere (their iwi management plan which they included within their further submission) recognises the vulnerability of cultural heritage resources and seeks their protection. Their further submission also included a 20-page history of the site, dated August 2019 and prepared by Robert Brassey of the Council's Heritage Unit.
68. Ngā Maunga Whakahii o Kaipara (Ngāti Whātua o Kaipara) also considered that the site is of high cultural value and that it should be protected, maintained, enhanced and managed in partnership with the Council and Heritage New Zealand Pouhere Taonga. They also appended the Brassey report.

69. Te Kawerau Iwi Tribal Authority and Settlement Trust identify the sites as being of cultural significance, as outlined in sections 1.3.11 and 8.3.9 of the Te Kawerau a Maki Claim Overview Report, March 2011, appended to their submission.
70. Heritage New Zealand Pouhere Taonga identified the village as being a special place with significant Māori cultural values and tupuna associations, and links to both Māori and European history. They considered it important that the place is correctly mapped.
71. Raewyn Graham's submission set out her whakapapa to the site. Manahi Hapi, whose grave is on the site, is her great grand uncle and former owners George and Mary Graham were her great grandparents. Her great-great grandmother named the wharenui and her great grandfather helped to construct it. She supported the plan change as notified.
72. It was pointed out to us that along with the Historic Heritage Overlay provisions of the AUP, as it is an archaeological site, the area concerned is also protected under the Heritage New Zealand Pouhere Taonga Act. Any buried human remains may not be disinterred or removed unless approved under the Burial and Cremation Act.
73. Council's assessment identified the site as having considerable historical and knowledge significance, as well as it being part of an inter-related complex of places within the Paremōmo district and upper Waitematā Harbour. While it has yet to be assessed in terms of the mana whenua category, its associations are well recorded.
74. Ms Rush advised us that any development on the site would likely require resource consent under other AUP provisions, such as land disturbance and works within the coastal environment and proximity to the coastal marine area. Scheduling the site does not mean that nothing can occur on the site, with maintenance and repair activities being permitted. However, activities that may impact on the heritage values would need to go through a consent process.
75. We benefited from being able to review Mr Brassey's brief history and the documents provided by the submitters. These outlined the history of the site, as well as describing the associations Ngāti Whātua Ōrākei, Ngā Maunga Whakahii o Kaipara, Te Kawerau Iwi Tribal Authority and Settlement Trust and Ms Graham have with the site.
76. Our finding is that the changes proposed by the Council are appropriate, based on the Council's and further submitters' evidence and assessments. We therefore conclude that the submission seeking the site not be included in Schedule 14.1 be rejected. As the site is partially located within the coastal marine area, the final decision rests with the Minister of Conservation.

### **St Saviour's Chapel and St John's Home**

77. St Saviour's Chapel and St John's Home at 80 Wyllie Road is a large site containing important heritage buildings. These include St Saviour's Chapel and a large collection of buildings that were purpose-built as an orphan's home. There are three

dormitory wings and a large two storey administration block, plus a number of utility buildings that were used as a kitchen, dining room and boiler room/laundry. Small standalone toilet blocks are separated from the dormitory wings. The dormitory wings are connected by way of covered walkways, the age of which were difficult to determine. In addition to the buildings related to the orphan's home, there are also a collection of more recent buildings that are used as a childcare centre and as a church, and an enclosed swimming pool. These all post-date 1962.

78. The place was included in Schedule 6A (Buildings & Objects to be Protected) of the legacy Auckland Council District Plan – Operative Manukau Section 2002, and was “rolled over” into the AUP and included in Schedule 14.1 as a single Category A\* place, called St Saviour’s Chapel and Papatoetoe Orphan’s Home and School (former). No exclusions were identified in Schedule 14.1 for the chapel and orphans’ home, meaning the interior of all the buildings is included in the scheduling.
79. St Saviour’s Chapel and orphans’ home was included in PC 27 to amend the category from A\* to A. PC 27 also proposed the following changes to Schedule 14.1:
- a. amend the primary feature so that it refers to ‘Chapel; home/school’;
  - b. add ‘D – knowledge’ to the heritage values; and
  - c. Add ‘buildings and structures built after 1962’ to the exclusions column.
80. No changes were proposed in PC 27 to the Historic Heritage Overlay Extent of Place for the site. That is, the Extent of Place covers the whole site which includes large areas of open ground.
81. Manukau Pacific Islands Presbyterian Church, Samoan Group (hereafter referred to as the ‘Church group’) supported the plan change in part and sought further amendments to the text of Schedule 14.1 and to the Extent of Place map. The submission sought the following:
- a. Support the placing of the St Saviour’s Chapel under Category A
  - b. Do not support the scheduling of the rest of the buildings
  - c. Support the exclusion of the buildings that were built after 1962 from the schedule
  - d. That the Extent of Place be reduced
  - e. Propose to demolish the kitchen and laundry buildings.
82. The Church group was represented at the hearing by Mary Autagavaia. She was supported by:

Mr Muliaga Savaiinaea - Church Secretary, Chair of Building Komiti

Mr Tala Simanu - retired church minister

My Lemalu Saeni Lemalu - Deacon and Komiti member

Mr Francus Laufou Stowers - Komiti member

Reverend Karima Faiai (closing prayer) - current church minister.

