

# **AUCKLAND UNITARY PLAN OPERATIVE IN PART**

## **PROPOSED PLAN CHANGE 31**

### **Schedule 14 Historic Heritage Additions**

## **SUMMARY OF DECISIONS REQUESTED**

**Enclosed:**

- **Explanation**
- **Summary of Decisions Requested**
- **Submissions**

## **Explanation**

- You may make a “further submission” to support or oppose any submission already received (see summaries that follow).
- You should use Form 6.
- Your further submission must be received by 8 November 2019
- Send a copy of your further submission to the original submitter as soon as possible after submitting it to the Council.

## **Summary of Decisions Requested**

Plan Change 31 - Schedule 14 Historic Heritage Additions					
Summary of Decisions Requested					
Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
1	1.1	Kaye Mills and Anthony Mills	Kayepmills@yahoo.co.nz	Support the plan modification with amendments	Support the plan modification with amendments
1	1.2	Kaye Mills and Anthony Mills	Kayepmills@yahoo.co.nz	Support the plan modification with amendments	Amend the extent of place to exclude the asphalt area to the rear of the building; amend exclusions to include additional features that do not contribute to the heritage value of the building.
2	2.1	Warkworth & District Museum Society Inc c/- Victoria Joule	warkworthmuseum@xtra.co.nz	Support the specific provisions identified	Support the specific provisions identified
3	3.1	Guardian Retail 551 Limited c/- Craig McGarr	cmcgarr@bentley.co.nz	Support the plan modification with amendments	Accept the plan modification with amendments
3	3.2	Guardian Retail 551 Limited c/- Craig McGarr	cmcgarr@bentley.co.nz	Support the plan modification with amendments	Delete the proposed 'Historic Heritage Overlay - Extent of Place' for 'Upland Village' in its entirety.
4	4.1	GWG Trustee Limited trustee of GWG Family Trust c/-Loo & Koo Solicitors	jong@loo-koo.co.nz stephen.brownhill@xtra.co.nz	Oppose	Decline the plan modification
4	4.2	GWG Trustee Limited trustee of GWG Family Trust c/-Loo & Koo Solicitors	jong@loo-koo.co.nz stephen.brownhill@xtra.co.nz	Oppose	Decline the proposed plan change as the proposal will have a significant adverse effect on the submitter's future development options for the land and buildings.
5	5.1	Upland Group Limited c/- Morrison Kent Lawyers attn: Bryce Town	Bryce.town@morrisonkent.co.nz stephen.brownhill@xtra.co.nz	Oppose	Decline the plan modification
5	5.2	Upland Group Limited c/- Morrison Kent Lawyers attn: Bryce Town	Bryce.town@morrisonkent.co.nz stephen.brownhill@xtra.co.nz	Oppose	Decline the proposed plan change as proposal will have a significant adverse effect on the submitter's future development options for the land and buildings.
6	6.1	Auckland Transport c/-Liam Burkhardt	liam.burkhardt@at.govt.nz	Supports the plan modification with amendments	Supports the plan modification with amendments
6	6.2	Auckland Transport c/-Liam Burkhardt	liam.burkhardt@at.govt.nz	Supports the plan modification with amendments	Seeks amendments to exclude road reserve from Upland Village Historic Heritage Area.
6	6.3	Auckland Transport c/-Liam Burkhardt	liam.burkhardt@at.govt.nz	Supports the plan modification with amendments	Seeks amendments to exclude road reserve from Remuera Primary School War Memorial Gates
6	6.4	Auckland Transport c/-Liam Burkhardt	liam.burkhardt@at.govt.nz	Supports the plan modification with amendments	Seeks amendments to exclude road reserve from the Former Remuera Post Office
7	7.1	Aotearoa New Zealand Investments Limited c/- Alex Van Son	avs@planningfocus.co.nz	Oppose	Withdraw Plan Change 31



Plan Change 31 - Schedule 14 Historic Heritage Additions					
Summary of Decisions Requested					
Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
7	7.2	Aotearoa New Zealand Investments Limited c/- Alex Van Son	avs@planningfocus.co.nz	Oppose	Amend to include the additional exclusion of ground floor original exterior walls on the northern and western elevation.
8	8.1	The Theosophical Society in New Zealand Incorporated c/-John Yan	john.yan@envivo.nz	Oppose	Decline the plan modification
8	8.2	The Theosophical Society in New Zealand Incorporated c/-John Yan	john.yan@envivo.nz	Oppose	Seeks that the proposed 'Historic Heritage Overlay - Extent of Place' for identified 'Upland Village Historic Heritage Area' is removed in its entirety
9	9.1	Heritage New Zealand Pouhere Taonga c/-Susan Andrews	sandrews@heritage.org.nz	Supports the plan modification with amendments	Supports the plan modification with amendments
9	9.2	Heritage New Zealand Pouhere Taonga c/-Susan Andrews	sandrews@heritage.org.nz	Support	Supports the proposed addition of the six historic heritage places
9	9.3	Heritage New Zealand Pouhere Taonga c/-Susan Andrews	sandrews@heritage.org.nz	Support	Seeks amendment to exclusions for Riverina and Glenholm to include all the interiors
10	10.1	Remuera Heritage Inc. c/- Jennifer Hayman	jennifer@haymanconsulting.co.nz	Supports in part and seeks amendments	Supports in part and seeks amendments
10	10.2	Remuera Heritage Inc. c/- Jennifer Hayman	jennifer@haymanconsulting.co.nz	Supports in part and seeks amendments	Accepts proposed plan change for Glenholm
10	10.3	Remuera Heritage Inc. c/- Jennifer Hayman	jennifer@haymanconsulting.co.nz	Supports in part and seeks amendments	Accepts proposed plan change for Remuera Primary School War Memorial Gates
10	10.4	Remuera Heritage Inc. c/- Jennifer Hayman	jennifer@haymanconsulting.co.nz	Supports in part and seeks amendments	Seeks amendments to former Remuera Post Office to add value b) and g)
10	10.5	Remuera Heritage Inc. c/- Jennifer Hayman	jennifer@haymanconsulting.co.nz	Supports in part and seeks amendments	Seeks amendments to the Upland Village Historic Heritage Area to add value b) and provision of rationale for name.
11	11.1	Anthony Simmons	tonysi@orcon.net.nz	Supports the plan modification with amendments	Supports the plan modification with amendments
11	11.2	Anthony Simmons	tonysi@orcon.net.nz	Supports the plan modification with amendments	Seeks amendments to the extent of place
11	11.3	Anthony Simmons	tonysi@orcon.net.nz	Supports the plan modification with amendments	Agrees with exclusions of kitchen and both bathrooms for Riverina

## **Submissions**

**SUBMISSION ON PROPOSED PLAN CHANGE 31 TO THE AUCKLAND UNITARY  
PLAN: OPERATIVE IN PART UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO THE  
RESOURCE MANAGEMENT ACT 1991**

**To:** Auckland Council  
[unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

**Name of Submitter:** Kaye Mills and Anthony Mills

**Address:** P O Box 13 396 Onehunga 1643  
kayepmills@yahoo.co.nz

**SUBMISSION**

1. This is a submission on Proposed Plan Change 31 (**PC31**) to the Auckland Unitary Plan: Operative in Part (**Operative Plan**) on the proposed listing of the Colonial Ammunition Company Bulk Store (**Building**) at 26 Normanby Road, Mount Eden (**Property**).
2. We make this submission as trustees of the trust that owns the freehold interest in the Building. PC1 was publicly notified by Auckland Council (**Council**) on 29 August 2019.
3. We will not gain an advantage in trade competition through this submission.
4. PC31 is of direct relevance to us as owners of the Property. Listing the Property will mean that greater restrictions are placed on what can be undertaken on the Property. The listing of the Property may constrain its future adaptation and use.
5. This submission solely relates to the Property.
6. We support in part PC31 subject to the amendments set out below.

**GENERAL REASONS FOR SUBMISSION**

7. We support PC31 because, subject to the amendments requested in this submission being accepted, it:
  - (a) is consistent with the relevant objectives of the Plan;

- (b) is consistent with the sustainable management of natural and physical resources and is otherwise consistent with the purpose and principles of the Resource Management Act 1991 (**RMA**);
  - (c) is consistent with, and will achieve, the purpose and principles of the RMA, in particular section 5(2) to enable people and communities to provide for social, economic and cultural wellbeing;
  - (d) complies with sections 74, 75 and 76 of the Act;
  - (e) meets the requirements to satisfy section 32 of the Act; and
  - (f) is consistent with sound resource management practice.
8. Further, without derogating from the generality of the above, PC31 is appropriate for the specific reasons outlined below.

### **SPECIFIC REASONS SUPPORTING IN PART PC31**

#### **Background and context**

9. The Trust acquired the Property in 2012.
10. We recognise the inherent heritage value in the Building and support its proposed Category B listing.
11. We do not have immediate plans to develop the Building. However, the ongoing maintenance costs of heritage buildings can be significant. The reality is that to be maintained, heritage buildings must find a viable, economic use and retain flexibility to adapt to future uses. The Property is currently let to Sen Kitchen and is used as a Vietnamese restaurant. In the future, some other use may be more appropriate and we wish to retain flexibility to adapt the Property to that future use so that the Building can be maintained and remain an economic prospect.
12. We recognise that future adaptation (changing the use or development) of the Building would be assessed against the provisions of the Plan and an appropriate use or development (as judged by the Council) would be granted consent. However, if PC31 is granted in its current form, the planning framework for considering resource consents would not be appropriate.

#### **The proposed extent of place**



13. PC31 proposes that the Extent of Place will include the entire title of the Property and the footpath immediately adjacent to the Normanby Road frontage.
14. The extent of place must be set according to: the area that contains the historic heritage values of the place; and, any area that is relevant to an understanding of the function, meaning and relationships of the historic heritage values.<sup>1</sup> Chapter D17 of the Plan states that 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”.
15. While the Building has historic heritage significance, surrounding within the Property do not. The Building sits on an asphalted site. There are no historic heritage features on the Property apart from the Building itself. The area that contains the historic heritage values is the outer edge of the walls of the Building. There are no other features onsite that are “*integral* to the function, meaning and relationships of the place” (Chapter D17.21 Background).
16. There are two features, offsite, that provide additional context to the Building and these are recognised in the Historic Heritage Evaluation. The first is the CAC Office, on the opposite side of Normanby Road and south of the property by 50-100 metres (**Office**). The second is the shot tower, which lies west of the Property and is located on private land (**Shot Tower**). The Office fronts Normanby Road, and the link to the Building is obvious and protected by Normanby Road itself. The Shot Tower is visible from the road due to its height. The public cannot access the Shot Tower because it is set back from Normanby Road by approximately 40 metres of private land. There is private property between the Property and the Shot Tower. Extending the extent of place over the rear of the Property does not give any special connection or establish context between the Building, the Office and the Shot Tower.
17. It is inappropriate that the extent of place applies to the entire Property.

#### **Proposed primary feature and exclusions**

18. PC31 proposes the Building as the primary feature excluding the interior (but not the roof, sarking and basalt walls), the exterior seating area hood, the entry hood and glazed entry door and the bamboo attachment to the Normanby Road frontage. D17.1 of the existing Plan states that “features listed as exclusions do not contribute to, or may detract from the values for which the historic heritage place has been

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1

scheduled". There are additional features that do not contribute to the heritage value of the Building that should be excluded:

- (a) To the south of the Building, the seating area and the stone wall are a late addition to the Building and do not have any special heritage value. Figure 7 of the Council's Historic Heritage Valuation shows that the outdoor seating area (including stone wall) post-dates at least 1985.
- (b) All wooden louvres / shutters attached to the exterior of the building are late additions and this is recognised by the Council in its Historic Heritage Evaluation. All louvres / shutters should be excluded.
- (c) The interior walls that have been buttressed by shotcrete up to a height of approx. 1m for strengthening / support and no the underlying basalt walls no longer have any heritage value as the blue stone is completely covered and cannot be uncovered without sacrificing the structural integrity of the Building.
- (d) The western wall of the Building is highly modified and should be excluded. As can be seen during inspection of the wall and the photographs attached to this submission at **Appendix 1**, the western wall has been highly modified by:
  - (i) the addition of a fire escape and stairs from the mezzanine;
  - (ii) lean-to storage being attached to the wall;
  - (iii) a new plaster finish and green paint that has been applied to the wall;
  - (iv) lighting
  - (v) various ducting etc. necessary for the operation of the commercial kitchen; and
  - (vi) Two air conditioning units and framework that has been bolted onto the wall.
- (e) The high degree of modification to the western wall means that it no longer meets the threshold for listing.
- (f) The western wall is also integral to the future adaptation of the Building. The only developable area on the Property is to the rear of the Building. The Building could be extended to the rear as part of a future development, or an



addition could be made to the Building on the rear of the Property. Maintaining flexibility over the rear of the Property would enable us (and any future owners) to provide for their social and economic wellbeing, which in turn enables the adaptive and continued use (and therefore maintenance) of the Building.

