



Proposed Plan Change 31

Addition of six historic heritage places, including one historic heritage area, to Schedule 14 Historic Heritage Schedule, Statements and Maps in the Auckland Unitary Plan (Operative in part)

**SECTION 32
EVALUATION REPORT**

**22 JULY 2019
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1 Introduction

1.1 Scope and purpose of this report

This report is prepared by Auckland Council (**Council**) to fulfil the statutory requirements of section 32 of the Resource Management Act 1991 (**the Act**) for proposed Plan Change 31 (**Proposed PC31**) to the Auckland Unitary Plan (Operative in Part) (**AUP**).

Proposed PC31 introduces changes to Chapter L Schedules, Schedule 14.1 Historic Heritage Schedule (**Schedule 14**) and the planning maps of the AUP. Schedule 14 is made up of three parts: Schedule 14.1 Schedule of Historic Heritage (**Schedule 14.1**), Schedule 14.2 Historic Heritage Areas – Maps and statements of significance (Schedule 14.2), and Schedule 14.3 Historic Heritage Place maps (**Schedule 14.3**). The changes proposed in PC31 are the addition of six historic heritage places, including one historic heritage area, to Schedule 14.1. The addition of the Historic Heritage Area (**HHA**) will require information to be added to Schedule 14.2. No changes are proposed to Schedule 14.3.

The plan change seeks to recognise the values of the six identified historic heritage places by adding them to the AUP's Historic Heritage Overlay¹, as identified in Schedule 14.1 and the Plan maps. The addition of these historic heritage places to Schedule 14.1 ensure the provisions of the AUP apply, including the Historic Heritage Overlay provisions. This will assist in the management and protection of these historic heritage places.

Section 32 of the Act requires that before adopting any objective, policy, and rule or other method, the Council shall have regard to the extent to which each objective is the most appropriate way to achieve the purpose of the Act, and whether the policies and rules or other methods are the most appropriate way of achieving the objectives. A report must be prepared summarising the evaluation and giving reasons for the evaluation.

In accordance with section 32(6) of the Act and for the purposes of this report:

- the 'proposal' means proposed PC31,
- the 'objectives' means the purpose of the proposal/proposed PC31, and
- the 'provisions' means the policies and rules or other methods that implement, or give effect to the objectives of the proposal.

The AUP contains existing objectives, policies, and rules or other methods for the purpose of managing historic heritage places². Proposed PC31 is not altering or re-litigating any of these provisions. This evaluation report on proposed PC31 relates to the addition of the six historic heritage places, including one historic heritage area, in Schedule 14.1 and Schedule 14.2 within the existing policy framework of the AUP. The policy approach remains unchanged, and this report will not evaluate it in any more detail.

¹ AUP Chapter D17 Historic Heritage

² AUP B5 Ngā rawa tuku iho me te āhua - Historic heritage and special character and D17 Historic Heritage Overlay

This section 32 evaluation will continue to be refined in relation to any consultation that occurs, and in relation to any new information that may arise, including through submissions on proposed PC31 and during hearings.

1.2 Background to the proposed plan change

The AUP contains objectives, policies and rules to protect significant historic heritage from inappropriate subdivision, use, and development. The AUP methods to achieve this protection are primarily focused on the Historic Heritage Overlay. Schedule 14.1 identifies the historic heritage places that are subject to the Historic Heritage Overlay.

The six historic heritage places, including the one historic heritage area, were identified as having potential significant historic heritage values. These places were identified as part of:

- heritage evaluations funded by the Ōrākei Local Board
- recommendations and outcomes from other planning processes
- the heritage topic report for the Warkworth Structure Plan.

Proposed PC31 is the second dedicated plan change to add historic heritage places to Schedule 14, since the AUP became operative in part. The Council notified Proposed Plan Change 7: Additions to Schedule 14 Historic Heritage Schedule, Statements and Maps in the Auckland Unitary Plan (Operative in part) (**Proposed PC7**) to the AUP on 16 November 2017. Proposed PC7 proposed the addition of 49 historic heritage places (including three heritage areas). The decision on PC7 was notified on 21 March 2019.

The six historic heritage places proposed to be included are as follows:

- Glenholm, 37 Portland Road, Remuera
- Remuera Primary School War Memorial Gates, 25-33 Dromorne Road, Remuera
- Remuera Post Office, 358-364 Remuera Road, Remuera
- Upland Village Historic Heritage Area, parts of Remuera Road, Upland Road and Minto Road, Remuera
- Riverina, 46 Wilson Road, Warkworth
- Colonial Ammunition Company Bulk Store, 26 Normanby Road, Mt Eden.

All places proposed to be included in proposed PC31 have been identified primarily for their built heritage values.

2 The proposed plan change

Proposed PC31 introduces changes to Schedule 14.1, Schedule 14.2 and to the Plan maps of the AUP. The proposed changes are to add the six historic heritage places to Schedule 14.1, and to add this information to the GIS viewer. The proposed additions of the historic

heritage area also requires information to be added to Schedule 14.2; this information comprises a statement of significance for the proposed historic heritage area and a map showing its extent.

The proposed plan change affects 20 properties in the Ōrākei Local Board area, one property in the Albert-Eden Local Board area, and one property in the Rodney Local Board area. The plan change documents for proposed PC31 show:

- proposed text amendments to Table 1: Places and Table 2: Areas of Schedule 14.1 including the addresses and legal descriptions of all properties affected by the plan change,
- the proposed text and maps to be included in Schedule 14.2, and
- maps illustrating the proposed amendments to the GIS viewer/planning maps, showing the scheduled extent of place for each historic heritage place and historic heritage area included in proposed PC31.

3 Reasons for the proposed plan change

An evaluation under section 32 of the Act must examine the extent to which the objectives of proposed PC31 are the most appropriate way to achieve the purpose of the Act.³ The objective of proposed PC31, or the purpose of the plan change, are to protect and manage the significant heritage values of the places identified by adding them to the Historic Heritage Overlay. In order to add these places to the overlay, they have been added to Schedule 14.1 and the Plan maps of the AUP.

The proposed plan change will assist the Council to carry out its functions in order to achieve the purpose of the Act, being to promote the sustainable management of natural and physical resources.

Built heritage and character is identified as an issue of regional significance in the AUP's RPS⁴. Chapter B5.1 of the RPS states following issues:

- (1) *Auckland's distinctive historic heritage is integral to the region's identity and important for economic, social, and cultural well-being.*
- (2) *Historic heritage needs active stewardship to protect it from inappropriate subdivision, use and development.*

The approach of the AUP is to protect significant historic heritage from inappropriate subdivision, use, and development, in the context of the identified values of each historic heritage place. The AUP methods to achieve this protection are primarily focused on Schedule 14.1, which identifies and recognises historic heritage places and applies the provisions of the AUP's Historic Heritage Overlay to those places, as shown on the Plan maps. The provisions

³ RMA s32(1)(a)

⁴ AUP B1.4 Issues of regional significance (Note: the name of this issue has been amended in AUP B5 to Historic heritage and special character but the name of the issue in B1.4 has not yet been updated)

of the Historic Heritage Overlay apply to scheduled historic heritage places on land and in the coastal marine area.

The provisions of the Historic Heritage Overlay manage the protection, maintenance, modification, relocation, and use and development of the historic heritage places included in Schedule 14.1. The inclusion of historic heritage places in Schedule 14.1 means activities involving demolition and destruction, relocation, modification, and new buildings and structure may require a resource consent beyond that already required by AUP provisions of the underlying zoning of a property.

The evaluation of the six historic heritage places identified as part of proposed PC31 concludes that these places are of significance and should be included in Schedule 14.1. Due to the significance of these places, and the importance of protecting them from inappropriate subdivision, use and development, this is considered the most appropriate way to achieve the purpose of the Act, as outlined in the evaluation of options below.

3.1 Development of options

In the preparation of proposed PC31, the following options have been identified:

Option 1 – do nothing/retain the status quo

Option 2 – non-regulatory methods

Option 3 – other regulatory methods

Option 4 – a plan change to add the five historic heritage places to Schedule 14 and one special character area to Schedule 15.

Option 5 – a plan change to add the five historic heritage places and one historic heritage area to Schedule 14.

3.2 Evaluation of options

In accordance with Section 32(1)(b) and (2) of the Act, the options have been assessed on their appropriateness, efficiency, effectiveness, costs, benefits and risks. The results of this evaluation are included in this section and in Table 1: Summary of analysis under Section 32(2) below.