83. The Church group agree with and support the A classification for the Chapel. They are committed to the restoration of the main orphanage buildings, but their submission did not support the move from an A\* to an A classification for the main buildings. They wish to be able to sell a large part of the site for housing. The proceeds will go towards their desire to renovate the main buildings for apartments and build a new church, community hall and preschool.
84. They are very concerned over the Extent of Place. This covers a number of buildings that they consider have limited heritage merit and which may constrain redevelopment options. In particular, these are the three toilet blocks separated from the main dormitories, and the kitchen, dining and laundry / boiler room buildings. In their view, the current configuration of these utility buildings means that the rear environs of the main buildings is very 'cluttered'. Demolishing the toilets and the utility buildings will help to open up the whole site, allow for more housing and provide some of the "breathing space" around the main buildings referred to by Council. Reducing the Extent of Place and removal of the toilet blocks, kitchen, laundry and dining areas will not result in adverse effects on the overall significance of the historical heritage.
85. In their opinion, a reduced Extent of Place would allow for significant public benefit that could not otherwise be achieved. The main buildings need considerable upkeep and repairs. Demolition of the 'minor' buildings will free up available land and significantly open up opportunities to attract developers that can partner with the Church to achieve its dream.
86. The submitters did not provide any independent heritage evidence in support of their submission, citing the costs of doing so. They did supply a copy of a Conservation Plan for St John's Home and St Saviour's Chapel, prepared by Dave Pearson Architects Limited, dated June 2013. The section 42A report provides a heritage assessment for the site, prepared by Council staff. That report assesses the heritage values of the complex as a whole, supporting the move from an A\* to an A classification. The report makes no specific recommendation as to the Extent of Place. The section 42A report states that the Chapel and home/school are the primary features, but the dining hall, laundry and toilets are not.
87. In response to the submission, Ms Freeman recommended a reduction to the Extent of Place so it more closely surrounded the heritage buildings on the site, and to clarify that the exclusions included the interior of the orphan's home. Ms Rush recommended that the Extent of Place should be reduced further to exclude the kitchen, laundry and boiler room, but retain the dining hall. Ms Rush was of the view that these buildings were in poor condition and that it is unlikely that any redevelopment would result in them being retained for their current use.

88. The Commissioners visited the site on 6 February 2020 and viewed the site and exterior of the buildings.
89. Following the hearing, site visit and reviewing the evidence presented and provided (including the Conservation Plan for St John's Home and St Saviour's Chapel, dated June 2013), the Commissioners issued a Minute seeking further information and assessment to assist them in their deliberations on this important matter. An independent heritage assessment was sought, covering the following:
- a. The specific heritage values of the buildings that are within the area in dispute between the Council and the submitters, generally being the toilet blocks, dining hall, kitchen, laundry and boiler room, within the context of the home/school complex as a whole.
  - b. Whether these features should be included in the Extent of Place or not, and if to be included, whether these should be:
    - i. Identified as primary features
    - ii. Not identified as primary features, or
    - iii. Identified as exclusions,taking into account the relevant matters set out in the AUP.
  - c. Whether the walkways linking the dormitories are post 1962 structures and should be identified as exclusions in Schedule 14.1, or if they are pre 1962 structures whether they should be identified as primary features or as exclusions.
  - d. The appropriate set back of the boundary of the Extent of Place from the western and eastern sides of the dormitory blocks.
  - e. Whether the primary features to be listed in Schedule 14.1 should be mapped to assist with implementation of the provisions.
90. A report on the above matters was prepared by Blair Hastings, an independent heritage expert. This was received on the 4 March 2020. In summary this report recommends:
- i. the toilet blocks be included as primary features within the Extent of Place.
  - ii. the dining hall, kitchen, laundry and the boiler room should be identified as neither primary features nor exclusions.
  - iii. the walkways (which remain debateable as to their date of provenance) should be retained within the Extent of Place but identified as neither primary features nor exclusions.



- iv. The proposal to exclude ‘All buildings, structures and features built after 1962’ should be accepted – and will apply to the walkways, or elements thereof, should their construction prove to post-date the change of ownership and use in late 1962.
  - v. While the author agreed in concept with Ms Freeman’s Extent of Place, as set out on p.72 of the section 42A report, insofar as it includes all the original buildings and structures referred to above, he recommended a reduction in the area of the Extent of Place, principally along the southern and eastern boundaries of the complex.
  - vi. He recommended mapping of the primary features of the place, for the purposes of clarity.
91. Mr Hasting’s report was provided to the Church group and Council with the opportunity for them to provide comments. The Church group replied that they remained opposed to the Extent of Place and the inclusion of the toilet blocks, dining hall, kitchen and boiler/laundry. Council replied that they maintained their position as set out in the section 42A report. Ms Rush did clarify that the following amendments to the schedule entry should be made:
- a. Primary feature: This should refer to the “Chapel; Administration block; three residential dormitories”, rather than ‘Chapel, home/school’ as proposed in the 42A report.
  - b. Exclusions should state: “All buildings, structures and features built after 1962; covered structures between residential dormitories and administration block; interior of buildings except interior of St Saviour’s Chapel”.
92. Having heard the evidence of the Church group, the main issues we must address are:
- a. Should the Orphan’s home be re-classified from A\* to A?
  - b. What buildings should be defined as primary features?
  - c. Whether the toilet blocks, dining hall, kitchen and laundry/boiler room should remain in the schedule?
  - d. Should issues of costs of maintenance, repair and lost redevelopment opportunities be considered as part of these decisions?
  - e. Depending upon the above, what Extent of Place is appropriate?

### A Classification

93. While the Church group supported the placing of the St Saviour’s Chapel under Category A listing, they did not support the scheduling of the rest of the buildings. Council’s assessment of the place concluded that St Saviour’s Chapel and Papatoetoe Orphan’s Home and School meets the thresholds for scheduling as a

Category A Historic Heritage Place. Given no expert evidence to the contrary, we accept Council's expert advice that the place is worthy of an A classification.