**Assessment against section 32 of the Resource Management Act 1991**

***Provisions of PC31 do not achieve the purpose of PC31: sections 32(1)(b) RMA***

19. The proposed extent of place and exclusions do not recognise their heritage value and are inconsistent with the Council's Historic Heritage Evaluation. In addition, the current provisions do not allow flexibility to adapt the Building to a future use.

***Provisions of PC31 are not efficient: sections 32(1)(b)(ii) and 32(2) RMA***

20. The proposed provisions are not effective or efficient, as they neutralise future adaptation of the Property without any good heritage reason to do so. The provisions therefore place an economic burden on us, without any benefit to the community. In the short term, this may have an economic impact on us. However, in the long term, if the Property cannot be put to an economic use, then it will not be possible to support its ongoing maintenance.

***Provisions of PC31 are not the most appropriate way to achieve the objectives of the Plan: section 32(3) RMA***

21. The proposed provisions of PC31 are not the most appropriate way of achieving the existing objectives of the Plan.
22. Objectives B5.2.2(2) and D17.1 provide clear policies and background (respectively) as to what should be included in the extent of place. This is outlined above at paragraph 14 of this submission. The proposed extent of place is not appropriate when assessed against the existing objectives of the Plan.
23. The existing objectives of the Plan provide for the ongoing use of historic heritage places. The existing objectives provide for (*emphasis added*):
- (a) Objective B5.2.1(2): "Significant historic heritage places are used appropriately and their protection, *management* and conservation are encouraged, including retention, *maintenance and adaptation*".

- (b) Objective D17.2(3): “Appropriate subdivision, use and development, including adaptation of scheduled historic heritage places, is *enabled*”.
24. The objective of the existing provisions is not to freeze-in-time historic heritage. Instead, the Plan provides for the continued use and adaptation of historic heritage places, recognising that ultimately historic heritage will decline if it cannot provide an economic use.

**Decision sought**

25. We seek the following decision:
- (a) that PC31 be approved subject to the relief sought below in **Appendix 2**; and | 1.1
  - (b) such relief as may be necessary to address our concerns, as outlined above, | 1.2  
or consequential to those concerns being addressed.
26. We wish to be heard in support of this submission.
27. If others make a similar submission, we will consider presenting a joint case with them at a hearing.

**DATED this 18<sup>th</sup> day of September 2019**

**Kaye P Mills and Anthony M Mills**

**Address for service of submitter:**

Kaye P Mills and Anthony M Mills  
P O Box 13 396 Onehunga 1643

Email: [kayepmills@yahoo.co.nz](mailto:kayepmills@yahoo.co.nz)



Appendix 1. Photographs of the western wall





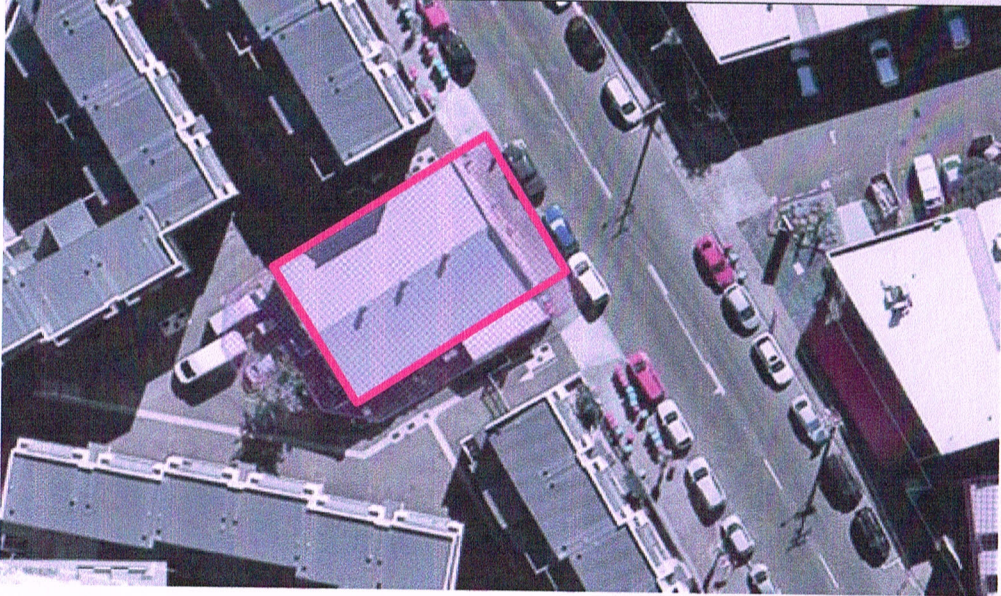
**Appendix 2: Table showing relief sought**

PC31 proposed provisions with relief sought									Support / Oppose	Reasons for support / opposition																		
<p><b>Proposed PC31 provisions shown in plain text with relief sought shown in <u>underline</u> / <del>strikethrough</del></b></p> <p>Schedule 14.1 Historic Heritage</p> <table border="1"> <thead> <tr> <th>ID</th> <th>Place Name and/or Description</th> <th>Verified Location</th> <th>Verified Legal Description</th> <th>Category</th> <th>Primary Feature</th> <th>Heritage Values</th> <th>Extent of Place</th> <th>Exclusions</th> </tr> </thead> <tbody> <tr> <td>XXXX</td> <td>Colonial Ammunition Company Bulk Store</td> <td>26 Normanby Road, Mount Eden</td> <td>Lot 2 DP 312430; road reserve</td> <td>B</td> <td>Building</td> <td>A,F,H</td> <td>Refer to Planning Maps</td> <td>Interior apart from timber roof structure and sarking and the <u>exposed basalt walls over a height of [1.2 metres]; exterior seating area including rock walls and hood; entry hood and glazed entry door; bamboo attachment to exterior front wall; <u>all wooden louvers and</u></u></td> </tr> </tbody> </table>									ID	Place Name and/or Description	Verified Location	Verified Legal Description	Category	Primary Feature	Heritage Values	Extent of Place	Exclusions	XXXX	Colonial Ammunition Company Bulk Store	26 Normanby Road, Mount Eden	Lot 2 DP 312430; road reserve	B	Building	A,F,H	Refer to Planning Maps	Interior apart from timber roof structure and sarking and the <u>exposed basalt walls over a height of [1.2 metres]; exterior seating area including rock walls and hood; entry hood and glazed entry door; bamboo attachment to exterior front wall; <u>all wooden louvers and</u></u>	Support in part.	Reasons set out in body of submission.
ID	Place Name and/or Description	Verified Location	Verified Legal Description	Category	Primary Feature	Heritage Values	Extent of Place	Exclusions																				
XXXX	Colonial Ammunition Company Bulk Store	26 Normanby Road, Mount Eden	Lot 2 DP 312430; road reserve	B	Building	A,F,H	Refer to Planning Maps	Interior apart from timber roof structure and sarking and the <u>exposed basalt walls over a height of [1.2 metres]; exterior seating area including rock walls and hood; entry hood and glazed entry door; bamboo attachment to exterior front wall; <u>all wooden louvers and</u></u>																				

PC31 proposed provisions with relief sought	Support / Oppose	Reasons for support / opposition
<p><b>PC31 extent of place shown in purple with relief sought show outlined red</b></p> <p>Auckland Unitary Plan GIS Viewer (planning maps)</p>	Support in part.	Reasons set out in body of submission.

hoods to all windows; the rear, western-facing wall in its entirety



<b>PC31 proposed provisions with relief sought</b>	<b>Support / Oppose</b>	<b>Reasons for support / opposition</b>
		

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Victoria Joule

Organisation name: Warkworth & District Museum Society Inc

Agent's full name:

Email address: [warkworthmuseum@xtra.co.nz](mailto:warkworthmuseum@xtra.co.nz)

Contact phone number:

Postal address:

PO Box 37

Warkworth

Auckland 0941

### Submission details

**This is a submission to:**

Plan modification number: Plan change 31

Plan modification name: Schedule 14.1 Historic Heritage Additions

**My submission relates to**

Rule or rules:

Property address: 46 Wilson Road, Warkworth, 9081

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

- We believe that Riverina is of significant historical value to the people of Warkworth. This is partly due to the builder/owner Nathaniel Wilson (sometimes described as the Father of Warkworth). In 1866 he started burning lime to produce Hydraulic lime, he went on to finally produce Portland cement. The wages he paid his workers were valuable in making Warkworth a very successful developing town from 1860 - 1928. - Riverina, built with a mixture of locally sourced hydraulic lime and burnt clay, standing proudly above Warkworth for nearly 120 year, proves the quality of the design and ability of a young architect, Robert de Montalk, later to become a well-respected New Zealand architect. - The house has been sensitively restored at different times and is close to the original build. - Many large trees in the grounds were planted during the time the Wilson's were in residence. - Riverina was also used by the US army as its headquarters for soldiers stationed in the area between 1942-1944 - Riverina deserves to take its place in history. It reflects Wilson's determination to develop the lime cement used in early buildings: and under great difficulties produce

the Portland cement that made structures like Grafton bridge possible. This cement is still a valuable building material today, 120 years later.

I or we seek the following decision by council: Accept the plan modification

| 2.1

Submission date: 23 September 2019

### **Attend a hearing**

Do you wish to be heard in support of your submission? No

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



# Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991  
FORM 5



Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only
Submission No:
Receipt Date:

## Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Guardian Retail 551 Limited

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

Bentley & Co. Limited, Attn: Craig McGarr,  
PO Box 4492, Shortland Street, Auckland CBD

Telephone: 09 309 5367 Fax/Email: cmcgarr@bentley.co.nz

Contact Person: (Name and designation, if applicable)

## Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number PC 31

Plan Change/Variation Name Schedule 14 Historic Heritage Additions

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s) Schedules 14.1 & 14.2

Or

Property Address

Or

Map

Or

Other (specify)

## Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes  No

The reasons for my views are:

Refer to attached submission

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

3.1

Remove Upland Village from the proposed scheduling. Refer to attached submission.

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

Signature of Submitter  
(or person authorised to sign on behalf of submitter)

23 / 9 / 19  
Date

**Notes to person making submission:**

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

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

If you could gain an advantage in trade competition through this submission please complete the following:

I am  / am not  directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.



## Submission on notified proposal for policy statement or plan, change or variation

*Clause 6 of Schedule 1, Resource Management Act 1991*

**To** Auckland Council  
Private Bag 92300  
Auckland 1142

**Name of submitter:** Guardian Retail 551 Limited

This is a submission on a change proposed to the following plan (the **proposal**):

“Plan Change 31 Schedule 14.1 Historic Heritage Additions” in the Auckland Unitary Plan (Operative in part) (hereinafter “**Unitary Plan**”).

Guardian Retail 551 Limited (hereinafter “**GRL**”) could not gain an advantage in trade competition through this submission.

**GRL** has an interest greater than the interest of the general public, and is directly affected by the proposal.

The specific provisions of the proposal that **GRL’s** submission relates to are:

- (a) The proposed amendments to Chapter L: Schedule 114.1 Historic Heritage and Schedule 14.2 Historic Heritage Areas – Maps and statements of significance.

**GRL’s** submission is set out below:

### **Background**

**GRL** is the owner of the land located at:

- 551-553 Remuera Road, Remuera 1050; and
- 561 Remuera Road, Remuera 1050

The two properties are zoned ‘Business – Neighbourhood Centre Zone’ under the Unitary Plan and form part of the ‘Upland Village’ neighbourhood in Remuera.