Option 1 – Adopt a ‘do nothing’ approach/retain the status quo

The ‘do nothing’ option means the six historic heritage places, including the one historic heritage area, that have been evaluated as having significant historic heritage values are not managed in any way. This includes not being identified in Schedule 14.1, and therefore not subject to the provisions of the AUP, including the Historic Heritage Overlay. By doing nothing, the values of these places will not be protected which may lead to the loss of their

significant historic heritage values through inappropriate subdivision, use and development which is inconsistent with RPS provisions of the AUP and section 6(f) of the RMA.

Option 2 – Non-regulatory methods

Non-regulatory methods for the protection and management of historic heritage places include advocacy, education, and the provision of information. This option is an alternative to including places in Schedule 14.1.

Heritage information held by Council includes GIS-based archaeological alert layers identifying recorded sites and areas where there is a high likelihood of unrecorded or unidentified sites. Council also holds information on land and project information memoranda (**LIMS and PIMS**), which is provided as advice notes on resource consents. Advice about places on the New Zealand Heritage List/Rārangī Kōrero (**NZHL/RK**) and the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu is also available. All of this information can be useful in assisting landowners to become more aware of any historic heritage values their property may contain.

Non-regulatory methods to manage and protect places with significant historic heritage values include non-statutory plans and strategies (e.g. spatial plans), and the use of Memoranda of Understanding (**MOU**) and interagency agreements with, for example, other regulatory agencies such as government departments and agencies, Council Controlled Organisations (**COOs**), and/or with other entities including Mana Whenua groups.

Funding and assistance such as heritage incentives and grants can also encourage the non-regulatory management and protection of historic heritage places. However, it should be noted that the investment of funding usually requires some manner of legal or statutory protection over a place, such as a historic heritage place being identified in Schedule 14.1.

Option 3 – Other regulatory methods

Scheduling historic heritage places is not the only approach for providing regulatory protection and management. The AUP recognises the use of heritage orders under the Act and covenants under the Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPTA**) as other methods to protect historic heritage places. Various statutory requirements under the HNZPTA are also available, and the use of the Reserves Act 1977 to create historic heritage reserves, where applicable, is another method for protection of historic heritage places.

A heritage order can only be undertaken by a 'heritage protection authority' which is limited to the Minister of Conservation, the Minister of Maori Affairs, a local authority or Heritage New Zealand Pouhere Taonga. The effect of a heritage order, under s193 of the Act, is that prior written consent of the heritage protection authority is required for any works on the land subject to the heritage order. This places a stricter legal regime on a landowner compared to

including places on Schedule 14, where demolition and destruction requires a resource consent but maintenance and repair is a permitted activity (if it complies with the standards).

In regard to covenants, there are costs associated with the preparation and registration of these on each certificate of title. The financial burden usually falls on the council, and therefore ratepayers, if the covenant is in favour of council. There may also be a cost to remove the covenant from the certificate of title if required at a future date and this would need agreement from all parties to the covenant.

Option 4 – Plan change to add a new area to Schedule 15 (Special Character Area Schedule, Statements and Maps) and five historic heritage places to Schedule 14 (Historic Heritage Schedule, Statements and Maps)

Option 4 is similar to Option 5 below in that it considers a plan change to still add five of the six heritage places to Schedule 14. However, Option 4 differs in that it considers whether the the Special Character Areas (SCA) Overlay – Residential and Business should instead be applied to an area, known as Upland Village, instead of being scheduled as an historic heritage area in Schedule 14.

The introduction to D18 Special Character Areas (SCA) Overlay – Residential and Business states that this overlay 'seeks to retain and manage the special character values of specific residential and business areas identified as having collective and cohesive values, importance, relevance and interest to the communities within the locality and wider Auckland region'.

The objectives and policies of D18.2 Special Character Areas Overlay – Residential and Business (SCA) provide for the special character values of an area to be maintained and enhanced. The provisions also discourage the removal or substantial demolition of buildings that contribute to the continuity or coherence of the special character area as identified in the special character statement of each area listed in Schedule 15.

The special character values for any given SCA can, and often are, derived from historical patterns of development. However, the policies focus on the maintenance and enhancement of the quality of the environment and the amenity created by those values irrespective of their origin. While special character area statements can include historical values, the special character of an area also includes other values such as visual amenity, built form, streetscape, vegetation and open space that may define, add to or support the character of the area.

The purposes of SCA – Residential and Business Overlay (the maintenance and enhancement of identified special character) and the Historic Heritage Overlay (the protection of historic heritage from inappropriate subdivision, use, and development) overlap to some degree in practice and similar outcomes can be achieved by both. However, the SCA – Residential and Business Overlay is not a method for protecting historic heritage.

This issue was discussed in regard to council's intention to strengthen the 'historic heritage' values of the SCA Overlay during the Auckland Unitary Plan hearing process. A recommendation of the Independent Hearing Panel (IHP)⁵ on this matter stated:

'In Section 32 and section 32AA terms it is more appropriate that those identified special character areas remain as special character, where there is a focus on streetscape character amenity values rather than the protection of historic heritage'.

The IHP recommended that council should undertake a plan change if it wished to change the basis for the controls on use and development from special character to historic heritage. The IHP also recommended that if the council wanted to protect currently unscheduled items, places and areas, then these should be identified, evaluated against the criteria, and then scheduled if meet the criteria through a future plan change.

This issue of whether the SCA Overlay was a method to protect historic heritage was further discussed as part of an appeal to, and within the decision of, the Environment Court⁶. The Environment Court decision determined that 'the objectives and policies in the Unitary Plan refer to the 'maintenance and enhancement' of character and amenity values or identified special character values and not the 'protection of historic heritage''. Paragraph [168] of the decision also states that while special character statements 'contain references to historic values (in the sense of historical context), there are no references to historic heritage values'.

In the case of this proposed plan change, Upland Village has been evaluated under the criteria and thresholds of B5.2.2 (Policies) for significant historic heritage. This evaluation has determined that the area is eligible for scheduling as an Historic Heritage Area. Therefore, the most appropriate method provided to protect its historic heritage values in the Auckland Unitary Plan is to propose its inclusion in Schedule 14.1 as a historic heritage area.

Option 5 – Plan change to add the six historic heritage places, including the one historic heritage area, to Schedule 14

The AUP provides for the protection and management of historic heritage places by their inclusion in the Historic Heritage Overlay, as identified in Schedule 14.1 and in the AUP maps.

The objectives of the Historic Heritage Overlay are:

- to support and enhance the protection, maintenance, restoration and conservation of historic heritage places included in Schedule 14.1
- to protect these places from inappropriate subdivision, use and development, and
- to enable the appropriate subdivision, use and development (including adaptation), of these places.

⁵ Auckland Unitary Plan Independent Hearings Panel. (July 2016). Report to Auckland Council Hearing Topics 010, 029, 030, 079 Special Character and pre-1944. Page 10.

⁶ Decision No: [2018] NZ EnvC 186. *Housing New Zealand Corporation v Auckland Council*. (Paragraph [168] page 55).

The Historic Heritage Overlay policies seek to manage the use and development in a way which avoids significant adverse effects on these historic heritage places. The rules of the Historic Heritage Overlay are triggered when a proposed development has the potential to affect the values of a historic heritage place. Maintenance and repair of these places, for example, is permitted (where comply with the standards), while demolition and destruction is either a prohibited activity or a non-complying or discretionary activity. In these cases, this is dependent on the category (significance) of the historic heritage place.

The addition of historic heritage places will provide for the identification and protection of these places, and will ensure that their historic heritage values are considered when the use and development of these places is proposed.