What buildings to include as primary features?

94. Under the Council's recommended approach, the toilet blocks, dining hall, kitchen and laundry/boiler room (collectively described as the utility buildings) would be within the Extent of Place, but not be listed as a primary feature or as exclusions. This would mean demolition or modification of these buildings would require a non-complying resource consent.
95. Mr Hastings recommended that the toilet blocks be listed as a primary feature, with the implication that demolition of them be a prohibited activity. He recommended that the other utility buildings (dining hall / kitchen / laundry & boiler room) should be neither primary features nor exclusions, as per Ms Freeman's position (noting Ms Rush supported the laundry/boiler room not be included within the Extent of Place).
96. Ms Freeman advised that while the toilet blocks are a notable feature of the former orphanage complex that add and contribute to the identified values of the place, they are not the principal element, or a fundamental basis for which the place was originally scheduled.
97. The Church group maintain that all of the utility buildings should not be scheduled and not be in the Extent of Place.
98. In addressing this issue, it is important to remember that the starting point is that the utility buildings are all currently within Schedule 14.1, within the Extent of Place and not noted as exclusions. Secondly, two heritage experts have recommended that these buildings are integral to the heritage values of the site and should be part of the Schedule in some form.
99. Taken individually the buildings may have moderate values in and of themselves. This is a point made by Mr Hastings: *"The Dining Hall, the Laundry and the Boiler Room all have heritage significance both in the context of the whole and as individual buildings, however, I am in agreement with the findings of the Conservation Plan that generally regard each of the three buildings as having only 'some' heritage importance (where 'some' translates to a moderate value or level of significance as defined by the current "guidance for evaluating Auckland's historic heritage")*.
100. The Church group takes the view that as the utility buildings have moderate heritage values, then they do not meet the test for being included in Schedule 14.1 and should be identified as exclusions.
101. To be classed as a Category A listed building or place, the AUP states that a building or place should have outstanding significance well beyond their immediate environs. The AUP goes on to state that the primary features of Category A places form the fundamental basis for scheduling a historic heritage place. We take it from this statement that non-primary features have a supporting or ancillary role. The Regional Policy Statement backs up this interpretation. Policy D17.3.14 states that the total or

substantial demolition or destruction of the primary features should be avoided, but for non-primary features there is some scope for demolition where the following factors are in play:

- a. the demolition or destruction is required to allow for significant public benefit that could not otherwise be achieved; and
  - b. the significant public benefit outweighs the retention of the feature, or parts of the feature, or the place; or
  - c. the demolition or destruction is necessary to remove a significant amount of damaged heritage fabric to ensure the conservation of the scheduled historic heritage place.
102. Our finding is that the toilet blocks, dining hall, kitchen and laundry/boiler room are not integral but are supportive components of the heritage values of the place and should not be listed as primary features. However, we do not go as far as to say that they should be listed as exclusions.
103. We agree with the amended entries for primary features and exclusions as set out in Council's response (and as detailed in paragraph 90).

#### State of buildings

104. The Church group are rightly concerned about the costs of maintenance of the ancillary buildings and the potential forgone development potential involved in their retention. Ms Rush, in her section 42A report, suggested that the laundry/boiler room building was showing signs of disrepair. She appeared to be concerned as to the cost of their on-going maintenance and restoration. Our site inspection confirmed that there appear to be substantial maintenance and repair issues, as there are with the main dormitory buildings.
105. We agree with Mr Hastings' statement that while the physical condition of the place is generally poor, the AUP does not reference building condition as a factor in assessing heritage value. As pointed out by Mr Hastings, issues of costs of repair and maintenance do not come into play in the criteria for scheduling. Scheduling has to be based on the heritage values of the buildings. Neither should issues of foregone development potential weigh on decisions to schedule if the heritage values have been clearly established.
106. However, these matters may come into play in any resource consent process. The Church group sought that the utility buildings be able to be demolished. We cannot make such a decision; this is a matter that needs to be addressed by way of a resource consent application. All we can do is determine whether the buildings should be included in the Schedule.
107. We note that the decision to identify the utility buildings as non-primary features (but not as exclusions) keeps open the door for a consent application to test specific development proposals, and as acknowledged by Policy D17.3.14, there are grounds

upon which costs and benefits can be tested through such a resource consent application.

### Extent of Place

108. The legacy Manukau District Plan did not include an Extent of Place or site surrounds for St Saviour's Chapel or the orphans' home. When the place was rolled over into the Proposed AUP, the Extent of Place was mapped over the entire property at 80 Wyllie Road.
109. By the end of the hearing we were presented with four different Extent of Place:
  - a. The Council reporting officer's (Ms Rush)
  - b. Council heritage expert (Ms Freeman)
  - c. Mr Hastings
  - d. Church group.
110. The Church group proposed an Extent of Place that did not include the toilet blocks, dining hall, laundry and boiler room. They also proposed that the Extent of Place be drawn close to the western and eastern sides of the two outer dormitory blocks.
111. Mr Hastings proposed an Extent of Place that included the utility buildings, while accepting the proposal for the boundary to be close to the western and eastern walls of the dormitory buildings. He excluded the swimming pool in the north eastern corner of the site
112. Ms Freeman's Extent of Place was not dissimilar to Mr Hastings, but covered a larger area, partly on the basis of providing some breathing room to the main buildings and in recognition of the original farm-setting of the orphan's home.
113. Ms Rush supported the Extent of Place being reduced on its southern boundary so that it does not cover the laundry and boiler room. She stated that the laundry and boiler room are not identified as primary features of the Orphan's Home. They are also in a poor condition.
114. In considering the different options presented, we note that the AUP describes an Extent of Place as being the area that is integral to the function, meaning and relationships of the place and illustrates the historic heritage values identified for the place, as set out in Policy B5.2.2.
115. Based on this description, we have determined that an Extent of Place close to that of Mr Hastings and Ms Freeman is appropriate. The Extent of Place should include the ancillary buildings. We agree that the Extent of Place should be drawn 'tightly' around the exterior of these buildings, while extending over the northern 'front lawn'. The Extent of Place includes the swimming pool to the north-east, noting that this building is excluded from the schedule by virtue of being a post 1962 building. This revised Extent of Place is appended to our decision.