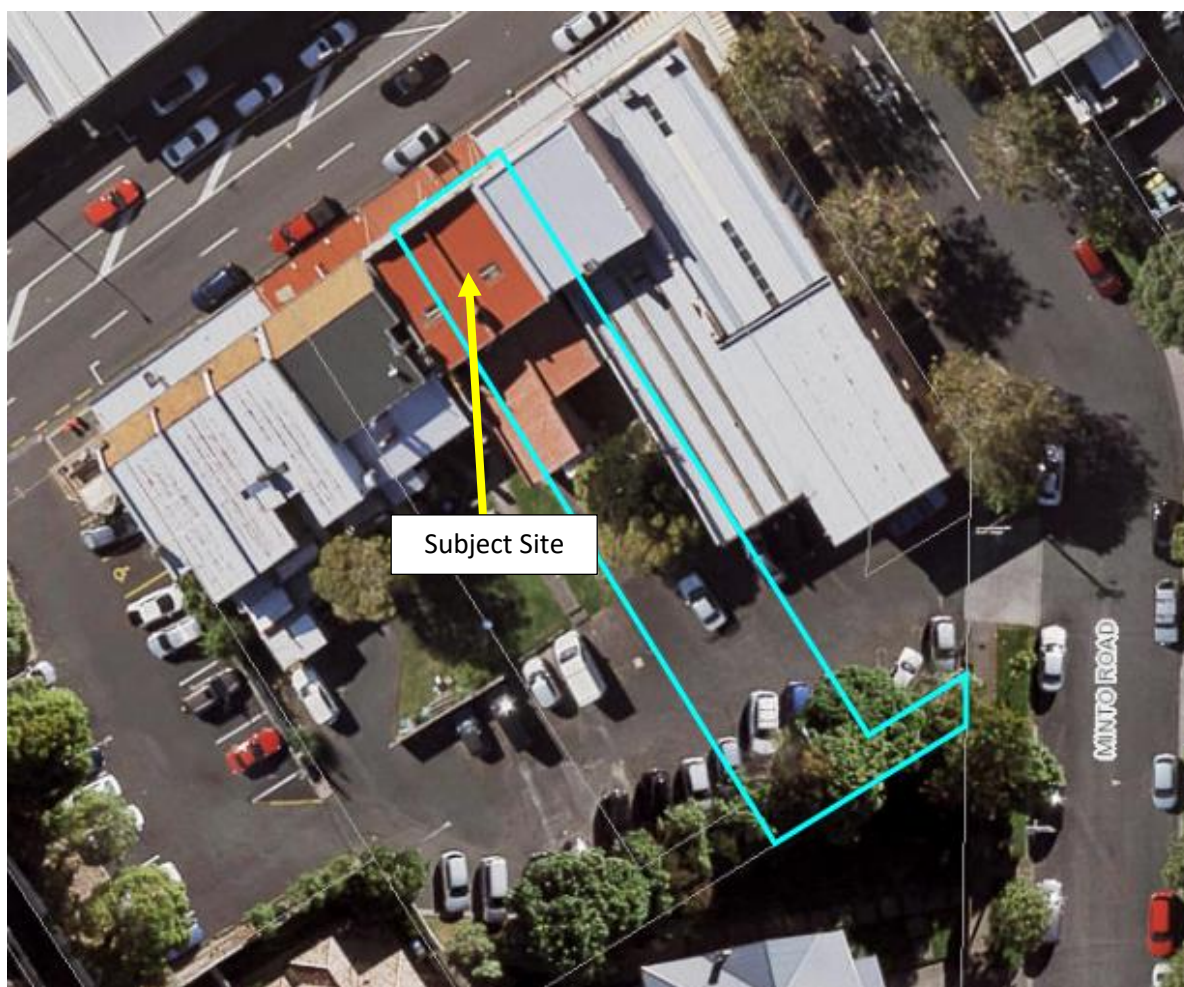
#### 551-553 Remuera Road

The property at 551 Remuera Road is located on the southern side of Remuera Road, approximately 20 metres south-west of the intersection of Minto Road, Upland Road and Remuera Road. The property has an area of approximately 531m<sup>2</sup>.

The property is occupied by a two-storey building and has a verandah that spans the entire width of the site, overhanging the footpath to Remuera Road. The building and verandah adjoin those of the adjacent buildings located at 561 Remuera Road and 547 Remuera Road.

The building on the property has frontage to Remuera Road, with the rear of the property being an at-grade car park that is accessed from Minto Road. The building is not a listed heritage building under the Unitary Plan or by Heritage New Zealand, and is not subject to any special character overlays.

The location and extent of the site is illustrated below in **Figure 1**.



*Figure 1: Aerial view of the subject site at 551-553 Remuera Road (Source: Auckland Council GeoMaps) (Note: The site boundaries shown on GeoMaps are not accurate relative to the positioning of the building and reference should be made to the CT).*

### 561 Remuera Road

The property at 561 Remuera Road is located on the south-western corner of the Remuera Road, Minto Road and Upland Road intersection. The property has an area of approximately 804m<sup>2</sup>.

The property is occupied by a two-storey building and has a verandah that spans the entire width of the northern boundary (overhanging the Remuera Road footpath) and a small portion of the north-eastern boundary (overhanging the Minto Road footpath).

The building and verandah (to Remuera Road) adjoins the adjacent building to the south-west at 551-553 Remuera Road. The building has its primary frontage to Remuera Road and secondary frontage to Minto Road, with the rear of the property being an at-grade car park accessed from Minto Road.

The subject building is not a listed heritage building under the Unitary Plan or by Heritage New Zealand, and is not subject to any special character overlays.

The location and extent of the site is illustrated below in **Figure 2**.



*Figure 2: Aerial view of the subject site at 561 Remuera Road (Source: Auckland Council GeoMaps) (Note: The site boundaries shown on GeoMaps are not accurate relative to the positioning of the building and reference should be made to the CT).*

The surrounding environment is characterised by the collection of various local shops and food and beverage activities that are located in the vicinity of the intersection of Minto Road, Upland Road and Remuera Road. Together, these activities form what is commonly known as 'Upland Village', or the Upland Road shops.

#### Resource Consents Held

**GRL** obtained three separate Certificates of Compliance (on 3<sup>rd</sup> September 2019) to demolish and remove the buildings on the following sites:

- 547-549 Remuera Road (CER70015822)
- 551-553 Remuera Road (CER70015820)
- 561 Remuera Road (CER70015821)

Copies of the Certificate of Compliance documents are appended as **Attachment 1**.



### Proposed Plan Change 29

The purpose of Proposed Plan Change 31 ('**Proposed Plan Change**') is to add six historic heritage places (five individual heritage places and one historic heritage area) to Schedule 14 of the Unitary Plan. This means that these places will be subject to the provisions of the Historic Heritage Overlay.

Specific to this submission, the Plan Change seeks to amend Schedules 14.1 and 14.2 and introduce a 'Historic Heritage Area Overlay – Extent of Place' on the Unitary Plan's mapping in respect 'Upland Village'. The area of Upland Village proposed to be subject to the overlay and the classification of 'contributing' and 'non-contributing' is illustrated in **Figures 3 & 4** below.



Figure 3: Proposed Plan Change 31 Historic Heritage Overlay for Upland Village.



Figure 4: Proposed Plan Change 31 Historic Heritage Overlay for Upland Village.

## Submission

GRL is opposed to the introduction of the 'Historic Heritage Overlay – Extent of Place' as it relates to 'Upland Village' in its entirety.

## Reasons for submission

The proposed mapped area for 'Upland Village' is not considered to meet the requirement specified in Section B5.2.2(4)(d) of the Unitary Plan:

Historic heritage areas: groupings of interrelated but not necessarily contiguous historic heritage places or features 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.

Specifically, the extent of the overlay as it is proposed to apply to 'Upland Village' is not considered to satisfy the scheduling 'evaluation criteria' contained within Policy B5.2.2(1) of the Unitary Plan:

- (a) historical: the place reflects important or representative aspects of national, regional or local history, or is associated with an important event, person, group of people, or with an idea or early period of settlement within New Zealand, the region or locality;
- (b) social: the place has a strong or special association with, or is held in high esteem by, a particular community or cultural group for its symbolic, spiritual, commemorative, traditional or other cultural value;
- (c) Mana Whenua: the place has a strong or special association with, or is held in high esteem by, Mana Whenua for its symbolic, spiritual, commemorative, traditional or other cultural value;
- (d) knowledge: the place has potential to provide knowledge through archaeological or other scientific or scholarly study, or to contribute to an understanding of the cultural or natural history of New Zealand, the region, or locality;
- (e) technology: the place demonstrates technical accomplishment, innovation or achievement in its structure, construction, components or use of materials;
- (f) physical attributes: the place is a notable or representative example of: (i) a type, design or style; (ii) a method of construction, craftsmanship or use of materials; or (iii) the work of a notable architect, designer, engineer or builder;
- (g) aesthetic: the place is notable or distinctive for its aesthetic, visual, or landmark qualities;
- (h) context: the place contributes to or is associated with a wider historical or cultural context, streetscape, townscape, landscape or setting.

With regards to Policy B5.2.2(3), new additions to Schedule 14 are to be consistent with the following:

- (a) the place has considerable or outstanding value in relation to one or more of the evaluation criteria in Policy B5.2.2 (1); and
- (b) the place has considerable or outstanding overall significance to the locality or greater geographic area.

The proposed addition to Schedule 14.1 – Schedule of Historic Heritage (as shown in **Figure 5** below) states that the "Known Heritage" for 'Upland Village' are on the basis of the attributes of "A", "F", and "H" of the evaluation criteria above and contained within Policy B5.2.2(1).

SCHEDULE 14.1 SCHEDULE OF HISTORIC HERITAGE - TABLE 2 AREAS

ID	Area Name and/or Description	Verified Location	Known Heritage	Extent of Place	Exclusions	Additional Controls for Archaeological Sites or Features	Place of Maori Interest or Significance	Contributing Sites/ Features	Non-contributing Sites/ Features
XXXX	Upland Village Historic Heritage Area	Refer to planning maps: area includes parts of Remuera Road, Upland Road and Minto Road	A,E,H	Refer to planning maps	Interiors of all buildings contained within the extent of place unless otherwise identified in another scheduled historic heritage place, stand-alone accessory buildings or garages on contributing sites built after 1940			Refer to Schedule 14.2 XX	Refer to Schedule 14.2 XX: 561 and 565 Remuera Road, Remuera

Figure 5: Proposed addition to Schedule 14.1 – Schedule of Historic Heritage

Of the attributes identified in the Council evaluation “A” – *Historical*, “F” – *Physical attributes*, and “H” – *Context*”, these appear to be based on the initial period of commercial development of the area in the inter-war years of the twentieth century as being the defining moment of historic heritage value of the proposed area. Yet this is tempered with a recognition at the same time that there has been an almost constant series of alterations to the buildings identified and that the “*evolution of the Upland Village*”<sup>1</sup> area “*continued into the new millennium*”<sup>2</sup>. That initial period of development is linked in the Council assessment directly to the development by 1913 of an electric tram service as far as Upland (then Mountain) Road. There is however no physical evidence of that infrastructure surviving in the area to warrant weight being given to that historical moment or to the recognition of that period as the “*period of significance*”<sup>3</sup>.

With the exception of the presence of a single heritage place/building (the McLaren Garage at 586-592 Remuera Road (an individually listed Scheduled place - Item 01828 Category B in Appendix 14.1 of the AUP)), there is nothing that distinguishes the Upland Road commercial area in terms of historic heritage over or above those areas referenced at Appendix 4 of the Council assessment report which includes a number of similar centres, of similar built scale and vintage that have neither been recognised as historic heritage areas or for having special character- business values.

The context generated by the development of the electric tram service is equally recognisable in the residential development of the same period (and in later periods) and not fixed to the modified surviving commercial building stock. This too appears to be recognised by the exclusion of nearly a quarter of the physical built area that represents the Upland Road commercial village, with the entire north-east corner block being excluded from the proposed historic heritage area.

Criterion “F” – *physical attributes* recognises (at page 8-9 of the Council assessment) a “*strong collection of commercial buildings*”<sup>4</sup>, but the detailed analysis of individual buildings (undertaken without access to the interiors of these places) provides a chronology of changes that lessen any of the original design authenticity normally considered necessary in buildings (and groupings of buildings) warranting recognition and protection. Indeed the succession of changes in use and occupation have been accommodated by these physical alterations lending some value to the facility, but not strongly addressing the collective value of the area. This is acknowledged in the Council assessment<sup>5</sup> of the area as found today in recognising a continuing “*evolution of Upland Village*”<sup>6</sup>.

Having regard to the Section 32 Analysis that has been undertaken by Council in respect of Plan Change 31, we disagree that ‘Upland Village’ satisfies the ‘evaluation criteria’ contained within Policy B5.2.2(1), and is not worthy of this status.

<sup>1</sup> The Heritage Studio, *Historic Heritage Evaluation*, June 2018, page 7

<sup>2</sup> Ibid.

<sup>3</sup> The Heritage Studio, *Historic Heritage Evaluation*, June 2018, page 17

<sup>4</sup> The Heritage Studio, *Historic Heritage Evaluation*, June 2018, page 9

<sup>5</sup> The Heritage Studio, *Historic Heritage Evaluation*, June 2018, page 36

<sup>6</sup> The Heritage Studio, *Historic Heritage Evaluation*, June 2018, page 37

The proposed Plan Change:

- Is not consistent with the sustainable management of natural and physical resources, and is otherwise inconsistent with the purpose and principles of the Resource Management Act 1991.
- Is not consistent with achieving the purpose and principles of the Resource Management Act 1991, including meeting the reasonably foreseeable needs of future generations, and enabling people and communities to provide for their social, economic and cultural wellbeing.
- Is not consistent with the objectives and policies of the Regional Policy Statement, and other relevant objectives and policies of the Auckland Unitary Plan (Operative in Part).
- Does not meet the requirements to satisfy Section 32 of the Resource Management Act 1991;
- Does not comply with Sections 74, 75 and 76 of the Resource Management Act 1991; and
- Is not consistent with Section 32 of the Resource Management Act 1991; and sound resource management practice.

### Relief

**GRL** seeks the following decision from the local authority:

- Delete the proposed 'Historic Heritage Overlay – Extent of Place' for 'Upland Village' in its entirety.

3.2

**GRL** wishes to be heard in support of its submission.

If there are other people or businesses that make a similar submission, **GRL** will consider presenting a joint case at a hearing.

Signature of person authorised to sign on behalf of submitter.