Options	Efficiency and effectiveness of provisions in achieving the objectives ⁷	Benefits	Costs
<p>Option 1 Do nothing/retain status quo</p>	<p>The 'do nothing' option is not an efficient or effective option. This is because there is no mechanism that will protect the significant heritage values which have been identified through the evaluations.</p> <p>This option will also not achieve the objectives of proposed PC31 to manage and protect the significant historic heritage values of these five places and one area.</p> <p>Potentially, these places could wait for a future plan change with more places being added to Schedule 14.1 to be more efficient. However, this would not be effective in protecting the historic heritage values of these places which could be lost before a future plan change is undertaken.</p>	<p>No cost to Council to undertake a public plan change; an economic benefit.</p> <p>The historic heritage values of the identified properties would not need to be taken into account if the landowners wanted to develop their land. In addition, a landowner may not require a resource consent for certain activities which are permitted activities within an underlying zoning (depending on whether comply with all relevant standards of that zone). These may be perceived as benefits to the landowner.</p>	<p>Potential cost to the environment through possible loss of significant historic heritage values due to inappropriate subdivision, use and development. Any loss would be contrary to both the provisions of the AUP and the purpose of the Act. This loss would be to both current and future generations.</p> <p>The historic heritage values of the identified places would not need to be taken into account in relation to any growth and development opportunities – this loss of heritage could be perceived as a cost to society.</p>
<p>Option 2 – Non-regulatory methods</p>	<p>Advocating for and provision of education and information to landowners may help their understanding of the values and significance of historic heritage places, and how these places are managed. However, consideration of these matters is at the discretion of the landowners as this option is non-regulatory. This could lead to inefficiency if effort is put into the provision of information, education and advocacy, but such effort does not result in any additional protection of significant historic heritage values.</p> <p>Funding, such as grants, is a non-regulatory method of assisting with the protection of historic heritage values. However, such funding usually first requires a regulatory</p>	<p>Potentially no cost at present to Council to undertake a public plan change; an economic benefit.</p> <p>The historic heritage values of the identified properties would not need to be taken into account if the landowners wanted to develop their land. In addition, a landowner may not require a resource consent for certain activities which are permitted activities within an underlying zoning (depending on whether the activity complies with all relevant standards of that zone). These may be perceived as benefits to the landowner.</p> <p>Advocating to and providing education and information could be seen as a benefit to the landowner, and to Council, as this may lead to a greater understanding</p>	<p>Potential cost to Council to advocate for and provide education and information to landowners where this does not lead to any additional protection of the significant historic heritage value of a place or area.</p> <p>Potential cost to the environment through possible loss of significant historic heritage values due to inappropriate subdivision, use and development. Any loss would be contrary to both the provisions of the AUP and the purpose of the Act. This loss would be to both current and future generations.</p> <p>The historic heritage values of the identified places would not need to be taken into account in relation to any growth and development opportunities – this loss of heritage could be perceived as a cost to society.</p>

⁷ RMA s32(1)(b)(ii)

Options	Efficiency and effectiveness of provisions in achieving the objectives ⁷	Benefits	Costs
	<p>method, such as scheduling, to ensure a place receives priority consideration for a grant and to justify the investment of public funding.</p> <p>In summary, non-regulatory methods are not considered an efficient or effective option to achieve the objectives of proposed PC31 on their own. These methods are unlikely to protect the significant historic heritage values that have been identified in the evaluations of these places.</p>	<p>and willingness of the landowner to protect the historic heritage values of a place.</p> <p>Funding may be seen as a potential benefit as this means less cost is borne by the landowner.</p>	<p>Potential cost of a plan change, in addition to funding, as funding usually first requires a regulatory method, such as scheduling, to receive priority consideration for a grant.</p>
<p>Option 3 – other regulatory methods</p>	<p>Covenants and heritage orders are effective options to protect the values of significant historic heritage places.</p> <p>However, the protection and management of each historic heritage place, and area, included in proposed PC31 by methods such as covenants and heritage orders is likely to be a time consuming and costly administrative process, as each place would require a separate regulatory process.</p> <p>In summary, other regulatory methods may be effective in achieving the objectives of proposed PC31 but are not the most efficient option to achieve the objectives of the plan change.</p>	<p>The significant values of historic heritage places will be protected from inappropriate subdivision, use and development. This environmental benefit will on an ongoing basis, for current and future generations.</p> <p>Other regulatory options for protecting historic heritage do provide certainty to landowners as the regulatory controls are clearly set out, and relate to the significance of a historic heritage place.</p>	<p>There are costs associated with the preparation and registration of a covenant on each certificate of title. The financial burden usually falls on the Council, and therefore ratepayers, if the covenant is in favour of Council. There may also be a cost to remove the covenant from the certificate of title if required at a future date and this would need agreement from all parties to the covenant.</p> <p>There are costs associated with the preparation of a Heritage Order. Each order requires a notice of requirement and submissions process, and similar to decisions on a plan change, the local authorities recommendation on a heritage order may be appealed to the Environment Court. In addition, the Environment Court can order that the land subject to a heritage order is purchased by the heritage protection authority.</p> <p>Cost to the landowner as prior written consent of the heritage protection authority is required for any works on land subject to a heritage order. This may result in time delays, and other costs, where the works are for maintenance or repair which is a permitted activity.</p>

Options	Efficiency and effectiveness of provisions in achieving the objectives ⁷	Benefits	Costs
<p>Option 4 – Plan Change to add five historic heritage places to Schedule 14 and special character area to Schedule 15</p>	<p>The historic heritage values of the Upland Village have been identified and evaluated against the criteria of B5.2.2. The evaluation shows that it meets the criteria and thresholds of a historic heritage place. The most efficient and effective method of protecting significant historic heritage values in the AUP is to apply the Historic Heritage Overlay.</p> <p>The SCA – Residential and Business Overlay is for the purpose of ‘maintaining and enhancing the identified special character of an area’ rather than the ‘protection of historic heritage from inappropriate subdivision, use and development’. This option would therefore not achieve the purpose of the proposed plan change.</p>	<p>The significant historic heritage values of the five historic heritage places will be protected from inappropriate subdivision, use and development. This environmental benefit will be on an ongoing basis, for current and future generations.</p> <p>The identification of a place on Schedule 14.1 provides an opportunity to increase landowner awareness of historic heritage values, and may lead to beneficial outcomes to the place in terms of the protections of these values.</p> <p>The addition of places to Schedule 14.1 provides certainty to landowners as the regulatory controls are clearly set out and clearly related to the significance of a historic heritage place. Protection is provided to priority places so that heritage values are retained. This provides social and cultural benefits through the recognition, protection and appropriate management of historic heritage places.</p> <p>Support is offered to landowners of scheduled historic heritage places through provisions relating to the use of scheduled places, including reducing or waiving consent application costs, provision of free expert advice, and transferable development rights (in some areas).</p> <p>The identification of a historic heritage place in Schedule 14.1 is likely to afford a landowner a higher priority for grants and other financial assistance as this method of support usually relies on some manner of legal or statutory control over a place.</p> <p>The inclusion of a special character area means that the historical context of that area would be identified when compared to the requirements of the underlying zone. There are also demolition controls which are similar those of the Historic Heritage Overlay.</p>	<p>Potential cost to the environment through possible loss of significant historic heritage values identified in the evaluation of Upland Village due to inappropriate subdivision, use and development. The use of the SCA – Residential and Business Overlay is not a method to protect historic heritage. Any loss would be contrary to both the provisions of the AUP and the purpose of the Act. This loss would be to both current and future generations.</p> <p>While the historical values of Upland Village would need to be considered in relation to any growth and development opportunities, this would be considered and balanced amongst other values, such as streetscape and visual amenity. The historic heritage values identified in the evaluation would not need to be taken into account – a potential loss of historic heritage could be perceived as a cost to society.</p> <p>Landowners of properties within a Special Character Area are not offered the same support, such as reduced or waived application costs, free expert advice, or priority for grants, than if the property was subject to the Historic Heritage Overlay.</p> <p>Financial cost relating to a Council-initiated plan change, which extend to an appeal to the Environment Court.</p> <p>Potential cost related to development opportunity of the addition of a place to Schedule 14.1 (and application of the Historic Heritage Overlay) and the area to Schedule 15.</p> <p>Costs to Council relating to the provision of heritage advice on the additional historic heritage places and for processing any resource consents received that relate to these places.</p>

Options	Efficiency and effectiveness of provisions in achieving the objectives ⁷	Benefits	Costs
<p>Option 5 Plan change to add six historic heritage places (including one historic heritage area) to Schedule 14</p>	<p>The addition of the five historic heritage places, and one historic heritage area, to Schedule 14.1 means that their values, and significance are clearly identified. The management regime applying to these places (e.g. Historic Heritage Overlay) is clearly established as an effective method of protecting significant historic heritage values.</p> <p>One plan change to add these five places, and one area, is a more efficient way to meet the objectives of proposed PC31, compared to the separate regulatory processes of Option 3 that would be required to effectively protect their historic heritage values.</p> <p>The inclusion of the identified places, and area, in Schedule 14.1 will help ensure the objectives of the AUP and purpose of the Act are achieved, as well as the Council's statutory requirements for the AUP to give effect to its RPS section.</p> <p>The five historic heritage places and one historic heritage area proposed to be included in PC31 will be clearly identified in Schedule 14.1 and the planning maps. The management regime applying to them is efficient and effective as it is clearly established for Council, landowners and interested parties. Policies provide a framework for the appropriate use and development of historic heritage places. Rules are an effective way to enable</p>	<p>The significant historic heritage values of the five historic heritage places and one historic heritage area will be protected from inappropriate subdivision, use and development. This environmental benefit will be on an ongoing basis, for current and future generations.</p> <p>The identification of a place on Schedule 14.1 provides an opportunity to increase landowner awareness of historic heritage values, and may lead to beneficial outcomes to the place in terms of the protections of these values.</p> <p>The addition of places to Schedule 14.1 provides certainty to landowners as the regulatory controls are clearly set out and clearly related to the significance of a historic heritage place. Protection is provided to priority places so that heritage values are retained. This provides social and cultural benefits through the recognition, protection and appropriate management of historic heritage places.</p> <p>Support is offered to landowners of scheduled historic heritage places through provisions relating to the use of scheduled places, including reducing or waiving consent application costs, provision of free expert advice, and transferable development rights (in some areas).</p> <p>The identification of a historic heritage place in Schedule 14.1 is likely to afford a landowner a higher priority for grants and other financial assistance as this method of support usually relies on some manner of legal or statutory control over a place.</p>	<p>Financial cost relating to a Council-initiated plan change, which may extend to an appeal to the Environment Court.</p> <p>Potential cost related to development opportunity of the addition of a place to Schedule 14.1 and the application of the Historic Heritage Overlay provisions. For example, where properties are zoned for a higher density development cost to landowners may increase if there is a loss of development opportunity.</p> <p>There are costs to Council relating to the provision of heritage advice on the additional historic heritage places and for processing any resource consents received that relate to these places.</p>