116. In conclusion, we make the following decisions:
- a. Submissions 22.1 and 22.2, which provide support for the identification of buildings built after 1962 in the exclusions column of Schedule 14.1, and for the chapel to be a category A place, be accepted.
  - b. Submission 22.3, which does not support the rest of the buildings being scheduled, be rejected,
  - c. Submission 22.4 be accepted in part. The Extent of Place is to be reduced as described above.
  - d. Submission 22.5, which proposes to demolish the kitchen and laundry buildings, be rejected.

### **St Stephen's Anglican Church**

117. Alison Vedder spoke to the submission from the General Trust Board of the Anglican Diocese of Auckland on behalf of St Stephens Anglican Church Whangaparaoa. She referred to a memorial wall that members of the congregation wish to construct in the front yard of the church. She was unsure if the proposal by PC 27 to add a mapped Extent of Place would require resource consent to be obtained to build the memorial wall.
118. Currently an Extent of Place is not mapped for the church and the place is identified by a 'dot' in the plan maps. Among other amendments, PC 27 proposes to amend the plan maps to introduce an Extent of Place for St Stephen's Anglican Church.
119. The General Trust Board of the Diocese of Auckland, the owner of St Stephen's Anglican Church, supports the proposed identification of the 1917 church as the Primary Feature and the amendments that propose to identify additional exclusions. However, the Trust Board does not support the Extent of Place proposed for the church and seeks it to be either reduced to a smaller area around the existing chapel, or, alternatively, wishes the exclusions in Schedule 14.1 to be amended to include the proposed memorial wall (and associated safety barrier).
120. For the Council, Ms Freeman supported a reduction in the mapped Extent of Place proposed by PC 27 so that the southern edge aligns with the property boundary for 5 Stanmore Bay Road (where it will not cover the 2012 church building to the south) and reduced on the eastern side to sit approximately four metres from the original church, for the following reasons:
- a. the 2012 church building has no historic heritage values, and
  - b. while the entirety of 3 and 5 Stanmore Bay Road is part of the original site of the church, the modern church building has impacted on the historic heritage values of the place.
121. The Council did not recommend any further amendments to the Extent of Place or the Schedule to exclude the possible memorial wall. Defining the Extent of Place is

based on a range of criteria which relate to heritage management. In this case, there is no valid heritage-based reason to exclude a possible wall. Council staff noted that the construction of the wall may require resource consent, and we acknowledge that this may involve some cost to the Church. However, we consider that this cost must be weighed against the long-term management of the heritage resource that is better enabled by way of a mapped Extent of Place.

122. We therefore accept submission 34.1 in part, to the extent that it supports an amended Extent of Place as set out in the section 42A report, but reject submission 34.2, as we see no justification to further amend Schedule 14.1 to either exclude an as yet unbuilt wall, or further amend the Extent of Place.

### **Central Fire Station**

123. Fire and Emergency New Zealand submitted in support of the Council's proposed amendments to the Central Fire Station at 50-60 Pitt Street, Auckland Central. The changes proposed by PC 27 amend the legal description, identify the Primary Feature as "fire station" and exclude the interior of the building, except for the fire engine bays.
124. Civic Trust Auckland opposed including the interior of the building in the exclusions column of Schedule 14.1 for the reasons that there was no evidence presented that the interiors no longer contributed to or detracted from the heritage values for which the place was scheduled. Heritage New Zealand Pouhere Taonga's further submission supported the Trust.
125. Allan Matson appeared for the Civic Trust. He was of the view that Fire and Emergency New Zealand appeared to want latitude to make changes to the interior uninhibited by the scheduling, and that not including the interior was façadism. He sought that there be a more robust assessment undertaken of the building. He identified a 2003 Heritage New Zealand Pouhere Taonga report for the fire station as being relevant.
126. The section 42A report notes that the Central Fire Station was scheduled in the legacy Auckland Council District Plan – Operative Central Area Section. In that schedule, the protection of the interiors was defined as being limited to the fire engine bays only. However, when the place was "rolled over" into the AUP, this exclusion was not included, in error.
127. Ms Rush reiterated that it had only been the fire engine bays that had been protected under the legacy plan and PC 27 sought to correct that error. Ms Rush and Ms Freeman had visited the site and viewed the interior. Ms Freeman's opinion was that none of the interior, including the fire engine bays, should be managed through Schedule 14.1 as while the fire station retains a number of original features, none of these were particularly notable or necessary to understanding the identified values of the place as a whole.
128. In approaching this issue, we note we have no heritage evidence before us that the full interior warrants scheduling, rather the contrary was presented to us. Our finding

in respect to the interior is that the exclusions column is to be updated as proposed to read: "interior of building(s), except the fire engine bays".