Craig McGarr

Date: 23 September 2019

Electronic address for service of submitter:

cmcgarr@bentley.co.nz

Telephone: (09) 309 5367

Mobile: 021 741 418

Postal address:

Guardian Retail 551 Limited

C/- Bentley & Co. Ltd

PO Box 4492

Shortland Street

Auckland 1140

Contact person: Craig McGarr (Director, Bentley & Co. Ltd)

**Attachment 1**  
**Certificates of Compliance**



## Decision for a certificate of compliance application under section 139 of the Resource Management Act 1991 (RMA)



### Application description

<b>Application number:</b>	CER70015822
<b>Applicant's name:</b>	Guardian Retail 551 Ltd
<b>Site address:</b>	547-549 Remuera Road, Auckland, 1050
<b>Legal description:</b>	Lot 1 DP 22142 NA136B/886
<b>Site area:</b>	448m <sup>2</sup>
<b>Operative plan:</b>	Auckland Unitary Plan (Operative in part)
<b>Zoning and precinct:</b>	Business – Neighbourhood Centre Zone
<b>Overlays, controls, designations, special features, etc.:</b>	<p><b>Overlay:</b></p> <p>Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - W26, Mount Wellington, Viewshafts</p> <p><b>Controls</b></p> <p>Macroinvertebrate Community Index - Urban</p>

### The proposed activity

#### Proposal

The application is for the proposed demolition of the existing building, being the two-storey brick building recently occupied by 'Burger Wisconsin' & 'Spacca Pizza'. The demolition is to involve the removal of the building to the foundation (slab) level, with no excavation or earthworks proposed.

Matt Round of Bentley and Co. Ltd on behalf of Guardian Retail 551 Ltd has provided a description of the proposed works and subject site in a form and manner that is accepted by the Council. I concur with that description of the proposed works and the site and have no further comment. This can be found in the "Application for Resource Consent - Certificate of Compliance" application document prepared by Matt Round of Bentley and Co. Ltd; section 1-9, Pages 5-6, dated August 2019.

#### Application documents (plans and reference documents)

The following information has been provided:

- Application Form, application for resource consent and assessment of compliance prepared by Matt Round of Bentley and Co. Ltd dated August 2019.

I have read the application, supporting documents, and the report and recommendations on the application for certificate of compliance. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

## Reasons for the application

The activity is permitted under the relevant standards of the Auckland Unitary Plan (Operative in Part).

- The proposal can be undertaken as a permitted activity pursuant to H12.4.1 (A48) Demolition of Buildings
- The proposal can be undertaken as a permitted activity pursuant to the activity standards and rules found in E25 Noise and Vibration, in particular E25.6.27.1 and E25.6.30.1.

## Consideration of the applications

### Statutory considerations

Section 139 of the Resource Management Act 1991 (RMA) sets out the circumstances under which a consent authority may issue a certificate of compliance.

A certificate must be issued if the activity referred to in the application can be done lawfully in a particular location without a resource consent, and the applicant pays the appropriate administrative charge.

Any certificate which is issued must describe the activity and the location, and state that the activity can be done lawfully in the particular location without a resource consent, as at the date on which the consent authority received the request (section 139(7)). The request was received on 21 August 2019.

Under section 139(8), a consent authority must not issue a certificate if the request has been made after a proposed plan has been notified, and the activity referred to in the application could not be done lawfully in a particular location without a resource consent, under the proposed plan.

### Analysis of plan provisions

The proposal has been described in the application material with a certificate of compliance requested under the applicable standards outlined in pages 5 to 6 of the report. The information submitted by the applicant is considered against the permitted activity rules for demolition of buildings in the Auckland Unitary Plan (Operative in Part). Having reviewed the information provided with the application against the Auckland Unitary Plan (Operative in Part), I agree with the analysis prepared by Matt Round of Bentley and Co. Ltd dated August 2019.

## Decision

Acting under delegated authority, I certify that the proposal described above and at the above locations can be done lawfully without resource consent as of 21 August 2019.

## Advice notes

1. *This certificate is deemed a resource consent under section 139(10) of the Resource Management Act 1991 (RMA) and is issued subject to on-going compliance with any conditions or performance standards specified in the relevant plans referred to above. It is issued without erasure or alteration.*
2. *Section 125 of the RMA applies to this deemed resource consent (refer section 139(12)). Accordingly, this consent will expire five years after the date of the commencement of this deemed consent unless, before the deemed consent lapses:*
  - *It is given effect to; or*
  - *An application is made to the council to extend the period of the deemed consent, and the council decides to grant an extension after taking into account the statutory considerations set out in section 125(1A)(b) of the RMA.*
3. *The activity must comply with all relevant council bylaws, the Building Act 2004 and any other relevant laws and regulations. This certificate does not constitute building consent approval. All necessary consents under other legislation must be obtained.*

### **This report and recommendation prepared by:**

**Name:** Sarah Glen

**Title:** Consultant Planner

**Signed:**



**Date:** 02/09/2019

### **Delegated decision maker:**

**Name:** Lee Ah Ken

**Title:** Team Leader

**Signed:**



**Date:** 3 September 2019



## Decision for a certificate of compliance application under section 139 of the Resource Management Act 1991 (RMA)



### Application description

<b>Application number:</b>	CER70015821
<b>Applicant's name:</b>	Guardian Retail 551 Ltd
<b>Site address:</b>	561 Remuera Road, Auckland, 1050
<b>Legal description:</b>	Pt Lot 31 DP 4833
<b>Site area:</b>	804m <sup>2</sup>
<b>Operative plan:</b>	Auckland Unitary Plan (Operative in part)
<b>Zoning and precinct:</b>	Business – Neighbourhood Centre Zone
<b>Overlays, controls, designations, special features, etc.:</b>	<p><b>Overlay:</b></p> <p>Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - W26, Mount Wellington, Viewshafts</p> <p><b>Controls</b></p> <p>Macroinvertebrate Community Index - Urban</p>

### The proposed activity

#### Proposal

The application is for the proposed demolition of the existing building, being the one to two-storey building recently occupied by 'Harvey Furnishings'. The demolition is to involve the removal of the building to the foundation (slab) level, with no excavation or earthworks proposed.

Matt Round of Bentley and Co. Ltd on behalf of Guardian Retail 551 Ltd has provided a description of the proposed works and subject site in a form and manner that is accepted by the Council. I concur with that description of the proposed works and the site and have no further comment. This can be found in the "Application for Resource Consent - Certificate of Compliance" application document prepared by Matt Round of Bentley and Co. Ltd; section 1-11, Pages 5-6, dated August 2019.

#### Application documents (plans and reference documents)

The following information has been provided:

- Application Form, application for resource consent and assessment of compliance prepared by Matt Round of Bentley and Co. Ltd dated August 2019.

I have read the application, supporting documents, and the report and recommendations on the application for certificate of compliance. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

## Reasons for the application

The activity is permitted under the relevant standards of the Auckland Unitary Plan (Operative in Part).

- The proposal can be undertaken as a permitted activity pursuant to H12.4.1 (A48) Demolition of Buildings,
- The proposal can be undertaken as a permitted activity pursuant to the activity standards and rules found in E25 Noise and Vibration, in particular E25.6.27.1 and E25.6.30.1.

## Consideration of the applications

### Statutory considerations

Section 139 of the Resource Management Act 1991 (RMA) sets out the circumstances under which a consent authority may issue a certificate of compliance.

A certificate must be issued if the activity referred to in the application can be done lawfully in a particular location without a resource consent, and the applicant pays the appropriate administrative charge.

Any certificate which is issued must describe the activity and the location, and state that the activity can be done lawfully in the particular location without a resource consent, as at the date on which the consent authority received the request (section 139(7)). The request was received on 21 August 2019.

Under section 139(8), a consent authority must not issue a certificate if the request has been made after a proposed plan has been notified, and the activity referred to in the application could not be done lawfully in a particular location without a resource consent, under the proposed plan.

### Analysis of plan provisions

The proposal has been described in the application material with a certificate of compliance requested under the applicable standards outlined in pages 5 to 6 of the report. The information submitted by the applicant is considered against the permitted activity rules for demolition of buildings in the Auckland Unitary Plan (Operative in Part). Having reviewed the information provided with the application against the Auckland Unitary Plan (Operative in Part), I agree with the analysis prepared by Matt Round of Bentley and Co. Ltd dated August 2019.

### Decision

Acting under delegated authority, I certify that the proposal described above and at the above locations can be done lawfully without resource consent as of 21 August 2019.

## Advice notes

1. *This certificate is deemed a resource consent under section 139(10) of the Resource Management Act 1991 (RMA) and is issued subject to on-going compliance with any conditions or performance standards specified in the relevant plans referred to above. It is issued without erasure or alteration.*
2. *Section 125 of the RMA applies to this deemed resource consent (refer section 139(12)). Accordingly, this consent will expire five years after the date of the commencement of this deemed consent unless, before the deemed consent lapses:*
  - *It is given effect to; or*
  - *An application is made to the council to extend the period of the deemed consent, and the council decides to grant an extension after taking into account the statutory considerations set out in section 125(1A)(b) of the RMA.*
3. *The activity must comply with all relevant council bylaws, the Building Act 2004 and any other relevant laws and regulations. This certificate does not constitute building consent approval. All necessary consents under other legislation must be obtained.*

### **This report and recommendation prepared by:**

**Name:** Sarah Glen

**Title:** Consultant Planner

**Signed:**



**Date:** 02/09/2019

### **Delegated decision maker:**

**Name:** Lee Ah Ken

**Title:** Team Leader

**Signed:**



**Date:** 3 September 2019





## Decision for a certificate of compliance application under section 139 of the Resource Management Act 1991 (RMA)



### Application description

<b>Application number:</b>	CER70015820
<b>Applicant's name:</b>	Guardian Retail 551 Ltd
<b>Site address:</b>	551-553 Remuera Road, Auckland, 1050
<b>Legal description:</b>	Pt Allot 24 SEC 12 Suburbs Auckland, Land on DP 21343
<b>Site area:</b>	531m <sup>2</sup>
<b>Operative plan:</b>	Auckland Unitary Plan (Operative in part)
<b>Zoning and precinct:</b>	Business – Neighbourhood Centre Zone
<b>Overlays, controls, designations, special features, etc.:</b>	<p><b>Overlay:</b></p> <p>Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - W26, Mount Wellington, Viewshafts</p> <p><b>Controls</b></p> <p>Macroinvertebrate Community Index - Urban</p>

### The proposed activity

#### Proposal

The application is for the proposed demolition of the existing building, being the two-storey plaster building recently occupied by the 'School Uniform Centre'. The demolition is to involve the removal of the building to the foundation (slab) level, with no excavation or earthworks proposed.

Matt Round of Bentley and Co. Ltd on behalf of Guardian Retail 551 Ltd has provided a description of the proposed works and subject site in a form and manner that is accepted by the Council. I concur with that description of the proposed works and the site and have no further comment. This can be found in the "Application for Resource Consent - Certificate of Compliance" application document prepared by Matt Round of Bentley and Co. Ltd; section 1-9, Pages 5-6, dated August 2019.

#### Application documents (plans and reference documents)

The following information has been provided:

- Application Form, application for resource consent and assessment of compliance prepared by Matt Round of Bentley and Co. Ltd dated August 2019.

I have read the application, supporting documents, and the report and recommendations on the application for certificate of compliance. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

## Reasons for the application

The activity is permitted under the relevant standards of the Auckland Unitary Plan (Operative in Part).

- The proposal can be undertaken as a permitted activity pursuant to H12.4.1 (A48) Demolition of Buildings,
- The proposal can be undertaken as a permitted activity pursuant to the activity standards and rules found in E25 Noise and Vibration, in particular E25.6.27.1 and E25.6.30.1.

## Consideration of the applications

### Statutory considerations

Section 139 of the Resource Management Act 1991 (RMA) sets out the circumstances under which a consent authority may issue a certificate of compliance.

A certificate must be issued if the activity referred to in the application can be done lawfully in a particular location without a resource consent, and the applicant pays the appropriate administrative charge.

Any certificate which is issued must describe the activity and the location, and state that the activity can be done lawfully in the particular location without a resource consent, as at the date on which the consent authority received the request (section 139(7)). The request was received on 21 August 2019.

Under section 139(8), a consent authority must not issue a certificate if the request has been made after a proposed plan has been notified, and the activity referred to in the application could not be done lawfully in a particular location without a resource consent, under the proposed plan.

### Analysis of plan provisions

The proposal has been described in the application material with a certificate of compliance requested under the applicable standards outlined in pages 5 to 6 of the report. The information submitted by the applicant is considered against the permitted activity rules for demolition of buildings in the Auckland Unitary Plan (Operative in Part). Having reviewed the information provided with the application against the Auckland Unitary Plan (Operative in Part), I agree with the analysis prepared by Matt Round of Bentley and Co. Ltd dated August 2019.

## Decision

Acting under delegated authority, I certify that the proposal described above and at the above locations can be done lawfully without resource consent as of 21 August 2019.