Options	Efficiency and effectiveness of provisions in achieving the objectives ⁷	Benefits	Costs
	<p>protection, maintenance and adaptation of scheduled places. Permitted activity statuses allow maintenance and repair to be undertaken without the need for resource consent.</p> <p>The identification and management of historic heritage places by including them in Schedule 14.1 is considered the most efficient and effective means to achieve the objectives of proposed PC31 and the purpose of the Act.</p>		

3.3 Risk of acting or not acting

Section 32(2)(c) of the Act requires this evaluation to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. There is considered to be sufficient information about the historic heritage places included in proposed PC31 for the plan change to proceed.

The section 32 evaluation will continue to be refined in relation to any new information that may arise following notification, including information arising from submissions on proposed PC31 and during hearings on the plan change.

3.4 Reasons for the preferred option

The five historic heritage places and one historic heritage area proposed to be included in proposed PC31 have been evaluated against the AUP factors and thresholds and have been determined to be eligible for inclusion in Schedule 14.1 (refer to Section 5 in relation to the development of proposed PC31). The five places and one area have been determined to be of such historic heritage significance that if they were destroyed or modified in an inappropriate way significant values of Auckland's historic heritage will be lost. Therefore the 'do nothing' approach is not considered to be an appropriate option for the management of these places.

Non-regulatory methods used in isolation are not an appropriate way to meet the objectives of proposed PC31 as they are unlikely to effectively protect the values of historic heritage places where pressure for development and redevelopment is high, or where the historic heritage values of a place are not clearly understood or appreciated as being part of Auckland's heritage. It is considered that non-regulatory methods are more appropriately used in conjunction with Schedule 14.1, rather than being the only approach taken.

Other regulatory methods, such as heritage orders and covenants, may provide effective protection to historic heritage places, but this is not considered the most efficient way to protect the places subject to proposed PC31. The individual statutory processes required to introduce such regulation is not efficient. In addition, if heritage orders and/or covenants were undertaken for each property affected by proposed PC31 these may have different conditions attached to each of them which varies, and may weaken, the effectiveness of protecting historic heritage values of places in a consistent way. Regulatory methods are more appropriately used in conjunction with Schedule 14.1, rather than in isolation.

The addition of the five historic heritage places and one historic heritage area to Schedule 14.1 is considered to be the most efficient and effective option to meet the objectives of proposed PC31. This option protects and manages their historic heritage values as part of proposed PC31 in a clear manner. The five historic heritage places and one historic heritage area proposed to be included in PC31 have been identified as being significant historic heritage places locally with two places also being recognised as being of regional and national importance (Colonial Ammunition Company Bulk Store and Riverina). Their identification in Schedule 14.1 provides benefits to landowners in terms of advice and assistance to manage the values of these historic heritage places.

The evaluation of options in section 3.2 of this report shows that the preferred option for meeting the objectives of the proposal, and the most efficient and effective option, is a plan change to the AUP to add the five historic heritage places and one historic heritage area to Schedule 14.1.

In accordance with section 32(1)(a) of the Act, the objectives of the proposal are the most appropriate way to achieve the purpose of the Act. No new objective or policy is proposed in proposed PC31. Proposed PC31 uses the existing objectives, policies and rule framework for the recognition and protection of historic heritage.

4 Resource Management Framework

4.1 Part 2 of the Act

The purpose of the Act is to promote the sustainable management of natural and physical resources, as defined in section 5(2) of the Act. Part 2 matters in the Act relevant to significant historic heritage as provided for in the AUP include:

- Section 6(f) the protection of historic heritage from inappropriate subdivision, use and development.

Sections 7 and 8 of the Act are also relevant to historic heritage:

- section 7(aa) the ethic of stewardship,
- section 7(c) the maintenance and enhancement of amenity values,
- section 7(f) the maintenance and enhancement of the quality of the environment,
- section 7(g) finite characteristics of natural and physical resources, and
- section 8 the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Proposed PC31 is consistent with Part 2 of the Act, and in particular with the purpose of the Act, as it seeks to provide for the sustainable management of Auckland's historic heritage resources.

The proposed addition of the five historic heritage places and one historic heritage area in Schedule 14.1 and the Plan maps will provide for the use, development, and protection of these physical resources and for them to be managed in a way, or at a rate which enables people and communities to provide for their social, economic, and cultural well-being, and for their health and safety.

The management and protection of historic heritage is a core responsibility of the Council's role in exercising its powers and functions under the Act. The scheduling of historic heritage places is an appropriate method for assisting the management of significant historic heritage resources in Auckland. Through their identification, evaluation and addition to Schedule 14.1, historic heritage places are subject to appropriate objectives, policies and rules. Schedule 14.1 is therefore an important tool to assist in avoiding, remedying and mitigating adverse effects on historic heritage places in order to protect them from inappropriate subdivision, use and development.

4.2 Other relevant sections of the Act

Section 31(1)(a) of the Act states that a function of the Council is: the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district. It is considered that proposed PC31 assists the Council to carry out its functions as set out in section 31 of the Act. Proposed PC31 is an appropriate method to manage the effects of use and development on Auckland's historic heritage resources.

Section 74 of the Act sets out the matters to be considered by a territorial authority when preparing or changing its district plan. These matters include any proposed RPS, proposed regional plan, and management plans or strategies prepared under other legislation, relevant entries in the New Zealand Heritage List/Rārangī Kōrero (**NZHL/RK**), to the extent that these are relevant to the resource management issues of the district. The authority must take into account any relevant planning document recognised by an iwi authority to the extent that its content has a bearing on the resource management issues of the district, but must not have regard to trade competition.

When determining the date on which a plan change takes effect the Act provides in section 86B(3) that:

A rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified.

Exceptions are provided in section 86B(3) of the Act, where a rule in a proposed plan has immediate legal effect if the rule:

(d) protects historic heritage.

Schedule 14.1 is a rule in the AUP, and the proposed addition of historic heritage places to that schedule is a rule that protects historic heritage. In accordance with section 86B(3) of the Act, proposed PC31 should have immediate legal effect.

4.3 National Policy Statements

National policy statements are instruments issued under section 52(2) of the Act and state objectives and policies for matters of national significance. The AUP is required to give effect to any national policy statements⁸. The only national policy statement that is relevant to the proposed plan change is the National Policy Statement on Urban Development Capacity 2016.

National Policy Statement on Urban Development Capacity 2016

This policy statement sets out the objectives and policies for providing development capacity under the Act. It recognises the national significance of urban environments and the need to enable them to develop and change and to provide sufficient development capacity to meet

⁸ RMA s67(3) and s75(3)

the needs of people and communities and for future generations. However, the policy statement does not anticipate development occurring with disregard to its effects. Planning decisions need to meet, amongst other objectives and policies, Objective A – Outcomes for planning decisions. Objective A1 states the following:

OA1: Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing.

As stated above in Section 4.1, proposed PC31 is consistent with Part 2 of the Act, and in particular with the purpose of the Act, as it seeks to provide for the sustainable management of Auckland's historic heritage resources.

The proposed addition of the five historic heritage places and one historic heritage area in Schedule 14.1 and the Plan maps will provide for the use, development, and protection of these physical resources and for them to be managed in a way, or at a rate which enables people and communities to provide for their social, economic, and cultural well-being, and for their health and safety.