129. We therefore accept the submission of Fire and Emergency New Zealand and reject the submission of Civic Trust Auckland.
130. The other matter was that of the legal description for the property. There was some inconsistency between submission points 23.3 and 23.4 as to what was exactly sought. The issue arises because of pending compulsory acquisition of some of the subsoil for the City Rail Link project which will result in changes to the legal description. The section 42A report recommends that the current legal description be used in the Schedule and that this be updated using clause 20A of the First Schedule when the legal description is further amended. We agree that this is the appropriate approach.

### **1 Beihlers Road (ID 1461)**

131. The Civic Trust Auckland, represented at the hearing by Allan Matson, opposed the deletion of the building at 1 Beihlers Road, Weymouth from Schedule 14.1. The reasons for the Trust's opposition included that the additions made to the building did not justify its removal from the schedule; that the Council should do more research into the history of the residence rather than just the land and that there was insufficient evidence to warrant its removal. The Trust also queried whether the deletion was requested by the property owner.
132. The section 42A report set out that the significance review was initiated as part of the Council's monitoring project in the Manurewa and Papakura Local Board areas. The building had previously been included as a Group 2 heritage place in the legacy Manukau City District Plan and was rolled over into the AUP without a reassessment at that time.
133. Ms Freeman had re-evaluated the residence as part of PC 27, which included research by a local historian. As part of this re-evaluation, she determined that the building does not meet the thresholds for scheduling. In particular, that there is little information about the building itself, that it has been modified so that it is now three times its original size, that it does not contribute to the streetscape or townscape, and is not a landmark or icon that the community identifies with.
134. Mr Matson did not present any specific evidence at the hearing, rather he raised the issue of appropriate process and justification.
135. Having reviewed the submission and the heritage assessment and having received no evidence to the contrary, we agree with the Council's section 42A report that the submission be rejected, and the place be removed from Schedule 14.1 and the plan maps.

## **Part 2: Amendments to the scheduling (no appearance)**

### **Auckland Transport**

136. Auckland Transport submitted on the proposed Extent of Place for a number of the heritage places included in the plan change, as covered in more detail below. The common theme across these submissions was that Auckland Transport has statutory responsibilities in respect to the road reserve and the Extent of Place proposed for the places submitted on would unreasonably inhibit Auckland Transport in undertaking these responsibilities.
137. The Council's section 42A report acknowledges that the historic heritage provisions may impact on the submitter's works. However, it also notes that for the most part the activities that the submitter may undertake would be permitted and a resource consent would only be required for works that may generate significant adverse effects, such as demolition. Further, the infrastructure related provisions under Chapter E26.8 of the AUP allow for network utility related activities to be undertaken as a permitted activity.

### **Worker's cottage (former) / Leigh library, Leigh (ID 532)**

138. Auckland Transport sought that the Extent of Place at 15 Cumberland Street, Leigh, be reduced by not including the road reserve, except where the building itself is located on the road reserve.
139. PC 27 proposed to amend the Extent of Place because it did not cover the whole building, as well as amending the name of the place, updating the legal description and identifying the primary feature and additional exclusions.
140. The section 42A report noted disagreement with the submission that the road reserve is not relevant to the place's values. The cottage itself is located partly within the road reserve and the landscaped berm forms part of the setting, helping to illustrate the connection of the place to the street. The report, however, recommends that the Extent of Place could be reduced to the west and south, removing it from part of the road reserve along Cumberland Street. Having received no evidence to the contrary, we agree with that recommendation.
141. We therefore accept the Council's recommendation that the submission be accepted in part and the Extent of Place be amended, as set out in Appendix 3 of the section 42A report.

### **Green Bay Mission (former) / Blockhouse Bay Baptist Church (ID 1612)**

142. Auckland Transport sought that the Extent of Place at 504-506 Blockhouse Bay Road, Blockhouse Bay, be reduced by not including the road reserve.



143. PC 27 proposed to amend the Extent of Place to ensure that all of the scheduled building was included in the extent, as well as amending the name of the place, updating the legal description, identifying the primary feature and amending the exclusions.
144. The section 42A report agreed with the submitter that the building is set back from the street and there is no need to manage the whole area between the building and the road. Accordingly, the report recommends that the Extent of Place be aligned with the road boundary.
145. We agree with the Council's recommendation that the submission be accepted and the Extent of Place be amended, as set out in Appendix 3 of the section 42A report.

#### **Suffolk Hotel, Cavalier Tavern (ID 1627)**

146. Auckland Transport sought that the Extent of Place at 68 College Hill, Freemans Bay, be reduced by removing the road reserve. The submitter accepted that the balcony and the footpath underneath it should be included in the Extent of Place.
147. PC 27 proposed to amend the Extent of Place to ensure that it covered all of the original hotel building, as well as correcting a spelling error in the name of the place, updating the legal description, identifying the primary feature and amending the exclusions.
148. The section 42A report notes that the traditional entrance to the tavern had been at the corner of the building and the place has always had a relationship to the street. The report recommends that the Extent of Place not be reduced. Having received no evidence to the contrary, we agree with that recommendation.
149. We therefore agree with the Council's recommendation that the submission be rejected.

#### **Railway Signal Box (ID 2578)**

150. Auckland Transport sought that the Extent of Place at the Otahuhu Railway Station, 1 Walmsley Road, Otahuhu, be reduced by moving it closer to the building. The rationale was that the Extent of Place included additional land around the building that is not relevant to the historic heritage values of the place.
151. PC 27 proposed to amend the Extent of Place for the signal box, which had been relocated by 20m to its current location in 2015, updating the address and legal description to reflect the new location, as well as identifying the Primary Feature.
152. The section 42A report notes that the Extent of Place was reconsidered in response to the submission and that its extent remains appropriate. The area included forms the setting of the place in its relocated position and illustrates the area containing the historic heritage values. Having received no evidence to the contrary, we agree with that recommendation.