## Advice notes

1. *This certificate is deemed a resource consent under section 139(10) of the Resource Management Act 1991 (RMA) and is issued subject to on-going compliance with any conditions or performance standards specified in the relevant plans referred to above. It is issued without erasure or alteration.*
2. *Section 125 of the RMA applies to this deemed resource consent (refer section 139(12)). Accordingly, this consent will expire five years after the date of the commencement of this deemed consent unless, before the deemed consent lapses:*
  - *It is given effect to; or*
  - *An application is made to the council to extend the period of the deemed consent, and the council decides to grant an extension after taking into account the statutory considerations set out in section 125(1A)(b) of the RMA.*
3. *The activity must comply with all relevant council bylaws, the Building Act 2004 and any other relevant laws and regulations. This certificate does not constitute building consent approval. All necessary consents under other legislation must be obtained.*

### **This report and recommendation prepared by:**

**Name:** Sarah Glen

**Title:** Consultant Planner

**Signed:**



**Date:** 02/09/2019

### **Delegated decision maker:**

**Name:** Lee Ah Ken

**Title:** Team Leader

**Signed:**



**Date:** 3 September 2019





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25 September 2019

Bronnie Styles  
Planning Technician  
Auckland-wide Planning Unit  
Auckland Council

**By Email:** [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

**SUBMISSION OF GWG TRUSTEE LIMITED/GWG FAMILY TRUST ON PROPOSED PLAN CHANGE 31 – SCHEDULE 14 HISTORIC HERITAGE ADDITIONS**

I **enclose** a submission on behalf of GWG Trustee Limited, trustee of GWG Family Trust, in regard to Proposed Plan Change 31.

The submitter is the owner of the land and buildings at 594-600 and 602-608 Remuera Road, Auckland respectively.

Yours faithfully



**Stephen Brownhill**

**SUBMISSION ON A PUBLICLY NOTIFIED PROPOSAL FOR PLAN CHANGE 31 CHAPTER L: SCHEDULE 14.1 HISTORIC HERITAGE ADDITIONS AND CHAPTER L: SCHEDULE 14.2 HISTORIC HERITAGE AREAS – MAPS AND STATEMENTS OF SIGNIFICANCE AND TO UNITARY PLAN GIS VIEWER (PLANNING MAPS) OF THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART) 2016.**

Clause 6 of First Schedule, Resource Management Act 1991

**TO: AUCKLAND COUNCIL**

**SUBMITTER: GWG TRUSTEE LIMITED trustee of GWG FAMILY TRUST**

1. This is a submission on Proposed Plan Change 31 to the Auckland Unitary Plan (Operative in Part) 2016 (“the plan change”).
2. The submitter is the owner of the land and buildings at 594-600 and 602-608 Remuera Road, Auckland, legally described as Lot 1 DP 480898 (Record of Title 673088) and Land on DP 20263 (Record of Title NA1012/126) respectively.
3. The submitter could not gain an advantage in trade competition through this submission.

*Scope of Submission*

4. The specific provisions of the proposal that this submission relates to are:
  - Schedule 14.1 Historic Heritage Areas - Table 2 Areas;
  - Schedule 14.2 Historic Heritage Areas – Maps and statements of significance;
  - Chapter B5.1, B5.2 Historic Heritage Issues, Objectives and Policies.
5. The submission relates to the inclusion of the land and buildings at 594-600 and 602-608 Remuera Road, Auckland in the proposed “Upland Village Historic Area” (“UVHA”), and the proposed addition of the UVHA in Chapter L: Schedule 14.1 Historic Heritage – Table 2 Areas.
6. The submission also relates to the inclusion of the submitter’s land and buildings at 594-600 and 602-608 Remuera Road, Auckland in the proposed statement of significance as regards UVHA and GIS viewer planning maps in Chapter L: Schedule 14.2 Historic Heritage Areas – Maps and statements of significance.
7. The submission also relates to the assessment of historic heritage values for the proposed UVHA and the submitter’s land and buildings in regard to the relevant issues, objectives and policies in Chapter B5.1 and B5.2.

*Submission*

8. The submitter **opposes** the plan change in regard to inclusion of the land and buildings at 594-600 and 602-608 Remuera Road, Auckland in the UVHA and addition of same land and buildings in Chapter L: Schedule 14.1 Historic Heritage Area – Table 2 Areas, and Schedule 14.2 Historic Heritage Areas – Maps and statements of significance.

9. The submitter considers the plan change, as it relates to its land and buildings at 594-600 and 602-608 Remuera Road, Auckland:
- (a) does not promote the sustainable management of resources and will not achieve the purpose of the Resource Management Act 1991, s 5(1) and;
  - (b) will not contribute to meeting the reasonable foreseeable needs of future generations, and will not contribute to enabling social and cultural well-being and will not enable the efficient use and development of the submitter's land and buildings, pursuant to the Resource Management Act 1991, s 5(2);
  - (c) does not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means and does not discharge the Council's duty under s 32 of the Resource Management Act 1991, and;
  - (d) is not the most appropriate means of giving effect to Part 2 of the Resource Management Act 1991, including s 6(f) and s 7(b).

*Reasons*

10. The proposal will have a significant adverse effect on the submitter's future development options for the land and buildings under the current underlying zone rules, as any application for a resource consent will require compliance with the relevant Historic Heritage Overlay rules, objectives and policies, which impose additional land use controls and restrictions.
11. The adverse effect and impact of the proposed Heritage Overlay rules, objectives and policies, and other related provisions, will restrict the development potential of the site and will significantly reduce the commercial value of the property.
12. While the existing buildings have some architectural importance, the buildings have limited historic heritage value that warrants inclusion in the Unitary Plan's Historic Heritage Areas/Table 2 and Schedules. The proposal is therefore an excessively prescriptive approach and is unnecessary and inappropriate.
13. The submitter is entitled to rely upon the use and future development of the land and buildings under the current rules, objectives and policies of the underlying zone. It is unreasonable to impose additional rules and controls on the use of the land and buildings. The submitter purchased the land in 2017 in reliance upon the current rules and controls in the proposed Auckland Unitary Plan which provide for favourable development potential. If the land had been designated for inclusion in Schedules 14.1 and 14.2 as Historic Heritage Area (or as an Historic Heritage Place), under the Plan review, the submitter would not have invested in the land. The submitter's investment was substantial and if approved this proposal will have a very significant financial impact on the submitter.
14. The appropriate time to undertake this change was in the assessment and preparation of the Council's proposed Auckland Unitary Plan. The effect of this proposal is to impose additional rules and controls that will limit future development options as regards the land and buildings.

4.2

It is indiscriminate resource management planning, and contrary to s 5 of the Resource Management Act 1991.

*Relief*

15. The submitter seeks the following relief:
- (a) Decline the proposed plan change; or
  - (b) Amend the proposal in accordance with the submitter's reasons for objection.
16. The submitter wishes to be heard in support of its submission.
17. If others make a similar submission, the submitter will consider presenting a joint case with them at a hearing.

4.1

**DATE:** 25 September 2019



**Stephen Brownhill**

on behalf of **GWG Trustee Limited trustee of GWG Family Trust**

Address for service of submitter: c/- Loo & Koo Solicitors  
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Newmarket  
Auckland 1149  
Telephone: (09) 529 3289  
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Contact person: Jean Ong  
  
cc [Stephen.brownhill@xtra.co.nz](mailto:Stephen.brownhill@xtra.co.nz)



**Stephen Brownhill Barrister**  
**PO Box 4372, Auckland #5**  
**Telephone 09 337 0110**  
**Facsimile 09 377 0115**  
**Mobile 0275 029 524**  
**E: [stephen.brownhill@xtra.co.nz](mailto:stephen.brownhill@xtra.co.nz)**

25 September 2019

Bronnie Styles  
Planning Technician  
Auckland-wide Planning Unit  
Auckland Council

**By Email:** [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

**SUBMISSION OF UPLAND GROUP LIMITED ON PROPOSED PLAN CHANGE 31 – SCHEDULE  
14.1 HISTORIC HERITAGE ADDITIONS AND 14.2 HISTORIC HERITAGE AREAS**

I **enclose** a submission on behalf of Upland Group Limited, in regard to Proposed Plan Change 31.

The submitter is the owner of the land and buildings at 579 – 585 Remuera Road, Auckland.

Yours faithfully



**Stephen Brownhill**

**SUBMISSION ON A PUBLICLY NOTIFIED PROPOSAL FOR PLAN CHANGE 31 CHAPTER L: SCHEDULE 14.1 HISTORIC HERITAGE ADDITIONS AND CHAPTER L: 14.2 HISTORIC HERITAGE AREAS – MAPS AND STATEMENTS OF SIGNIFICANCE AND TO UNITARY PLAN GIS VIEWER (PLANNING MAPS) OF THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART) 2016.**

Clause 6 of First Schedule, Resource Management Act 1991

**TO: AUCKLAND COUNCIL**

**SUBMITTER: UPLAND GROUP LIMITED**

1. This is a submission on Proposed Plan Change 31 to the Auckland Unitary Plan (Operative in Part) 2016 (“the plan change”).
2. The submitter is the owner of the land and building at 579-585 Remuera Road, Remuera, Auckland, legally described as Lot 1-2 Deposited Plan 17923 (Record of Title NA417/169).
3. The submitter could not gain an advantage in trade competition through this submission.

*Scope of Submission*

4. The specific provisions of the proposal that this submission relates to are:
  - Schedule 14.1 Historic Heritage Areas – Table 2 Areas;
  - Schedule 14.2 Historic Heritage Areas – Maps and statements of significance;
  - Chapter B5.1, B5.2 Historic Heritage Issues, Objectives and Policies.
5. The submission relates to the inclusion of the land and building at 579-585 Remuera Road, Auckland in the proposed “Upland Village Historic Area” (“UVHA”), and the proposed addition to the UVHA in Chapter L: Schedule 14.1 Historic Heritage – Table 2 Areas.
6. The submission also relates to the inclusion of the submitter’s land and building at 579-585 Remuera Road, Auckland in the proposed statement of significance as regards UVHA and GIS viewer planning maps in Chapter L: Schedule 14.2 Historic Heritage Areas – Maps and statements of significance.
7. The submission also relates to the assessment of historic heritage values for the proposed UVHA and the submitter’s land and building in regard to the relevant issues, objectives and policies in Chapter B5.1 and B5.2.

*Submission*

8. The submitter **opposes** the plan change in regard to the inclusion of the land and building at 579 -585 Remuera Road, Auckland in the UVHA and addition of same land and building in Chapter L: 14.1 Historic Heritage Area Table 2 Areas, and Schedule 14.2 Historic Heritage Areas – Maps and statements of significance.

9. The submitter considers the plan change, as it relates to its land and building at 579-585 Remuera Road, Auckland:
- (a) does not promote the sustainable management of resources and will not achieve the purpose of the Resource Management Act 1991, s5(1) and;
  - (b) will not contribute to meeting the reasonable foreseeable needs of future generations, and will not contribute to enabling social and cultural well-being and will not enable the efficient use and development of the submitter's land and building, pursuant to the Resource Management Act, s5(2) and;
  - (c) does not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means and does not discharge the Council's duty under s32 of the Resource Management Act, and;
  - (d) is not the most appropriate means of giving effect to Part 2 of the Resource Management Act 1991, including s 6(f) and 7(b).

*Reasons*

10. The proposal will have a significant adverse effect on the submitter's future development options for the land and building under the current underlying zone rules, as any application for a resource consent will require compliance with the relevant Historic Heritage Overlay rules, objectives and policies, which impose additional land use controls and restrictions.
11. The adverse effect and impact of the proposed Heritage Overlay rules, objectives and policies, and other related provisions, will restrict the development potential of the site and will significantly reduce the commercial value of the property.
12. While the existing building has some architectural importance, the building has limited historic heritage value that warrants inclusion in the Unitary Plan's Historic Heritage Areas/Table 2 and Schedule. This proposal is an excessively prescriptive approach and is thus unnecessary and inappropriate.
13. The submitter is entitled to rely upon the use and future development of the land and building under the current rules, objectives and policies of the underlying zone. It is unreasonable to impose additional rules and controls on the use of the land and building. The submitter's investment in the property is substantial and if approved this proposal will have a very significant financial impact on the submitter.
14. The appropriate time to undertake this proposed change was in the assessment and preparation of the Council's proposed Auckland Unitary Plan. The effect of this proposal is to introduce additional rules and controls that will limit future development options as regards the land and building. It is indiscriminate resource management planning, and contrary to s 5 of the Resource Management Act 1991.

*Relief*

15. The submitter seeks the following relief:
- (a) Decline the proposed plan change; or
  - (b) Amend the proposal in accordance with the submitter's reasons for objection.
16. The submitter wishes to be heard in support of its submission.
17. If others make a similar submission, the submitter will consider presenting a joint case with them at a hearing.