As part of this section 32 evaluation, development potential of the properties proposed to be scheduled has been considered. It is considered that the significant historic heritage values identified in the evaluations outweighs the development capacity of the underlying zones. The matter of historic heritage and loss of development capacity was discussed in the decision of Plan Change 7 where the independent commissioners stated the following:

'if a place clearly meets and exceeds the criteria for listing, then it is reasonable to assume that the place has high heritage values , and on the face of it, these values are likely to outweigh other factors. To do otherwise would be to undermine the direction of section 6 of the RMA that heritage be protected from inappropriate development'⁹.

The decision also states that:

'the protection of historic heritage is a matter of national importance under the RMA. If there are concerns about lost development opportunity from historic heritage protection, then that may be addressed by adjustments to the general zoning patterns and envelopes, rather than not affording protection to recognised features and places'¹⁰.

The effect of scheduling, and reasonable use, of these places proposed to be included in the plan change has been discussed below in Section 6.

4.4 National Environmental Standards

There are currently five National Environmental Standards in force as regulations, but none of these relate to the management and protection of historic heritage.

⁹ Decision on Plan Change 7 – Additions to Schedule 14 Historic Heritage, 20 February 2019, pg. 13.

¹⁰ Decision on Plan change 7 – Additions to Schedule 14 Historic Heritage, 20 February 2019, pg. 13.

4.5 National Planning Standards

The purpose of the National Planning Standards (**Standards**) is to improve consistency in plan and policy statement structure, format and content so they are easier to prepare, understand, compare, and comply with. The Standards will also support implementation of national policy statements and help people observe the procedural principles of the Act.

The Standards were introduced as part of the 2017 amendments to the Act and have been under development since that time. The Minister for the Environment and the Minister of Conservation approved the first set of Standards on 5 April 2019. The Standards must be implemented within the specified timeframes. Unitary councils have ten years to adopt the Standards, unless a full plan review is undertaken within this timeframe (in this case the new plan must meet the Standards when it is notified for submissions). As the first set of Standards has only recently been approved, this plan change is not required to implement them.

4.6 Other Acts

Heritage New Zealand Pouhere Taonga Act 2014

Heritage New Zealand Pouhere Taonga (**Heritage NZ**) is the principal agency operating under the Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPTA**). Heritage NZ maintains the NZHL/RK¹¹ for the purposes of providing information to the public and landowners, and to promote and assist in the protection of these places. The NZHL/RK is primarily an advocacy tool and the inclusion of a place on the NZHL/RK does not in itself protect the place.

Protection of some heritage places is also achieved through the regulatory provisions of the HNZPTA. Part 3 of the HNZPTA requires any person wishing to undertake work that may damage, modify or destroy an archaeological site to obtain an authority from Heritage NZ for that work.

There are two properties, affected by the proposed plan change, which are listed on the New Zealand Heritage List/Rārangi Kōrero:

- ID No. 7656 – McLaren Garage (Former), 586-592 Remuera Road, Remuera) which is located within the proposed historic heritage area. This property is also already scheduled in the Auckland Unitary Plan (AUP ID 1828).
- ID No. 489 – Riverina, 46 Wilson Road, Warkworth.

As outlined above, the RPS sets out the factors and thresholds against which historic heritage places are to be evaluated to determine whether they warrant inclusion in Schedule 14.1 of the AUP. The threshold for inclusion for scheduling is generally aligned with criteria outlined in the HNZPTA for inclusion in the NZHL/RK.¹² Including these places on the Schedule within the AUP is generally complementary to, and compatible with, the NZHL/RK and the HNZPTA.

Hauraki Gulf Marine Park Act 2000

The Hauraki Gulf Marine Park Act 2000 (**HGMPA**) was established to promote the integrated management and the protection and enhancement of the Hauraki Gulf, its islands, and its catchments. In order to achieve the purpose of the HGMPA, all persons exercising powers or carrying out functions for the Hauraki Gulf under any Act specified in Schedule 1 must, in addition to any other requirement specified in those Acts for the exercise of that power or the carrying out of that function, have particular regard to the provisions of sections 7 and 8.

Section 7 of the HGMPA recognises the national significance of the Hauraki Gulf. Section 8 of the HGMPA seeks to protect and enhance the Hauraki Gulf's resources, including its historic resources.

The Hauraki Gulf Marine Park includes all the coast and coastal marine area from Mangawhai in the north and to an area beyond the Auckland region in the south. The catchment area of

¹¹ The NZHL/RK includes historic places, historic areas, waahi tapu and waahi tapu areas

the park extends inland to the first ridgeline. Some of the historic heritage places proposed to be included in proposed PC31 are therefore within the boundaries of the HGMPA area.

The addition of the historic heritage places within the Hauraki Gulf Island Marine Park Act area has particular regard to sections 7 and 8 of the HGMPA as it will assist in the protection and enhancement of these places and is therefore compatible with the HGMPA.

4.7 The Auckland Plan 2050

Recognition of the value of Auckland's cultural heritage and the importance of its protection is a core component of the Environment and Cultural outcome that 'Aucklanders preserve, protect and care for the natural environment as our shared cultural heritage, for its intrinsic value and for the benefit of present and future generations. 'Natural environment', as defined by the Auckland Plan, is part of Auckland's shared cultural heritage¹³. Cultural heritage includes:

- Tangible culture such as buildings, monuments, landscapes, books, works of art and artifacts
- Intangible culture such as folklore, traditions, language, and knowledge
- Natural heritage including culturally significant landscapes and biodiversity.

The Auckland Plan 2050 includes the following direction 'Ensure Auckland's natural environment and cultural heritage is valued and cared for'¹⁴. The Auckland Plan states that council must actively seek opportunities to protect and enhance these values (including cultural heritage values) through our short and long-term decisions.

Proposed PC31 will assist with the protection and conservation of Auckland's historic heritage for the benefit and enjoyment of present and future generations.

4.8 The Auckland Unitary Plan

When preparing or changing a district plan, Council must give effect to any RPS and have regard to any proposed RPS¹⁵. The RPS identifies a number of issues of regional significance, including:

B2: Tāhuhu whakaruruhau ā-taone – Urban growth and form

Chapter B2 sets out the objectives and policies for urban growth and form in the region. The chapter states that 'a quality built environment is one which enhances opportunities for people's wellbeing by ensuring that new buildings respond to the existing built and natural environment in ways that promote the plan's objectives and maintain and enhance the amenity values of an area'. The objectives and policies of Chapter B2 provide direction on urban growth and form, a quality built environment, residential growth, and commercial and industrial growth.

¹³ Cultural Heritage is the term used to describe the ways of living developed by a community and passed on from generation to generation.

¹⁴ Auckland Plan, Environment and Cultural Heritage: Direction 1

¹⁵ RMA s74(2) and s75(3)

Objective B2.3.1 requires that, amongst other matters, a quality built environment is where subdivision, use and development 'responds to the intrinsic qualities and physical characteristics of the site and area, including its setting'. This objective is supported by Policy B2.3.2(1) which requires that the form and design of subdivision, use and development is managed so that, amongst other matters, it 'supports the planned future environment, including its shape, landform, outlook, location and relationship to its surrounding, including landscape and heritage'.

Proposed PC31 aligns with the objectives and policies of B2, including Objective B2.3.1 and Policy B2.3.2(1). While some of the historic heritage places proposed to be included in PC31 have an underlying zone, such as business or THAB, that provides capacity for growth and density, the plan change does not necessarily constrain urban growth or impact on land capacity.

As discussed further below in Section 6, the inclusion of a place in Schedule 14.1, and the associated application of the Historic Heritage Overlay, has the potential to affect the development of a place. For example, subdivision of a historic heritage place is a discretionary activity in all parts of the overlay (apart from the non-contributing sites in an historic heritage area), and new buildings or structures are a discretionary or restricted discretionary activities. However, it is important to recognise that maximum development potential under the provisions of the AUP is affected by a range of factors, not just the Historic Heritage Overlay. The underlying zoning of a property, and any relevant precinct, other overlays, or AUP provisions that apply to a property may result in other objectives, policies and rules to apply that may also affect the development potential of a property.

By protecting specific places, proposed PC31 recognises their significant historic heritage values and applies a management regime that requires consideration of those values when development, including subdivision, is proposed.

B3 Ngā pūnaha hanganga, kawekawe me ngā pūngao – Infrastructure, transport and energy

Chapter B3 emphasises the importance of infrastructure, transport and energy to the Auckland region, and sets out objectives and policies to recognise this importance. Development, operation, maintenance and upgrading of infrastructure is enabled while managing the adverse effects on the quality of the environment and, in particular, natural and physical resources that have been scheduled in the AUP, including historic heritage¹⁶. This is supported by Policy B3.1.2.6, while enabling development, operation, maintenance and upgrades to infrastructure, directs that adverse effects are avoided, where practicable, or otherwise remedied or mitigated.