153. We therefore accept the Council's recommendation that the submission be rejected.

#### **Minniesdale Chapel and graveyard (ID 542)**

154. PC 27 proposed a mapped Extent of Place for the Chapel and graveyard at 67 Shegadeen Road, Wharehine as the place had been only identified by a 'dot' on the AUP maps. PC 27 also sought to amend the name of the place to include the graveyard, add the legal description, define the Primary Feature as 'Church' and amend the exclusions column to include 'water tank including stand'.
155. Auckland Transport sought that the proposed Extent of Place be removed from part of the road reserve so that it aligned with the fence/property boundary. The rationale was that the Extent of Place included road reserve that was not relevant to the historic heritage values of the place and that the inclusion of this part of the road reserve would inhibit the submitter in meeting its statutory responsibilities.
156. Martin Dickson supported the inclusion of the graveyard in the description of place and supported the exclusion of the water tank. He also sought that the Council immediately survey the interior of the church and protect it in a subsequent plan change, noting the particular history and attributes of the interior. Heritage New Zealand Pouhere Taonga further submitted in support of this submission.
157. The section 42A report notes that the property boundary itself cuts through the chapel, with part of the chapel, the footpath and the boundary fence all being within the road reserve. Ms Freeman supported altering the Extent of Place to align with the boundary fence.
158. With regard to the interior, Council staff noted that an assessment of the interior has been included in the Council's list of heritage places to re-examine. That assessment is needed to support any move to schedule the interior.
159. We agree with the Council's recommendation that the Extent of Place be amended to align with the boundary fence and therefore accept Auckland Transport's submission. We accept Mr Dickson's submission which supports the plan change, as we do Heritage New Zealand Pouhere Taonga's further submission in support.
160. In respect of Mr Dickson's relief that the interior be surveyed immediately and included in a subsequent plan change, that is beyond the scope of our delegated powers which are limited to considering submissions on this plan change only. We agree with the Council's position that there was insufficient evidence to include the interior within this plan change. While we reject Mr Dickson's submission and Heritage New Zealand Pouhere Taonga's further submission, we encourage the Council to review the interior through a subsequent plan change process.

#### **Te Kōpua Kai a Hiku/Panmure Basin, including Mokoia pā site, terrace/midden, and middens (ID 1587)**

161. Auckland Transport sought that the Extent of Place be removed from the formed cul-de-sac head at Peterson Road, on the basis that the formed road is not relevant to

the place's heritage values and the inclusion of this land would inhibit the submitter meeting its statutory responsibilities. Heritage New Zealand Pouhere Taonga opposed the submission.

162. PC 27 proposed to amend the Extent of Place to correct a mapping error; amendments to the address, legal description and the name of the place, identifying the Primary Feature, and amendments to the heritage values and exclusions column.
163. The section 42A report recommended that the Extent of Place be removed from the head of the cul-de-sac as the heritage values are likely to be below the surface of the road itself and are unlikely to be disturbed by Auckland Transport.
164. We accept that recommendation and accept Auckland Transport's submission and accordingly reject Heritage New Zealand Pouhere Taonga's further submission. In doing so, we note that the provisions of the New Zealand Pouhere Taonga Act relating to archaeological sites continue to apply.

### **Halling Homestead (ID 1077)**

165. PC 27 proposed to amend the name of the house to correct a grammatical error, identify the Primary Feature as "residence" and include the garage in the exclusions. PC 27 also proposed to add a mapped Extent of Place for Halling homestead at 68 Kitchener Road, Milford, as the place had been only identified by a 'dot' on the AUP maps.
166. Ian McArthur, owner of the homestead, submitted that he did not agree that the building merits scheduling as a Category B building and that it should be removed. His reasons for seeking its removal are that the house is of a mock Tudor style which has not remained popular as an important influence on architecture; there is only one house of a similar style nearby so a special character is not created; and the benefits of protecting the building need to be weighed against the costs of maintaining the style of house.
167. The Council's section 42A report includes an assessment of the significance of the homestead by Ms Freeman. In summary, while Ms Freeman considers that the homestead has considerable historic heritage value in terms of Regional Policy Statement criterion F – 'physical attributes', overall it does not have considerable significance to its locality or beyond. Ms Freeman and Ms Rush recommend that the homestead be removed from Schedule 14.1.
168. The section 42A report also notes that there is a midden identified by the New Zealand Archaeological Association on the property; the values of which are not associated with the homestead. Mr Brassey's advice is that the midden would remain managed by the New Zealand Pouhere Taonga Act should the homestead be removed from Schedule 14.1.
169. Having reviewed the submission and the heritage assessment and having received no evidence to the contrary, we agree with the Council's section 42A report that the

submission be accepted, and the place be removed from Schedule 14.1 and the plan maps.

#### **Oratia Church/schoolhouse (former) (ID 00119)**

170. The Oratia Church Trust in its submission objects to the reduction in Extent of Place proposed for the church in PC 27. The Trust considers that the whole site is of significant historical interest and should not be modified.
171. PC 27 proposed a reduction in the Extent of Place for the church. It also proposed an amendment to the name of the place to make it more historically correct, an amendment of the legal description to make it correct, identification of the Primary Feature as 'Church/schoolhouse', and an amendment of the exclusions column to add '1968 church'. The place was rolled over into the AUP from the legacy Operative Waitakere Section 2003. During the rollover an error was introduced, being the identification of the 1968 church within the place in the scheduling. The 1968 church has not been assessed for its historic heritage significance.
172. In the Council's section 42A report Ms Freeman reviewed the history of the place. Ms Freeman concludes that the existing Extent of Place that encompasses the full certificate of title boundary (ALLOT 238 SO 4135 WAIKOMITI) appropriately represents the area containing the historic heritage values of the place.
173. Having reviewed the submission and the heritage assessment and having received no evidence to the contrary, we agree with the Council's section 42A report that the submission be accepted and that the Extent of Place be retained as currently shown in the AUP and not be reduced.