5.1

**DATE:** 25 September 2019



**Stephen Brownhill**

on behalf of **Upland Group Limited**

Address for service of submitter:

c/- Morrison Kent Lawyers  
PO Box 222  
Auckland 1140  
Telephone: (09) 915 5475  
Email: [bryce.town@morrisonkent.co.nz](mailto:bryce.town@morrisonkent.co.nz)  
Contact person: Bryce Town  
cc. [stephen.brownhill@xtra.co.nz](mailto:stephen.brownhill@xtra.co.nz)

25 September 2019

Auckland Council  
Plans and Places  
Private Bag 92300  
Auckland 1142

By email: [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

Attention: Planning Technician

Dear Sir / Madam

**SUBMISSION ON PROPOSED PLAN CHANGE 31: ADDITIONS TO SCHEDULE 14, SCHEDULE OF HISTORIC HERITAGE**

Please find attached Auckland Transport's submission on Proposed Plan Change 31 to the Auckland Unitary Plan Operative in Part.

Should you have any queries in relation to this submission, please contact Liam Burkhardt on +64 21 956 864.

Yours sincerely



**Tracey Berkahn**  
**Acting Executive General Manager Planning and Investment**





## **SUBMISSION ON PROPOSED PLAN CHANGE 31 – ADDITIONS TO SCHEDULE 14, SCHEDULE OF HISTORIC HERITAGE**

**To:** Auckland Council  
Plans and Places  
Private Bag 92300  
Auckland 1142

**From:** Auckland Transport  
Planning and Investment  
Private Bag 92250  
Auckland 1142

### **1. Introduction:**

This is Auckland Transport's submission on Proposed Plan Change 31 (PPC31) to the Auckland Unitary Plan Operative in Part (AUPOIP). The plan change proposes to introduce additions to Schedule 14 Historic Heritage and the associated planning maps of the AUPOIP.

### **2. Auckland Transport's submission**

Auckland Transport (AT) generally supports PPC31, subject to the resolution of AT's concerns as outlined in this submission, including in **Attachment 1**.

### **3. Reason for Auckland Transport's submission**

AT is a Council-Controlled Organisation (CCO) of Auckland Council with the legislated purpose to contribute to an "effective, efficient and safe Auckland land transport system in the public interest"<sup>1</sup>. In fulfilling this role, AT is responsible for the planning and funding of public transport; operating the local roading network; and developing and enhancing the local road, public transport, walking and cycling network.

Including the road reserve as part of the Historic Heritage Overlay has the potential to increase costs, delays and uncertainties for AT's day to day activities. It could also undermine its abilities to provide and deliver outcomes that could better serve Auckland's transport system and its communities.

The inclusion of the road reserve as part of the overlay will cause significant issues for AT in managing these assets and undertaking some transport projects. It will undermine AT's ability to continue to meet its responsibilities under section 39 of the Local Government (Auckland Council) Act 2009. These are:

- a. the planning and funding of public transport;
- b. promoting alternative modes of transport (i.e. alternatives to the private motor vehicle);
- c. operating the local roading network; and

---

<sup>1</sup> Local Government (Auckland Council) Act 2009, section 39.



d. developing and enhancing the local road, public transport, walking and cycling network

AT makes this submission to ensure the changes proposed will not inhibit AT's ability to effectively manage Auckland's land transport network.

**7. The decision sought by Auckland Transport is:**

AT supports the adoption of the Proposed Plan Change 31, subject to the amendments sought in this submission and outlined in **Attachment 1**, or any other consequential amendments to address the matters raised in this submission.

6.1

**8. Appearance at the hearing:**

AT wishes to be heard in support of this submission at a hearing but only if there are other submitters seeking the same. If no submitters wish to be heard, AT does not wish to be heard on its own.

A handwritten signature in blue ink, appearing to be 'Tracey Berkahn', is written over a horizontal line.

Signed for and on behalf of Auckland Transport

Tracey Berkahn

**Acting Executive General Manager Planning and Investment**

Date: 25 September 2019

**Address for service of submitter:**

Liam Burkhardt

Planner, Planning and Investment Division

Auckland Transport

Private Bag 92250



Auckland 1142

Telephone: +64 21 956 864

Email: [liam.burkhardt@at.govt.nz](mailto:liam.burkhardt@at.govt.nz)



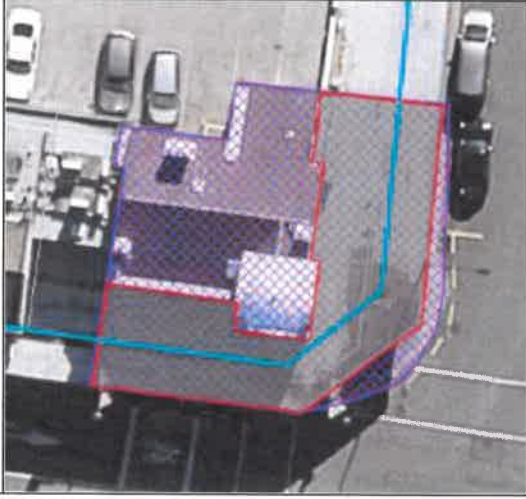
**Attachment 1**

Place	Map	Support / Oppose	Reason for submission	Decision requested
Upland Village Historical Area		Oppose in part	AT understands the need to protect some verandas in the road reserve. However, the proposed extent of place includes the entirety of the road reserve, which is a four lane arterial road with an important movement function. The inclusion of the road reserve will do little to protect the values identified by the plan change and may inhibit AT from fulfilling its statutory responsibilities.	Reduce the extent of place by removing the proposed overlay from the road reserve.
25-33 Dromorne Road (Remuera Primary School War Memorial Gates)		Oppose in part	The proposed extent of place includes the road reserve which is not relevant to the historic heritage values of the place. The heritage item is set well back from the road within the footpath and it is not necessary to identify the extent of place over the entirety of the adjacent footpath, pedestrian crossing entrance and related streetlight or bus stop signage.	Reduce the extent of place by removing the proposed overlay from the road reserve.

6.2

6.3



Place	Map	Support / Oppose	Reason for submission	Decision requested
358-364 Remuera Road (Former Remuera Post Office)	 An aerial photograph of a building at 358-364 Remuera Road. The building is a two-story structure with a prominent verandah. The verandah is highlighted with red hatching, indicating it is supported. A blue outline surrounds the main building footprint, and a red outline follows the edge of the verandah. The surrounding area includes a street with parked cars and a road reserve.	Oppose in part	<p>The inclusion of the road reserve is not relevant to the heritage values of the place. Its inclusion would not assist in the protection of this heritage item and may inhibit AT from fulfilling its statutory responsibilities at this arterial road intersection.</p> <p>The exclusion of the 1990s partially enclosed ground floor verandah (red hatching) is supported.</p>	Reduce the extent of place by removing the proposed overlay from the road reserve.

6.4

**Submission on the Proposed Plan Change 31 to the Auckland Unitary Plan, Operative in Part****Clause 6 of Schedule 1 to the Resource Management Act 1991**

**To:** Auckland Council  
Private Bag 92300  
Auckland

**Submitter:** Aotearoa New Zealand Investments Limited  
(Address for service provided below)

- 
1. This is a submission on Proposed Plan Change 31 ('PC 31') to the Auckland Unitary Plan, Operative in Part ('AUPOP').
  2. The submission is made on behalf of Aotearoa New Zealand Investments Limited ('the Submitter').
  3. The Submitter owns the site, legally described as Lot 1 Deposited Plan 131981, Allotment 255 Section 16 Suburbs of Auckland, Allotment 256 Section 16 Suburbs of Auckland, and Part Lot 9 Deposited Plan 3364, which contains the Remuera Post Office (former). The subject site is shown on the Locality Plan included as **Attachment A**.
  4. PC 31 seeks to include the Remuera Post Office (former) in Schedule 14.1 Schedule of Historic Heritage as a Category B heritage item for known heritage values A: historical, F: physical attributes, and H: context. The schedule would exclude the "interior of the building(s); 1990s enclosed ground floor verandah".
  5. As stated in the Historic Heritage Evaluation prepared by The Heritage Studio and included with PC 31, a major redevelopment of the entire block was undertaken in the early 1990's, involving the creation of "*retail outlets, onsite parking for 71 cars and space for its Post Shop/Kiwibank and external tenants, covering more than 2074 square metres.*" As a result, the northern and western external walls of the Remuera Post Office (former) were heavily modified and internalised through the addition of other structures (refer to photos provided as **Attachment B**).
  6. Recent discussions Between Planning Focus Limited and Council officers have confirmed that the intention of PC 31 is that the exclusion of the "interior of the building" should be read in the context of the original 1914 envelope of the building, notwithstanding that the ground floor northern and western walls now form part of the interior of the existing structure.
  7. The location of remaining ground floor walls are shown on the floor plan prepared by Salmond Reed Architects, included as **Attachment C**. This plan also indicates those walls that could be removed "whilst maintaining important architectural and structural references to the former post office building's design and floor plate" (Salmond Reed Architects, 09 September 2019).
  8. The submission is as follows:



- a. The Submitter requests that the now heavily modified and internalised walls, as marked in red on Attachment C and shown in photos included as Attachment B, be excluded from the proposed scheduling.
- b. The exclusion of these walls from the listing would provide a degree of certainty and flexibility for the continued use and adaption of the ground commercial floor space, without unduly compromising the matters that have been identified as being of particular historic significance to the place.
- c. With reference to the Historic Heritage Evaluation, the building is considered of historic significance for being a physical representation of the country's social, political and economic history during the early decades of the twentieth century and acting as a historic landmark within the local area. The contribution that the clock tower makes to the identity of Remuera Village and community is also noted. The function of the building as a land mark, of being representative of the country's social, political and economic history, and of being a community icon would be unaffected by adopting the Submitters request.
- d. The Historic Heritage Evaluation identifies physical features of heritage value as being primarily the gable roof, distinctive dome capped clock tower, rusticated walls and original fenestration at first floor level. The Historic Heritage Evaluation also notes that the building is constructed of standard, readily available materials and not known to demonstrate a "creative or technical accomplishment, innovation or achievement in its structure, construction, components or use of materials." Furthermore, it is recognised that the extent of modification has compromised the potential of the building to yield meaningful or useful information not already available from other comparable places. Those physical features identified as being of particular value (gable roof, distinctive dome capped clock tower, rusticated walls and original fenestration) would be unaffected by adopting the Submitters request.
- e. Two options for achieving the desired outcome have been considered, including:
  - i) the addition of floor plan in Schedule 14.3 of the AUPOP to show ground floor walls excluded from the schedule (see Attachment C); or
  - ii) describing the ground floor walls to be excluded in the "Exclusions" of Schedule 14.1 of the AUPOP.
- f. The use of a floor plan (as described in e(i), above) has the benefit of enabling some internal fabric to be protected, such as the chimney at ground floor level and the corner columns of the original building. Notwithstanding, the Submitter does not consider the retention of these features necessary to achieve an adequate level of heritage protection for the building.
- g. In accordance with Activity Table D17.4.1, the only work that can be undertaken to a Category B building as a permitted activity (unless the feature is explicitly excluded) is (A6) *Maintenance and repair of features including buildings and structures*<sup>1</sup>. All other

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<sup>1</sup> Activities permitted by (A7) relate to external works (e.g. maintenance and repair of gardens, lawns, garden amenities, driveways, parking areas...) and therefore are not a relevant consideration in this instance.

works, including minor modifications that may arise as a result of typical commercial fitout works, require resource consent from Council as a restricted discretionary activity. Given the current condition of the building, its use, and the matters that have been identified as being of particular historic significance to the place, this level of regulatory burden is considered to be unwarranted and would unduly complicate the ordinary use of the ground floor commercial space for activities otherwise provided for within the Business – Town Centre zone.

9. The Submitter seeks the following relief:

- a. That PC 31 be withdrawn; or
- b. That the plan included as Attachment C be incorporated into Schedule 14.3 of the AUPOP and that the exclusions referenced in the proposed schedule reads (proposed text has been underlined):

*“Interior of building(s); 1990s partially enclosed ground floor verandah; ground floor walls identified in Schedule 14.3.”* or;

- c. As an alternative to the relief sought in 9(a), above, that the following is recorded as an exclusion in the “Exclusions” of Schedule 14.1 of the AUPOP: (proposed text has been underlined):

*“Interior of building(s); 1990s partially enclosed ground floor verandah; ground floor original exterior walls on the northern and western elevation.”*

10. The Submitter wishes to be heard in support of this submission.

11. If others make a similar submission, the Submitter would consider presenting a joint case with them at the hearing.

Dated this 26th day of September 2019

**Aotearoa New Zealand Investments Limited**

By its planner and duly authorised agent, Planning Focus Limited:



Alex van Son  
Planner / Partner

**Address for Service:** Aotearoa New Zealand Investments Limited, c/- Planning Focus Limited, PO Box 911-361, Auckland 1142, Attn: Alex van Son ([avs@planningfocus.co.nz](mailto:avs@planningfocus.co.nz))

## Attachment A

### Locality Plan





Figure 1 – Locality Plan (Source – Auckland Council GeoMaps)

## **Attachment B**

### **Internal Photos**





Photo 1 – Internalised external walls, looking south east



Photo 2 – Internalised external walls, looking north



Photo 3 – Internalised external walls, looking east

## **Attachment C**

**Floor Plan prepared by Salmond Reed Architects  
(Showing proposed ground floor exclusions).**



SALMOND  
REED  
ARCHITECTS  
LIMITED

58 CALLIOPE ROAD  
DEVONPORT  
AUCKLAND 0624  
TEL 09 445 4045

salmondreed.co.nz

09 September 2019

2019-078

Alex van Son  
Planning Focus Limited  
PO Box 911-361

Auckland 1142

Dear Alex,

**Former Post Office Building 360 Remuera Rd, Remuera**

**Potential Council Heritage Building Listing – original exterior walls**

Further to our recent correspondence, I write to confirm that I have measured and drawn the interior of the building – specifically, the original exterior (some now interior) walls.