One of the historic heritage places (Remuera School Memorial Gates) and two properties within the historic heritage area (Vector substation and AT car park) proposed to be included

¹⁶ AUP B3.2.1 Objective 3(a)

in PC31 are part of Auckland's infrastructure. All of these are subject to designations under the AUP. Designations are discussed below in Section 6.3.

B5 Ngā rawa tuku iho me te āhua - Historic heritage and special character

Chapter B5 sets out the objectives and policies for historic heritage and special character. The chapter states that significant historic heritage places should be identified and protected from inappropriate subdivision, use and development. The chapter also supports the use of historic heritage places, where this use will support the retention of, or will not detract from, the historic heritage values of the place. These two objectives are as below:

- (1) *Significant historic heritage places are identified and protected from inappropriate subdivision, use and development.*
- (2) *Significant historic heritage places are used appropriately and their protection, management and conservation are encouraged, including retention, maintenance and adaptation.*

These objectives are supported by policies B5.2.2 (1) to (9). The objective of Proposed PC31 aligns with these objectives and policies as the plan change seeks to identify and protect historic heritage places by adding them to Schedule 14.1 of the AUP.

B6 Mana Whenua

The objectives and policies in B6.3 Recognising Mana Whenua values are relevant to Proposed PC31. The draft plan change, along with the draft s32 evaluation report, was provided to iwi authorities on 4 July 2019. As at 17 July 2019, there has been one response from 1 out of the 19 iwi authorities. This was from Te Rūnanga o Ngāti Whātua who advised that they had an interest in the area, deferred those interests to Ngāti Whātua o Ōrākei in the anticipation that they would provide an appropriate response, and anticipated that their future involvement would be determined following Ngāti Whātua o Ōrākei's due consideration. As at 22 July 2019, there has been no response received from Ngāti Whātua o Ōrākei.

B8 Toitū te taiwhenua – Coastal environment

This chapter contains objectives and policies relating to the natural character of the coastal environment; subdivision, use and development of the coastal environment; public access and open space; and managing the Hauraki Gulf. Objectives and policies relevant to proposed PC31 include:

- Objective B8.5.1, which seeks that the management of the Hauraki Gulf gives effect to Sections 7 and 8 of the HGMPA (refer to analysis in Section 4.6 above)
- Policy B8.3.2(b), which seeks the avoidance of urban activities in areas with natural and physical resources that have been scheduled in the AUP for historic heritage, amongst other values.

While none of the proposed historic heritage places, or the historic heritage area, is directly located within the coastal environment, in the wider context they are located within the Hauraki Gulf catchment boundaries as defined by the HGMPA. The objective of the plan change aligns

with the coastal provisions of the AUP in that it seeks to identify places and ensure that any subdivision, use and development of the place is appropriate to the values of those places.

5 Development of the Proposed Plan Change

This section outlines the development of proposed PC31 and the consultation undertaken in preparing the plan change.

5.1 Methodology

Background

Each historic heritage place included in proposed PC31 has been evaluated for its historic heritage significance in accordance with the Council's Methodology for Evaluating Historic Heritage Significance (**Methodology**). The evaluations were undertaken between 2018 and 2019.

The methodology is a non-regulatory method of achieving the objectives and policies of the AUP. It provides guidance on the process of evaluating the significance of historic heritage places against the factors set out in the RPS. The methodology outlines the process of evaluating historic heritage significance, which is based on the following steps in the RPS:

1. identify and evaluate heritage values against the historic heritage significance factors set out in Policy B.5.2.2(1) of the AUP, being (a) historical, (b) social, (c) Mana whenua, (d) knowledge, (e) technological, (f) physical attributes, (g) aesthetic, and (h) context
2. prepare a statement of significance
3. State whether the place meets the threshold for scheduling as a historic heritage place (Category A or Category B), or an historic heritage area
4. recommend whether the place should be scheduled and if so define the extent of the area recommended for scheduling.

The five historic heritage places, and one heritage area, proposed to be included in PC31 has been recommended for scheduling as they have been evaluated as having considerable or outstanding value in relation to one or more the RPS evaluation factors. In addition, they also have considerable or outstanding overall significance to their locality or a greater geographic area (AUP Policy B5.2.2.(3)).

Proposed PC31 includes one Category A historic heritage place, four Category B places, and one historic heritage area. Policy B5.2.2.(4) outlines the classification of historic heritage places into categories:

- **Category A:** historic heritage places that are of outstanding significance well beyond their immediate environs
- **Category B:** historic heritage places that are of considerable significance to a locality or beyond
- **Historic heritage areas:** groupings of interrelated but not necessarily contiguous historic heritage places or feature that collectively meet the criteria for inclusion in

Schedule 14.1 Schedule of Historic Heritage in Category A or B and may include both contributing and non-contributing places or features, places individually scheduled as Category A or B, and notable trees.

Policy B5.2.2.(2) of the RPS requires the location and physical extent of each historic heritage place to be identified. This area, known as the 'extent of place', is the area that contains the historic heritage values of the place. Where appropriate, this may include any area that is relevant to an understanding of the function, meaning and relationships of the historic heritage values of the place.

The known heritage values, the primary feature(s), and the exclusions from protection of each historic heritage place, are identified in the historic heritage evaluation and this information is shown in Schedule 14.1 (RPS Policy B5.2.2(5)).

Each evaluation was peer reviewed and approved for release by Council's Heritage Manager. The peer review process ensures that there is consistency with the AUP and that there is consistent application of the methodology amongst different reviewers. Where an evaluation preceded the AUP being operative in part, the primary feature of Category B places were not required to be identified. For these evaluations, the peer reviewer has identified the primary feature and added it to the evaluation.¹⁷

5.2 Consultation undertaken

In accordance with clause 3 of Schedule 1 of the Act, during the preparation of a proposed policy statement or plan, the local authority shall consult with:

- a) *the Minister for the Environment; and*
- b) *those other Ministers of the Crown who may be affected by the policy statement or plan; and*
- c) *local authorities who may be so affected; and*
- d) *the tangata whenua of the area who may be so affected, through iwi authorities; and*
- e) *any customary marine title group in the area.*

A local authority may consult anyone else during the preparation of a proposed policy statement or plan.

Letters were sent on 4 July 2019 to the Minister for the Environment, Minister of Conservation and Heritage New Zealand, advising the organisations about proposed PC31. Heritage NZ responded, on 19 July 2019, to advise of their interest in the proposed plan change and an initial view of support. To date, no other responses have been received.

Consultation with iwi authorities

In accordance with clause 3B of Schedule 1 of the Act, for the purposes of clause 3(1)(d), a local authority is to be treated as having consulted with iwi authorities in relation to those whose details are entered in the record kept under section 35A, if the local authority—

¹⁷ Note: Where this has occurred, it is clearly marked in the evaluation.

- (a) considers ways in which it may foster the development of their capacity to respond to an invitation to consult; and*
- (b) establishes and maintains processes to provide opportunities for those iwi authorities to consult it; and*
- (c) consults with those iwi authorities; and*
- (d) enables those iwi authorities to identify resource management issues of concern to them; and*
- (e) indicates how those issues have been or are to be addressed.*

In addition to the above, recent legislation changes to the Act introduced the following sections in relation to iwi authorities:

Section 32(4A):

(4A) If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—

- (a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and*
- (b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.*

Schedule 1

4A Further pre-notification requirements concerning iwi authorities

(1) Before notifying a proposed policy statement or plan, a local authority must—

(a) provide a copy of the relevant draft proposed policy statement or plan to the iwi authorities consulted under clause 3(1)(d); and

(b) have particular regard to any advice received on a draft proposed policy statement or plan from those iwi authorities.

(2) When a local authority provides a copy of the relevant draft proposed policy statement or plan in accordance with subclause (1), it must allow adequate time and opportunity for the iwi authorities to consider the draft and provide advice on it.

In accordance with Schedule 1 clause 4A, copies of the draft plan change, and draft section 32 report were sent to all iwi authorities of the Auckland region on 4 July 2019. As at 17 July 2019, there has been one response from 1 out of the 19 iwi authorities. This was from Te Rūnanga o Ngāti Whātua who advised that they had an interest in the area, deferred those interests to Ngāti Whātua o Ōrākei in the anticipation that they would provide an appropriate response, and anticipated that their future involvement would be determined following Ngāti Whātua o Ōrākei's due consideration.

A response from Ngāti Whātua o Ōrākei, received on 18 July 2019, advised that they do not need to engage in this instance, but would be grateful if they were kept in the information loop. An email was sent to Te Rūnanga o Ngāti Whātua, on 23 July 2019, to advise them of the

response from Ngāti Whātua o Ōrākei. As at 19 August 2019, no other responses have been received.