#### **Te Arotai (ID 01006)**

174. Deborah Manley, the owner of Te Arotai at 17 Queen St, Northcote Point, requested the property be deleted from Schedule 14.1. The reasons in her submission were that the Queen Street road frontage is not original, and that a sunroom was added in the 1950s. She considers that this addition is not in keeping with the architectural style of the era, and that the property is not a true and original representation of the architectural style it was listed for.
175. The Council included Te Arotai in PC 27 to add a mapped Extent of Place, as the place had been only been identified by a 'dot' on the AUP maps, and to identify the Primary Feature and additional exclusions.
176. Ms Freeman undertook a review of the significance of the place. She considered that it meets the AUP threshold for scheduling as a Category B historic heritage place, having considerable historical, physical attributes, aesthetic, and contextual value. She concludes that it has considerable overall local significance.
177. In her heritage assessment Ms Freeman describes Te Arotai as a large Californian bungalow designed by noted Northcote-based architect WH Glover for the Maxwell family in 1922, a locally significant family with extensive business ventures and social

influence. Te Arotai was built as a wedding present for Arthur Maxwell whose family owned the house for 83 years. The neighbouring house at 15 Queen St was built for his brother Frederick, and their parents also had a home on Queen Street. All three houses are still standing and all three are scheduled, and were all designed by WH Glover, together with a warehouse for the family business located in central Auckland. The house compliments the Queen Street streetscape, which is defined by inter-war period housing and enhanced by the setting including mature vegetation and stone walls.

178. Having reviewed the submission and the heritage assessment, we agree with the Council's section 42A report that the submission seeking the removal of the place from the schedule be rejected.

### **Earnoch (ID 01053)**

179. Deborah Bell, who lives at the property, supported the change to Category B classification in her submission, but seeks removal of the property from Schedule 14.1. The reasons she provides are that the place is hidden from public view with little public benefit from it being scheduled, and due to it being a family home, the property shouldn't be limited by any restrictions scheduling imposes.
180. The Council included Earnoch in PC 27 to amend the category from 'A' to 'B', to amend the heritage values, and to identify additional features in the exclusions column. PC 27 also proposed to add a mapped Extent of Place for Earnoch as the place had been only identified by a 'dot' on the AUP maps.
181. Ms Freeman undertook a review to determine if it meets the AUP thresholds for a Category A or Category B place. She describes it as a mid-Victorian two storey cottage that was constructed on Lake Pupuke as a summer house for prominent Auckland businessman John Robertson. The house is one of the oldest buildings in Takapuna and one of the two remaining grand summer homes. It is an example of an increasingly rare mid-Victorian two-storey cottage with a dormer, and while the house is relatively intact, the context has been altered significantly. She concludes that Earnoch is of considerable historical, and physical attribute value in a local context, and that it meets the threshold for scheduling as a Category B Historic Heritage Place.
182. Ms Rush notes that the criteria for scheduling historic heritage places in the AUP does not require places to be visible to the public to be eligible for scheduling.
183. Having reviewed the submission and the heritage assessment, we agree with the Council's section 42A report that the submission supporting the change to Category B classification be accepted; that the submission seeking removal of the place from Schedule 14.1 be rejected, and that the place be retained in Schedule 14.1 as a Category B historic heritage place.

### **St Aidan's Church (ID 01603)**

184. In its submission St Aidan's Church, Remuera, supports PC 27, including the Category B protection. In its submission it requests that the exclusions should be expanded and encompass the post 1956 additions to the 1905 church and modifications to the interior of the 1905 Church, the 1967 Church hall including the social lounge, Parish administration office, the 2002 gathering area, and on-grade carparks.
185. The Church was included in PC 27 to amend the Extent of Place so it applies to the whole property. This corrects an error as the Extent of Place applied to only one of the land parcels within the site. PC 27 also proposed to amend the legal description so that it is correct; identify the Primary Feature as '1905 church; lynch gate; war memorial', and identify in the exclusions column: 'interior of the hall; post 1956 additions to the church and modifications to the interior of the 1905 church'.
186. Ms Freeman reviewed the exclusions and had on-site discussions with church representatives. The Church has been modified several times since its construction in 1905, including modifications in 1910, 1918 and 1956. Ms Freeman considers that the modifications to the main part of the church have not compromised the significance of the interior of the church and the modified interior features contribute to the values of the Church. During the site visit it was understood that the Church representatives support the interiors of the church being included in the scheduling.
187. The hall, social lounge and administration offices were constructed from 1962 to 1968 and the building known as the 'gathering area', in 2002. The Council considers that the land covered by these buildings is part of the setting of St Aidan's Church and should be within the Extent of Place. However, the buildings do not contribute to the values for which the church, gate and memorial have been scheduled and they are proposed to be identified in the exclusions column. Council's section 42A report therefore recommends that it is not necessary to identify 'Post-1956 additions to the 1905 church' in the exclusions column.
188. The proposed Extent of Place covers some of the carpark area. In the section 42A report Ms Rush explains that the Historic Heritage Overlay rules provide for the repair and maintenance of driveways and parking areas as a permitted activity, and recommends that it is not necessary to identify the carparks in the exclusions column.
189. We agree with the Council's section 42A report that the submissions regarding the identification of primary features be accepted and that submissions on exclusions be accepted in part. We agree with the amendments as proposed in the section 42A report. These amendments are: to amend the Extent of Place to apply to the whole property, amend the legal description so that it is correct, identify the primary feature as '1905 church; lynch gate; war memorial', and identify in the exclusions column: 'Church hall; social lounge; parish office; gathering space'.