After studying the interior through measuring and drawing, I have found it easier to assess and comment on what, I believe, could be potential wall sections for removal.

To assist you and the planning process of scheduling the building, I have indicated on the attached floor plan the following:

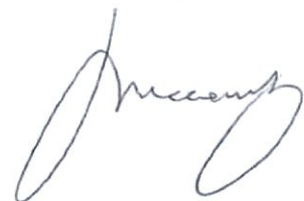
- Existing walls in **yellow**
- Existing wall sections which could be for potential removal in **red**

Should the walls in **red** be removed, I believe this would provide more than adequate clear openings for potential future development (e.g. a restaurant), whilst maintaining important architectural and structural references to the former post office building's design and floor plate.

Note, two original chimneys remain, one of which is located directly above an *extra thick* wall section on the ground floor. From early plans (The Heritage Studio Evaluation report) it is clear that this wall section conceals an original fireplace serving the former Manager's office. I consider this as important building fabric and recommend its retention.

I trust this information is satisfactory and please get back to me with any queries.

Yours sincerely,



SALMOND REED ARCHITECTS  
Lloyd Macomber  
*Director*



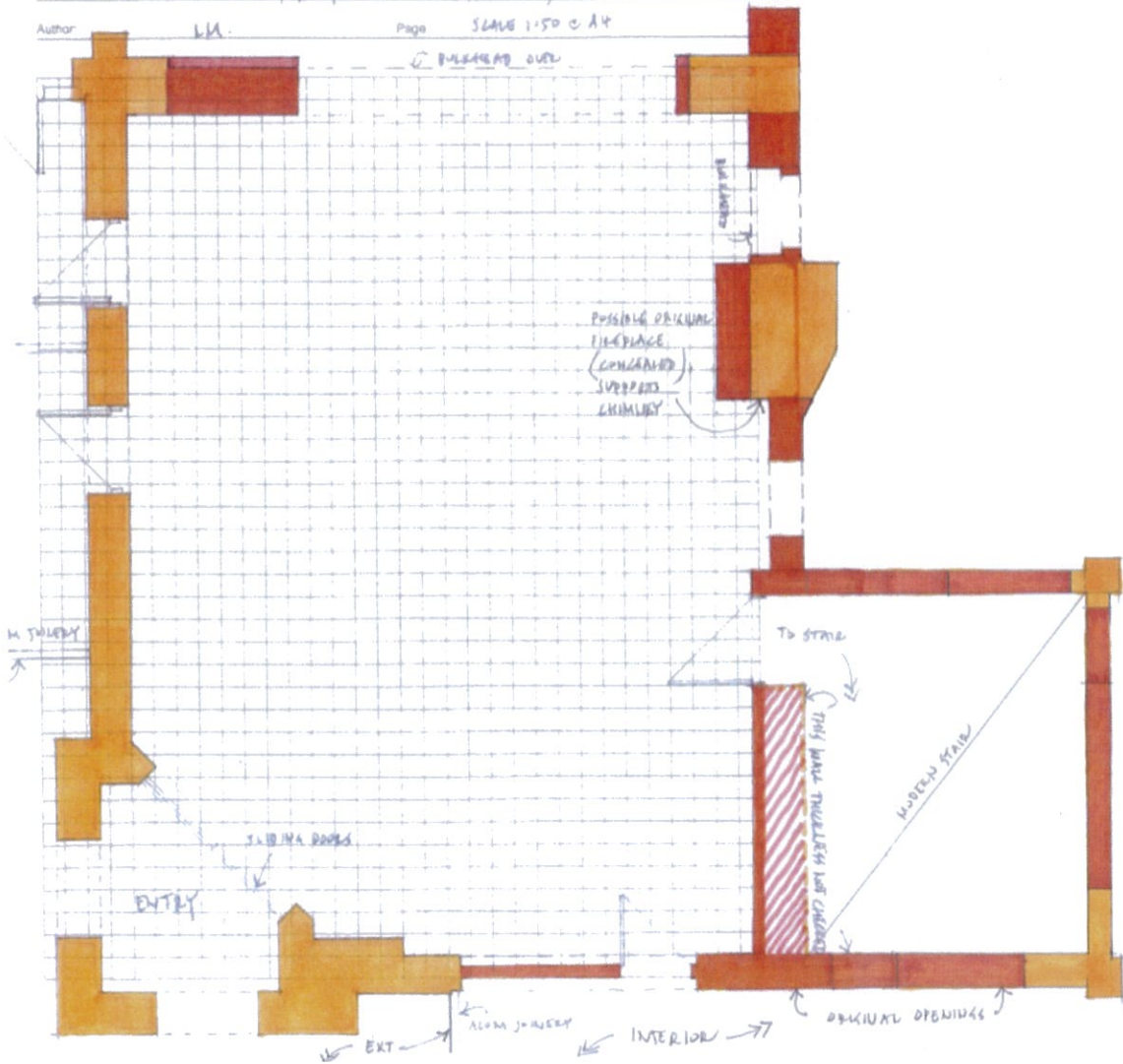
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FAX +64 9 445 4111  
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www.salmondreed.co.nz

LEGEND

- EXISTING WALLS
- WALLS FOR POTENTIAL REMOVAL



Project 360 REMUERA RD Job no 2019-076  
 Title/Description GROUND FLOOR PART-PLAN Date 11 SEPT '19  
 Author LK Page SCALE 1:50 @ A4



The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Renee Sell

Organisation name: The Theosophical Society in New Zealand Incorporated

Agent's full name: John Yan

Email address: [john.yan@envivo.nz](mailto:john.yan@envivo.nz)

Contact phone number: 09 638 2612

Postal address:  
PO Box 109 207  
Newmarket  
Auckland 1149

### Submission details

#### This is a submission to:

Plan modification number: Plan change 31

Plan modification name: Schedule 14.1 Historic Heritage Additions

#### My submission relates to

Rule or rules:  
Schedule 14.1 & Schedule 14.2

Property address: 541 - 545 Remuera Road, Remuera

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:  
Please refer to the attachment.

I or we seek the following decision by council: Decline the plan modification

Submission date: 26 September 2019

Supporting documents  
Submission for Plan Change 31 - Envivo Ltd.pdf

### Attend a hearing



Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public

**AUCKLAND UNITARY PLAN: OPERATIVE IN PART****SUBMISSION FOR PLAN CHANGE 31 (Schedule 14.1 Historic Heritage Additions)**

To: Auckland Council  
[unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

Name of Submitter: The Theosophical Society in New Zealand Incorporated  
Attn: Renee Sell  
[nvp@theosophy.org.nz](mailto:nvp@theosophy.org.nz)

**1.0 INTRODUCTION**

- 1.1 This submission is made by The Theosophical Society in New Zealand Incorporated (**The Submitter**) on Proposed Plan Change 31 (**PC 31**) to the Auckland Unitary Plan: Operative in Part (**AUP: OIP**).
- 1.2 The specific parts of the Plan to which this submission relates to are:
- *The proposed amendments to 'Chapter L: Schedule 14.1 Historic Heritage' and 'Chapter L: Schedule 14.2 Historic Heritage Areas – Maps and Statements of Significance'.*

**2.0 SCOPE OF THE SUBMISSION**

- 2.1 PC 31 seeks to introduce six new historic heritage places (five individual heritage places and one historic heritage area) to Schedules 14.1 and 14.2 of the AUP: OIP. It will introduce a 'Historic Heritage Area Overlay (Extent of Place)' to the Planning Maps, for the identified 16 individual sites (i.e. 13 'contributing sites' and 3 'non-contributing sites') within three primary 'blocks'.
- 2.2 The Historic Heritage Overlay is applied across to historic heritage places and/or areas that are identified in Schedule 14.1 and shown on the Plan's maps. The proposed inclusions to Schedules 14.1 and 14.2 will therefore result in the 'identified sites' of the 'Upland Village Area' as being subject to planning provisions of Chapter D17: Historic Heritage Overlay.
- 2.3 This submission relates solely to the proposed historic heritage area, known as the 'Upland Village Historic Heritage Area'. This area includes various retail properties established around the intersection of Remuera Road, Upland Road and Minto Road.

### 3.0 BACKGROUND

- 3.1 The submitter owns the land at 541 - 545 Remuera Road (Lot 2 DP 22142), hereby known as 'the subject site'. It is zoned 'Business – Neighbourhood Centre' under the AUP: OIP and forms part of the 'Upland Village' local retail hub in Remuera.
- 3.2 The 842m<sup>2</sup> subject site is approximately 40m southwest from the intersection of Remuera, Upland and Minto Roads. The location and extent of the site is illustrated below.



Figure 1: Aerial photo of the subject site.

- 3.3 It is currently occupied by a two storey building that has a verandah extending across the entire length of the site frontage and overhangs the pedestrian footpath of Remuera Road. The rear of the site is currently occupied as a carpark that is accessed from Minto Road to the east.
- 3.4 The existing building and veranda adjoin onto those of the adjacent buildings to the immediate east at 547, 551 – 553 and 561 Remuera Road. This group of land forms the 'southwestern block' identified as part of the proposed historic heritage area overlay.
- 3.5 It is noted that the existing building (including its immediate surroundings) is not listed as a heritage building or feature under the AUP: OIP or by Heritage New Zealand, nor is it subject to any Special Character overlays.

### 4.0 PART 2 OF THE ACT

- 4.1 This submission seeks to ensure that the AUP: OIP applies planning control(s) that can be effectively implemented to promote sustainable management in accordance with Part 2 of the Resource Management Act 1991 (RMA). The control(s) should represent the most efficient use and development of the natural and physical resources of the land.

## 5.0 REASON FOR SUBMISSION

- 5.1 This submission **opposes** the proposed inclusion of the 'Historic Heritage Overlay' as it relates to the 'Upland Village Historic Heritage Area' under Schedules 14.1 and 14.2, in its entirety.
- 5.2 If adopted in its current form, PC 31 would apply the provisions in Chapter D17 of the AUP: OIP to manage the protection, conservation, maintenance, modification, relocation, use and development of scheduled historic heritage places, within the 'Upland Village'. That outcome has implications to the submitter should they wish to seek a future consent to add other activities or to modify the building on the subject site.
- 5.3 Under Chapter D17 of the AUP: OIP, it states that:  
*'Scheduled historic heritage places have been evaluated and meet the heritage significance criteria and thresholds set out in the Regional Policy Statement (Chapter B5.2).'*
- 5.4 The identification and evaluation criteria for historic heritage places are outlined within Policy B5.2.2 (1) of Chapter B5.2 and consider the following attributions related to:  
*'(a) historical, (b) social, (c) Mana Whenua, (d) knowledge, (e) technology, (f) physical attributes, and (g) aesthetic and (h) context'.*  
Furthermore, new historic heritage additions to Schedule 14.1 shall be consistent with the requirements of Policy B5.2.2 (3) which states that:
- a) *The place has considerable or outstanding value in relation to one or more of the evaluation criteria in Policy B5.2.2 (1); and*
  - b) *The place has considerable or outstanding overall significance to the locality or greater geographic area.*
- 5.5 The 'Upland Village Historic Heritage' area, as identified for inclusion of the 'Historic Heritage Overlay', is determined on the basis of attributes 'A, F and H' of the criteria in Policy B5.2.2 (1). This decision is not considered consistent with the scheduling evaluation criteria because:
- The identified historic values of the area are considered to originate from the inter-war years of the twentieth century. Since that time, the area has undergone many physical changes and alterations, resulting in the evolution of Upland Village continuing into the 'new millennium'.  
  
This is reinforced by the analysis of individual building exteriors which determine a series of changes that reduces any of the original design authenticity typically considered necessary for built form to warrant heritage recognition and conservation.
  - There are no buildings or sites (other than 586 – 592 Remuera Road; Item 01828 Category B in Schedule 14.1 of the AUP: OIP) within the identified 'Upland Village' area that reflects historic heritage values/attributes greater than those areas referenced in Appendix 4 of the 'PC 31 Historic Heritage Evaluation'.

Those areas comprises a range of commercial centres that exhibit similar built scale and aesthetics, but have not been identified as warranting historic heritage or special character overlays under the AUP: OIP.

- The context of the streetscape character is therefore considered inconsistent given the evolutionary changes that have occurred to the existing Upland Village buildings overtime.

## 6.0 OUTCOME(S) SOUGHT

6.1 This submission seeks the following outcome from Auckland Council:

- That the proposed 'Historic Heritage Overlay – Extent of Place' for the identified 'Upland Village Historic Heritage Area' is removed in its entirety.