Consultation with elected members and Local Boards

Four of the six historic heritage places, including the one historic heritage area proposed to be included in PC31 are within the Ōrākei Local Board area. The Ōrākei Local Board funded the evaluations of these places and requested that the landowners be contacted prior to notification; this was agreed to by Council's Heritage Unit. This is a different approach compared to previous historic heritage plan changes where public notice has been given as required by Section 5A (Schedule 1 of the RMA). As this approach is different, it was considered appropriate, for consistency, that landowners of the two other historic heritage places, in the Rodney Local Board and Albert-Eden Local Board areas, proposed to be included in PC31 should also be contacted prior to notification.

Information was sent to the Ōrākei, Rodney and Albert-Eden local board members and local board advisors on 17 May 2019 to inform them of proposed PC31. This correspondence provided an explanation of the proposed plan change and included a list of historic heritage places proposed to be added by the plan change relevant to each local board area. A summary document of each of the five places and the area was also provided. As at 13 June 2019, there has been no feedback received from either the Rodney Local Board.

The Albert-Eden Local Board was not advised at the same time as the other two local boards of the proposed plan change as a revision of the historic heritage evaluation was required. An email was sent on 23 July 2019. This report will be updated to incorporate any responses.

Council staff attended a workshop at the Ōrākei Local Board on 30 May 2019. This was an omnibus workshop on a number of planning matters occurring within the local board area, including to inform the local board of the responses to the landowner letters for the proposed historic heritage plan change. At that time, only two responses had been received. The local board had no comments to add other than that they were satisfied with the approach taken.

The Planning Committee approved the public notification of the plan change at its 6 August 2019 meeting¹⁸.

Consultation with landowners affected by proposed PC31

Landowner letters were sent on 17 May 2019 to inform them of the historic heritage evaluations and the eligibility status of their places to be included in Schedule 14.1. As stated above, the Albert-Eden Local Board was not advised, until 23 July 2019, of the property within their area due to the review of the evaluation. A letter was sent to the landowner of the Colonial Ammunition Bulk Store Building on 23 July 2019. A summary of the evaluation and a frequently asked questions information sheet was provided to the landowners. Emails, with letter and FAQ attachment, were also sent to Ministry of Education and Vector Limited, as landowners with affected properties within proposed PC31. Landowners were invited to provide their views on the potential additions of their places and had the opportunity to advise Council of any information that should be added to, or which may have affected, the evaluation. Landowners

¹⁸ Planning Committee resolution PLA/2019/80

were also invited to contact Council for an on-site visit and discussion. A full copy of the evaluation was also available to be provided, where requested.

As of 13 June 2019, six landowners have contacted Council. Council staff visited several properties, at the request of the landowner, to discuss the heritage evaluation and the proposed inclusion of their places in Schedule 14.1. In regard to the proposed historic heritage area, several landowners had concerns about the effect of the proposed plan on the development capacity provided for in the underlying zoning of their properties. These discussions have resulted in a review of the evaluation of the proposed historic heritage area in regard to the classification of buildings as to whether these were contributing or non-contributing. These discussions are ongoing and will assist in determining any outstanding issues.

Consultation with other parties

Heritage Advisory Panel

The Heritage Advisory Panel was advised of the proposed plan change at its 25 June 2019 meeting.

Auckland Transport

On 17 May 2019, an email was sent to Auckland Transport. The correspondence advised them of the proposed plan change, and identified places subject to proposed PC31 that are in their ownership or management. A memo, dated 2 August 2019, was received from Auckland Transport. Inclusion of portions of the road reserve within the extent of places was of particular interest. Auckland Transport requested the removal of the overlay from the footpath or an explanation of the reasons why it is included in the section 32 for the following properties:

- Colonial Ammunition Company Bulk Store
- Remuera Primary War Memorial Gates
- Remuera Post Office (former)
- Upland Village Historic Heritage Area

Where it is recommended that a historic heritage place should be scheduled, a proposed extent of scheduling is defined spatially on the Council's GIS viewer (shown in purple cross-hatching). This area is known as the extent of place of a historic heritage place, and all land within this area is subject to the provisions of the Historic Heritage Overlay.

The RPS describes how historic heritage places are identified and evaluated and describes how to define the location and physical extent of a significant historic heritage place¹⁹. Chapter D17 of the AUP describes the EOP of scheduled historic heritage places²⁰:

Most scheduled historic heritage places include an identified area around a heritage feature; referred to as the 'extent of place'.

¹⁹ AUP Policy B5.2.2(2)

²⁰ AUP Chapter D17 Historic Heritage Overlay, D17.1 Background

The extent of place comprises the area that is integral to the function, meaning and relationships of the place and illustrates the historic heritage values identified for the place. The provisions relating to a historic heritage place apply within the area mapped as the extent of place on the Plan maps, including the airspace.

Schedule 14.3 Historic Heritage Place maps clarifies the extent of place that applies to some historic heritage places.

The Methodology²¹ provides guidance for defining the extent of place, including when consideration should be given to including areas of footpath and/or street directly adjacent to a place within the extent of scheduling:

- *The identified footpath/street area forms part of the setting of the place and/or is relevant to, or contributes to, the place's identified values;*
- *A feature (or part of a feature) of a place is on, above or below the footpath or street itself (for example a tree, lamp post, or verandah);*
- *A feature is directly on, or close to, the property boundary edge (for example a corner pub, or villa with minimal setback);*
- *A feature has a historical association with the footpath/street (for example a commercial building with display windows or a mechanics centre);*
- *Development on the footpath or street is likely to adversely affect appreciation of the identified historic heritage values of the place (for example new bus shelters, signage, telecommunications/fire equipment etc. on main roads or busy streets);*
- *It is a Historic Heritage Area – for example avoid running along the middle of the street. Generally a boundary will run around rather than through a space, street or plot.*

The extent of place for the historic heritage places in PC31 were proposed in the historic heritage evaluation for each place, with the evaluator considering the guidance in the Methodology above.

A meeting will be held with Auckland Transport to discuss the above matters and how other rules within the Auckland Unitary Plan, in particular those relating to transport infrastructure, apply within the extent of place of the Upland Village Historic Heritage Area.

6 Evaluation of provisions

This part of the report evaluates the provisions contained within proposed PC31. The evaluation that follows relates to the key themes arising from the proposed addition of five historic heritage places and one historic heritage area to Schedule 14.1. A change will also need to be made to Schedule 14.2 to include the HHA.

²¹ Methodology for Evaluating Historic Heritage Significance, Version 7.5, 18 October 2013

6.1 Effect of scheduling

The inclusion of a historic heritage place in Schedule 14.1 means the provisions of the Historic Heritage Overlay apply to that place. This is also known as the scheduling of a place.

The Historic Heritage Overlay is based on a management approach where activities anticipated to have a greater effect on the values of a historic heritage place in Schedule 14.1 are subject to more rigorous management. The identification of an extent of place, primary feature(s), and exclusions is the basis of this management approach, ensuring the management of a historic heritage place is specific to its features, and therefore to the values and significance of that particular place.

Exclusions are identified for each historic heritage place, if appropriate, and listed in Schedule 14.1. Activities affecting features identified as exclusions are permitted or controlled.

The intent of the AUP is to ensure that unnecessary consent activity is not generated, while protecting historic heritage places from inappropriate subdivision, use and development. The scheduling of historic heritage places is a method by which more than minor works to a scheduled place will require resource consent. The requirement for consent ensures that the heritage values and significance of a place will be taken into account by both landowners and decision makers.

6.2 Reasonable use

All places included in PC31 have been evaluated as having sufficient historic heritage value and significance to warrant ongoing protection and appropriate management under the AUP.

All of the historic heritage places are in private ownership and the historic heritage area is largely in private ownership other than within the road corridor managed by Auckland Transport. The scheduling of a place in the AUP imposes restrictions on the use of that land. These restrictions can cause tension between the need to protect significant historic heritage and the public benefits of this, and the ability of landowners, both private and public, to use their land.

The Act recognises that a rule or other provision can have an effect on how landowners use their land. Section 85 of the Act allows landowners to challenge a provision on the basis that it would render the land incapable of reasonable use²² and that it would place an unfair or unreasonable burden on the landowner.²³ Section 85 states that 'reasonable use:

*includes the use or potential use of land for any activity whose actual or potential effects on any aspect of the environment or any person other than the applicant would not be significant.*²⁴

The AUP recognises that continued use of scheduled places is integral to their survival. The AUP provisions seek to recognise and provide for the reasonable use of historic heritage places. As previously discussed above, a flexible management regime is used, based on the

²² RMA s85(2)

²³ RMA s85(3)

²⁴ RMA s85(6)

values and significance of the place, and whether the proposed use and/or development will assist with the ongoing management and protection of the place. The RPS seeks to provide for the occupation, use, seismic strengthening, development, restoration and adaptation of historic heritage places, where this will support the retention of, and will not detract from, the historic heritage values of the place.²⁵ This policy is supported by Objective D17.3(3) in the Historic Heritage Overlay.