### **Caughey House "Rahiri" (former)/ Auckland Karitane Hospital (former) (ID 01728)**

190. PC 27 proposed the following amendments to Schedule 14.1 in relation to this place:

- a. an amendment to the name of the place to make it more grammatically correct;
  - b. the identification of the primary feature as 'Residence', and
  - c. the amendment of the exclusions column to add 'buildings and structures that are not the primary feature'.
191. PC 27 also proposed to amend the AUP maps to reduce the Extent of Place for the site.
192. Matt Feary in his submission on behalf of the Biblical Education Services sought a further reduction to the Extent of Place to exclude the existing buildings that surround the heritage feature which are not of heritage value. The submission also seeks that the exclusions include the trees and shrubs located on the site and that the reference to 'Hebron Christian Collage' is removed from Schedule 14.1.
193. In response, Ms Freeman reviewed the heritage values of the place. Ms Freeman advised that the yard/garden to the north-west of Caughey House (the front yard) is historically significant as it is a remnant of the original setting of the place. The area also provides opportunities to view Caughey House both from within and beyond the site. The proposed Extent of Place to the north-east, south and south-west (along the side elevations of the Caughey House) set out in PC 27 as notified also covers the area within the original setting of the place. This area now contains other buildings of varying ages, including a bungalow and the workshop that were built in the 1920s as part of the conversion of Caughey House into a Karitane Hospital. Ms Freeman considers these buildings contribute to the heritage values of the place. She does not support any further changes to the Extent of Place to that of the notified version of PC 27.
194. The section 42A report noted that the demolition, destruction or relocation of features identified as exclusions within the Extent of Place is a permitted activity, subject to meeting specified standards. Trees and shrubs do not need to be identified in the exclusions column, as tree and vegetation removal, trimming and alteration, except for trees or plantings specifically identified in Schedule 14.1, is a permitted activity. The removal of the reference to 'Hebron Christian College' is supported by the section 42A report.
195. Having reviewed the submission and the heritage review, we have determined that the submission seeking further reduction in the Extent of Place and that the trees and shrubs be identified as exclusions, be rejected. The submission seeking removal of the reference to 'Hebron Christian College' be accepted. We therefore agree with the amendments set out in the section 42A report. These are as follows:
- a. reduce the Extent of Place to that identified in the plan change;
  - b. remove reference to 'Hebron Christian College';
  - c. amend the name of the place to remove grammatical errors;
  - d. identify the primary feature as 'Caughey House'; and

- e. amend the exclusions column to add 'buildings and structures that are not the primary feature'.

### **Residence at 85 and 85a Kolmar Road, Papatoetoe**

- 196. PC27 sought to amend the residence at 85 and 85A Kolmar Road, Papatoetoe, as follows:
  - a. the amendment of the address to 85 and 85A Kolmar Road, Papatoetoe;
  - b. the identification of the legal description for the place; and
  - c. the identification of the primary feature as "Residence".
- 197. PC27 also proposed to amend the Extent of Place in the plan maps.
- 198. A submission from Anurag Rasela opposed the plan change. In response to the submission, the Council reviewed the heritage values of the place. The section 42A report recommended that the place be removed from Schedule 14.1 as the residence at 85 and 85A Kolmar Road does not meet the threshold for scheduling as a historic heritage place.
- 199. Having reviewed the submission and the heritage assessment, we agree with the Council's section 42A report that the submission seeking the removal of the place from the schedule be accepted.

### **STATUTORY PROVISIONS**

- 200. The RMA sets out a range of matters that must be addressed when considering a plan change, as identified in the section 32 report accompanying the notified plan change. We note that as PC 27 is focused on amending details in Schedule 14.1 and the GIS viewer/planning maps, not amending objectives or policies, the main relevant statutory tests relate to ensuring that the proposed amendments assist with the implementation of the plan's higher order provisions.
- 201. We also note that section 32 clarifies that analysis of efficiency and effectiveness is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. The changes set out in PC 27 are not of strategic significance.
- 202. Having considered the evidence and relevant background documents, we are satisfied, overall, that PC 27 has been developed in accordance with the relevant statutory and policy matters. The plan change will clearly assist the Council in its effective administration of the AUP.



203. We have identified a number of amendments to PC 27. We have referred to these changes in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with the requirements of section 32AA.

## **DECISION**

204. That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, that Plan Change 27 to the Auckland Unitary Plan (Operative in Part) be approved, subject to the modifications as set out in this decision.

205. Submissions on Plan Change 27 are accepted and rejected in accordance with this decision. In general, these decisions follow the recommendations set out in the Council's section 42A report, except as identified above in relation to specific matters.

206. The reasons for the decision are that Plan Change 27, as amended:

- a. will assist the Council in achieving the purpose of the RMA;
- b. is consistent with the Auckland Regional Policy Statement;
- c. is consistent with the provisions of Part 2 of the RMA;
- d. is supported by necessary evaluation in accordance with section 32; and
- e. will help with the effective implementation of the AUP.

The following documents are appended to this decision:

- Attachment One: Amendments to AUP (OP) Schedule 14.1
- Attachment Two: Amendments to AUP (OP) maps.



**David Mead**

**Chairperson**

**Date:** 15 May 2020