*And/or*

- Such alternative or consequential relief is necessary.

## 7.0 PROCEDURAL MATTERS

7.1 The submitter wishes to be heard in support of its submission.

7.2 If others make a similar submission, the submitter will consider presenting a joint case with them at a hearing.

7.3 The submitter has an interest greater than the interest of the general public and is directly affected by the Plan Change.

7.4 The submitter does not seek to gain advantage in trade competition through this submission.

Dated this 26<sup>th</sup> day of September 2019, on behalf of the submitter.



John Yan  
Planning Consultant – Envivo Limited

### Address for service of the submitter

The Theosophical Society in New Zealand Incorporated  
C/- Envivo Limited (Attention: John Yan)  
PO Box 109 207, Newmarket, Auckland 1149  
Phone: 09 638 2612  
Email: [john.yan@envivo.nz](mailto:john.yan@envivo.nz)



The following customer has submitted a Unitary Plan online submission.

### **Contact details**

Full name of submitter: Susan Andrews

Organisation name: Heritage New Zealand Pouhere Taonga

Agent's full name:

Email address: [sandrews@heritage.org.nz](mailto:sandrews@heritage.org.nz)

Contact phone number: 09 307 9920

Postal address:

### **Submission details**

#### **This is a submission to:**

Plan modification number: Plan change 31

Plan modification name: Schedule 14.1 Historic Heritage Additions

#### **My submission relates to**

Rule or rules:

The entire plan change.

Property address: Please see submission attached.

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Please see submission attached.

I or we seek the following decision by council: Accept the plan modification with amendments

Details of amendments: Please see submission attached.

Submission date: 26 September 2019

Supporting documents

HNZPT Submission PC31 - Additions to Schedule 14 1 Schedule of Historic Heritage 26 09 19.pdf

### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



26<sup>th</sup> September 2019

Auckland Council  
Unitary Plan  
Private Bag 92300  
Auckland 1142  
Attention: Planning Technician

Dear Sir or Madam

**SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA  
PROPOSED PLAN CHANGE 31: SCHEDULE 14.1 HISTORIC HERITAGE ADDITIONS**

**To:** Auckland Council

**Name of submitter:** Heritage New Zealand Pouhere Taonga

**1. This is a submission on the following proposed change to the Auckland Unitary Plan (Operative in Part) (the proposal):**

Proposed Plan Change 31: Schedule 14.1 Historic Heritage Additions: to recognise the historic heritage values of six historic heritage places (five individual heritage places and one historic heritage area) by adding them to Schedule 14 of the Auckland Unitary Plan (Operative in Part) and planning maps. This means that these places will be subject to the provisions of the Historic Heritage Overlay.

**2. Heritage New Zealand could not gain an advantage in trade competition through this submission.**

**3. The specific provisions of the proposal that Heritage New Zealand's submission relates to are:**

The entire proposed plan change.

**4. Heritage New Zealand's submission is:**

4.1. Heritage New Zealand is an autonomous Crown Entity with statutory responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014 for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage.

4.2. Heritage New Zealand supports the proposed addition of the six historic heritage places (five individual heritage places and one historic heritage area) to Schedule 14 of the Auckland Unitary Plan (Operative in Part) and planning maps, in recognition of their historic heritage values and to assist in the management and protection of these values 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.

9.2

4.3. Heritage New Zealand notes that the following historic heritage places subject to Proposed Plan Change 31 are entered on the New Zealand Heritage List/Rārangi Kōrero (NZHL/RK):

- Riverina as a Category 2 Historic Place (List No. 498); and
- McLaren's Garage (Former), within the proposed Upland Village Historic Heritage Area, as a Category 1 Historic Place (List No. 7656), and which is also in the Auckland Unitary Plan (AUP) Historic Heritage Schedule 14.1 (ID 01828, Category B).

4.4. In addition two historic places linked to the proposed Colonial Ammunition Company Bulk Store historic heritage place, are entered on the NZHL/RK: the Colonial Ammunition Company Shot Tower (Category 1, List No. 87); and the Colonial Ammunition Company Office (Former) (Category 1, List No. 9926). Both are also scheduled on the AUP Historic Heritage Schedule 14.1 (ID 1770, Category A; and ID 02752, Category B respectively).

4.5. Heritage New Zealand however does not support the proposed exclusion from scheduling of the kitchen and bathrooms of the interior of Riverina, or the proposed exclusion from scheduling of the interior of the principal residence in regard to Glenholm.

**5. The reasons for Heritage New Zealand's position are as follows:**

5.1. Heritage New Zealand supports the identification for scheduling of these places in order that inappropriate subdivision, use and development can be avoided, and to enable appropriate use, protection, management and conservation of these places.

5.2. Heritage New Zealand considers it inappropriate to exclude the kitchen and bathrooms of Riverina and the interior of the main Glenholm residence, where the rationale to do so has not been sufficiently identified. These exclusions without appropriate justification, will otherwise impede consideration of the place as a whole, and prevent the potential for reversal of past unsympathetic modifications and the restoration and recovery of heritage values associated with these places.

5.3. With regard to Riverina, the May 2019 Historic Heritage Evaluation recommends the interiors of the house be included in the scheduling of the place because of their high level of integrity, yet then recommends the kitchen and bathrooms be excluded from the scheduling of the interiors, with no supporting assessment or explanation as to why this should be the case. The evaluation details that the interior when viewed in June 2019 appeared very much intact, and that there have been no changes to the original fabric since an earlier visit in 2012, with photographs taken at this previous time provided in the evaluation including one of the kitchen mantle, amongst others depicting key interior and exterior features of the building.

5.4. Similarly in relation to Glenholm, while it is proposed to exclude the interior of the principal residence, the June 2018 Historic Heritage Evaluation nonetheless notes that it is possible that portions of the building's original layout, fabric and features remain, and that the house has been subject to a 'restoration' to convert the building from flats back to a single residence, with a layout, particularly on the ground floor, that is not too dissimilar to its original arrangement.

5.5. More generally in accordance with good heritage practice, (and as acknowledged in the Section 32 Report), it is Heritage New Zealand's view that potential future changes to these places should be considered in relation to the effects on the whole of the place, including interiors. Accepting that modifications have been made to some of the original fabric and features over time, comprehensive scheduling permits assessment of past and future change on all elements of the



place and is inclusive to the possibility of reversing previously changed elements and potential restoration.

5.6. Heritage New Zealand considers that the exclusion of specific interior elements and the interior of Riverina and Glenholm, which likely pertain to the values, or potential recovery of values for which the historic heritage place has been scheduled, is contrary to the following objectives and policies of the AUP:

- Policy B5.2.2 (9) which provides for the restoration of historic heritage places;
- Objective D17.2 (1) with regard to supporting and enabling the restoration of places, the protection from [further] inappropriate modification;
- Policy D17.3 (8) regarding the maintenance and enhancement of values including the ability to interpret the place, complementing the form, fabric, and setting associated with the values of the place, and integration with the identified heritage values;
- Policy D17.3 (9) which seeks to enable restoration to enhance the values of the place in accordance with good practise conservation principles, and
- Policy D17.3 (10) which supports the modification or restoration of places to recover and reveal values, and to remove features and additions that compromise these values.


**6. Heritage New Zealand seeks the following decision from the local authority:**

That the plan change be approved with the exception of the exclusions proposed for Riverina and the proposed exclusion of the interior of the main dwelling for Glenholm.

9.3

**7. Heritage New Zealand wishes to be heard in support of our submission.**

Yours sincerely

  
Sherry Reynolds  
Director Northern Region

Address for Service:

Susan Andrews

PO Box 105 291, Auckland

09 307 9920

[sandrews@heritage.org.nz](mailto:sandrews@heritage.org.nz)

## Submissions to Proposed Plan Change 31

### Submitter details

Agent: Jennifer Hayman

Organisation name: **Remuera Heritage Inc.**

Address for service: c/- Hayman Consulting, P O Box 12-450, Auckland 1642

Email: [jennifer@haymanconsulting.co.nz](mailto:jennifer@haymanconsulting.co.nz)

Contact person: Jennifer Hayman

Remuera Heritage Inc. supports / supports in part, and seeks amendments, as outlined in the submissions detailed below, and/or such alternative relief which addresses the concerns of the submitter.

10.1

Remuera Heritage Inc. wishes to be heard in support of its submissions.

Remuera Heritage Inc. could not gain an advantage in trade competition through this submission.

If others are presenting similar submissions, Remuera Heritage Inc. would consider presenting a joint case at any hearing.

Date: 26 September 2019

<b>Provision</b>	<b>Support/Oppose</b>	<b>Submission/Reasons</b>	<b>Relief sought</b>
<b>Addition of Glenholm (residence) to Schedule 14.1 Table 1</b>	Support	The recognition of the historic heritage significance and values of this well-known residence is appropriate.	Accept the proposed plan change.
<b>Addition of Remuera Primary School War Memorial Gates to Schedule 14.1 Table 1</b>	Support	The recognition of the historic heritage significance and values of the well-known memorial gates is appropriate.	Accept the proposed plan change
<b>Addition of Remuera (former) Post Office to Schedule 14.1 Table 1</b>	Support with amendments	Add value b) – the landmark has continuing social value, as a highly visible publicly accessible space, including its use over the last century as Post Office, then bank(s). Add value g) – the high visual and landmark qualities of the structure, notwithstanding the modifications to the ground level elevations (reversible and with potential for new treatments), gives it considerable aesthetic value.	Accept the proposed plan change with amendments.
<b>Addition of Historic Heritage Area to Schedule 14.2 Statement of significance and map</b>	Support with amendments	Add value b) – the area has social value, in the current era, as a meeting place (café and bars/restaurants), while formerly its social value was as local shops providing a range of services (the pharmacy being a remaining example). There is no introduction to, nor explanation for, the name “Upland Village”. The location has been known as “Remuera Village”, or sometimes “Upland Road Shops”. Provide rationale for the name, or an alternative name acceptable to the local community. It is not clear why three of the sites/buildings have been classified as noncontributing, given their apparent contemporaneity and contribution to the history of the area. While their architecture is somewhat plain, they appear to retain some original elements. The statement of significance could be simplified, and its clarity improved.	Accept the proposed plan change with amendments.

10.2

10.3

10.4

10.5

Supplementary comment:

It is noted that applications for Certificates of Compliance for demolition have been submitted for some of the proposed additions to the Schedule. It is further noted, at p29 of the Section 32 Evaluation Report, that the owners were advised, prior to the proposed plan change being notified, and that this was at the request of the Orakei Local Board. Whilst acknowledging that funding for the evaluation was provided by the Orakei Local Board, it is imperative that elected members, in their decision-making, have due regard to the risks of such a recourse in the management of a finite resource. Demolition of buildings proposed for addition to the Schedule acts to frustrate Council in its obligations under the s6(f) of the RMA 1991.

**8 October 2019**

**Submission regarding the scheduling of Riverina, 46 Wilson Road, Warkworth**

I agree with the scheduling of Riverina, but with amendments.

11.1

The suggested extent of place (boundary) to be as per attached PDF document, with amendments as follows:

The red line on the plan document is the initially proposed border of the extent. However, the extent of place should be amended to extend to the edge of the adjoining roads (Wilson Road & Hepburn Creek Road).

Please note that the small farm building to the west of the house and the small machinery shed to the south side of the house are both outside the amended extent.

The original three roomed building immediately behind the house (originally a laundry, dairy and workshop) either be excluded from the scheduling or, alternatively, included in the scheduling but with recognition that the building can be demolished (with the provision that door and window frames and all associated hardware is saved) due to its poor state of repair.

I agree that the interior of the house be scheduled, with the following exclusions: the kitchen and both bathrooms should be excluded. The kitchen was renovated to more modern fittings in the 1980s to make it more useable for today's living. With regards to the bathrooms, one is in the original bathroom, but has been updated in the 1980s to more modern fittings. The other bathroom was originally a bedroom and has been hugely changed to be a full bathroom/wet room, as was necessary for the last resident. The bathrooms need to be functional for today's style of living with the house continuing as private a residence.

11.2

The property should be scheduled due the unique nature of the building and its significance to Warkworth, New Zealand and association to NZ industry. Riverina was originally the home of Nathaniel Wilson, known as the father of Warkworth. Nathaniel Wilson and his brothers established the first hydrated lime company in Australasia, Wilsons Lime Company. This large business were based at the substantial lime works (now in ruins) on the banks of the nearby Mahurangi River. This company moved into cement (Wilson's Cement) and today is known as Golden Bay Cement.

Riverina has significant heritage and history. It is largely unmolested in both the interior and exterior and is a wonderful survivor of its time. It needs to be saved and recognised via the heritage overlay of the Unitary Plan.

I write this submission as an executor of the Estate of Beverley Alison Simmons.

Anthony Simmons  
5 Ted William Street  
Avondale 0600  
AUCKLAND

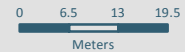
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### EXTENT OF PLACE PROPOSAL



Scale @ A4  
= 1:1,000

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