Policies in D17 also support the use and development of scheduled historic heritage places, where it does not detract from the heritage values of the place and will not have significant adverse effects.²⁶ Policy D17.3(5) provides mechanisms to support use, development and adaptation appropriate to scheduled historic heritage places. These mechanisms include grants and other incentives, reducing or waiving consent application cost, providing transferable development rights (in certain areas), and the provision of expert advice.

As previously mentioned, the repair and maintenance of scheduled historic heritage places is a permitted activity (subject to standards).

At a place specific level, each place and the one area included in PC31 has been considered as part of this evaluation to determine the best method of management, as detailed in Section 3.2. The specifics of what could be considered reasonable use of the individual historic heritage places and the historic heritage area proposed to be included in PC31 have been considered.

Some scheduled places included in proposed PC31 have established uses that are integral to their historic heritage values and significance. In most cases, the original historic use continues, and in other instances the place is now used for a different purpose. In all cases, the question of reasonable use and how the AUP allows for effective and efficient use of a place needs to be carefully considered. This has been done by the identification of the extent of place and primary feature(s) of each of the five historic heritage places and the one historic heritage area, and the use of exclusions, where appropriate.

6.3 Designations

One of the historic heritage places, Remuera War Memorial Gates, and one parcel of land within the historic heritage area, that are affected by proposed PC31 are subject to designations. Works undertaken in accordance with a designation are not subject to the district plan provisions of the AUP, including the Historic Heritage Overlay. The scheduling of a place or area can contribute to a more robust argument to retain the scheduled item and advocate for positive heritage outcomes within the outline plan of works and other designation processes. Scheduling of these places also ensures that if the designation is uplifted, or works occur that are not in accordance with the designation, the historic heritage place is subject to the provisions of the AUP.

²⁵ AUP RPS Objective B4.2.2(9)

²⁶ AUP Policies D17.3(3), D17.3(4)

6.4 Interiors

One of the historic heritage places to be included in proposed PC31 has the interior of the buildings to be included in the scheduling. Interiors include the interior layout, spatial arrangement, and significant features and materials. The Methodology provides guidance for determining when to include the interior of a building in the scheduling of a historic heritage place.

It is best practice to regard a historic heritage place as a whole and to avoid itemising its features within the regulatory framework. However, in some circumstances, it may be appropriate to include portions of an interior, particularly if significant features remain but other parts have been modified. The section 32 evaluation resulted in this approach being applied to one place, Riverina, where key interior features, and exclusions, were itemised within the historic heritage evaluation.

The methodology acknowledges several reasons why it may not be appropriate to include the interior of a building in Schedule 14.1, particularly if it has not been viewed, or if the interior has been modified to an extent that its contribution to the identified values of the place has been lost. The interior of buildings are not considered for historic heritage areas.

6.5 Category A place

Only one historic heritage place in the plan change is proposed to be Category A – Riverina (Warkworth). This Category A place is of outstanding significance well beyond its immediate environs. The evaluation of Riverina concluded that the place had exceptional national, regional and local significance for its historical and context values, considerable local significance for its social, knowledge, technology and physical attributes values and exceptional local significance for its aesthetic values.

Category A historic heritage places are subject to a slightly different management regime, as is fitting for these places of outstanding historic heritage value. The main difference is that the demolition or destruction of 70 per cent or more of these places, or the relocation of their features beyond the scheduled extent of place, is a prohibited activity. Other demolition or destruction (greater than 30 per cent but less than 70 per cent) and relocations outside of the scheduled extent of place are non-complying activities. As with other scheduled historic heritage places, minor works that are not anticipated to detract from the values of the place, such as maintenance and repair, are a permitted activity.

6.6 Modifications to a place

Many of the historic heritage places proposed to be included in PC31 have been modified over time. This is expected particularly given the age of some of the places proposed. Modifications to buildings and features of places proposed to be included in PC31 are described in the evaluation for each place, which also describes whether the modifications

are complementary to, neutral, do not contribute, or detract from the values of the historic heritage place.

In most cases, modifications that have identified as non-contributing or detracting have been recommended by the evaluator to be identified as an exclusion in Schedule 14.1. This Section 32 evaluation does not identify any further exclusions other than those recommended by the evaluator.

6.7 Historic heritage areas

One historic heritage area, the Upland Village Historic Heritage Area, is proposed in the plan change.

The process of evaluating the historic heritage significance of an HHA is the same as for individually scheduled historic heritage places. However, the Methodology provides additional guidance for HHA's, including defining the boundary of the area and identification of exclusions.

The emphasis of an HHA is on the collective values of the area, rather than the significance of individual places. This is reflected in the management of an HHA where there is generally a less onerous resource consent regime for the demolition of buildings and new buildings than for individually scheduled historic heritage places. In addition, the HHA provisions provide for the development and use of non-contributing sites and features, where these are compatible with the historic heritage values of the area.

The land included in the Upland Village Historic Heritage Area is primarily zoned Business-Neighbourhood Centre with a small portion of Terrace Housing and Apartment Building zone at 2-4 Minto Road (currently owned by Vector Limited). The Business-Neighbourhood Centre zone applies to single or small shopping strips located in residential neighbourhoods with the provisions typically enabling buildings of up to 3 storeys. Development is expected to be in keeping with surrounding residential environment. Two-thirds of the buildings identified within the proposed historic heritage area are two-storey with a small number of one-storey buildings situated on or near the Minto Road intersection.

The Business – Neighbourhood Centre zone provisions require resource consent for the construction of new buildings and some modification to existing buildings. The HHA provisions require a resource consent to demolish an existing building, modify an existing building or to build a new building. The requirement to obtain a resource consent for works in the Upland Village Historic Heritage Area is therefore not an additionally onerous constraint. A range of commercial and residential uses can continue as the HHA provisions do not control the use of a building.

The Terrace Housing and Apartment Building Zone provides for the greatest density, height and scale of development of all the residential zones. Buildings are enabled up to five, six or seven storeys in identified height variation control areas, depending on the scale of the adjoining centre, to achieve a transition in height from the centre to lower scale residential zones. The parcel of land at 2-4 Minto Road is currently owned by Vector Limited and is

designated for the purpose of ‘Electricity Works (Substation)’. As discussed above in Section 6.3, the designation takes precedence over the district plan provisions of the AUP. The inclusion of this property within the historic heritage area does not create an onerous constraint as works being undertaken in accordance with the purpose of the designation are not subject to the HHA provisions. Currently where works are not in accordance with the designation a resource consent would be required for, amongst other activities, dwellings, integrated residential developments, and new buildings in certain circumstances within the THAB zone. The HHA provisions require a resource consent to demolish an existing building, modify an existing building or to build a new building. As above, the HHA provisions would not create an additionally onerous constraint to that of the underlying THAB zone.

7 Conclusion

Proposed PC31 seeks to add six historic heritage places, including one historic heritage area, to Schedule 14.1. A change will also need to be made to Schedule 14.2 to include the significance statement of the HHA. The purpose of the proposed plan change is to recognise the values of identified historic heritage places by adding them to Schedule 14.1 and ensure the provisions of the AUP Historic Heritage Overlay apply and therefore assist in managing and protecting them.

The main conclusions of the evaluation under Part 2 and Section 32 of the Act are summarised below:

1. Proposed PC31 is consistent with the purpose of sustainable management in Section 5 and the principles within Sections 6, 7, and 8, and within Part 2 of the Act.
2. Proposed PC31 assists the Council in carrying out its functions set out in Sections 30 and 31 of the Act.
3. Pursuant to Section 75(3)(c) of the Act, Proposed PC31 is consistent with the objectives and policies of the Auckland Regional Policy Statement
4. The evaluation undertaken in accordance with Section 32 concluded:
 - i. The use of the existing objectives of the AUP would be the most appropriate way to achieve the purpose of the Act.
 - ii. The addition of six historic heritage places, including one historic heritage area to Schedule 14.1 and addition of a significance statement for the historic heritage area to Schedule 14.2 is the most appropriate means of achieving the objectives identified in section 3 of this report.

Conclusion	This part of the report concludes that the proposed plan change is the most efficient, effective and appropriate means of addressing the resource management issues identified.
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