

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2019-AKL

UNDER the Resource Management Act ("RMA")

IN THE MATTER of an appeal under cl 14 of Sch 1 to the RMA against a decision of the Auckland Council on Plan Change 7 to the Auckland Unitary Plan (Operative in Part)

BETWEEN **Housing New Zealand Corporation**

Appellant

A N D **Auckland Council**

Respondent

NOTICE OF APPEAL BY HOUSING NEW ZEALAND CORPORATION

30 May 2019

**ELLIS GOULD
LAWYERS
AUCKLAND**

**Level 17 Vero Centre
48 Shortland Street, Auckland
Tel: 09 307 2172 / Fax: 09 358 5215
PO Box 1509
DX CP22003**

**REF: Dr Claire Kirman / Alex Devine
AUCKLAND**

TO: The Registrar
Environment Court
AUCKLAND

1. **HOUSING NEW ZEALAND CORPORATION** (“**the Corporation**”) appeals against part of a decision of Auckland Council (“**the Council**”) on Proposed Plan Change 7: Additions to Schedule 14 Historic Heritage (“**the Plan Change**”) to the Auckland Unitary Plan (Operative in Part) (“**Unitary Plan**”).
2. The Corporation has a right to appeal the Council’s decision to the Environment Court under clause 14 of Schedule 1 to the Resource Management Act 1991 (“**RMA**”) because the Corporation made submissions on the Plan Change in relation to the matter which is now appealed, being the scheduling of the ‘First state pensioner housing’ at 6-12 Pelham Ave (“**Pelham Ave Flats**”).
3. The Corporation provides further details of the reasons for its appeal below.
4. The Corporation is not a trade competitor for the purposes of section 308D of the RMA. In any event, the Corporation is directly affected by an effect of the subject of the appeal that:
 - (a) Adversely affects the environment; and
 - (b) Does not relate to trade competition or the effects of trade competition.
5. Notice of the decision that is being appealed, being the decision on the Plan Change (“**the Decision**”), was received by the Corporation on or about 18 March 2019. Notice that the closing date for appeals to the Decision was extended, was received by the Corporation on or about 12 April 2019.
6. The Decision was made by the Council.
7. The parts of the Decision that are being appealed relate to the inclusion of the Pelham Ave Flats in Schedule 14.
8. The reasons for the appeal are as follows:

9. The Plan Change proposed a number of additions to Schedule 14 Historic Heritage to the Unitary Plan.
10. The Corporation lodged original submissions dated 9 February 2018 and further submissions dated 4 May 2018 which opposed the scheduling of the Pelham Ave Flats and the notified extent of place.
11. The Decision (at paras 169-171) concluded the Pelham Ave Flats merit scheduling:

We are of the opinion that the place merits scheduling. Being the first purpose designed pensioner housing does provide strong heritage values. Furthermore, the heritage values present were not contested. On the issue of lost or foregone development potential, we accept that there is a cost in this regard (as there is with most scheduling). However we do not consider that this cost is sufficient to set aside the heritage values. As we noted in our introduction, housing capacity is a matter that the Council has to monitor as part of its responsibilities under the National Policy Statement – Urban Development Capacity. The Council has a variety of options open to it to address housing supply options, including rezoning and amending development envelopes across a large number of areas (and not just related to Housing NZ).

12. In contrast, the Corporation considers:
 - (a) That the scheduling of the Pelham Ave Flats does not strike an appropriate balance between the protection of identified historic heritage values and the on-going efficient use and development of the Pelham Ave Flats.
 - (b) The Corporation accepts the contribution that historic heritage makes to the social and cultural well-being of the people and communities of Auckland, but considers that the National Policy Statement – Urban Development Capacity (“**NPS-UDC**”) requires that a wide and thorough assessment of the Plan Change be undertaken to determine that the historic heritage value of the place is greater than the value of the development potential forgone due to the restrictions imposed on buildings as a result of the scheduling.
 - (c) The Corporation considers that this type of consideration, in terms of the trade-off with the ability for Auckland to be able to intensify so as to accommodate current and future growth has not been properly undertaken with respect to the scheduling of the Pelham Ave Flats. The Corporation submits that the benefits

of scheduling of the Pelham Ave Flats are outweighed by the wider socio-economic costs.

- (d) Further, the Corporation disagrees with the reasoning of the Panel in its Decision that the Council have a variety of options available to it to address housing supply options. The Corporation considers this to be an irrelevant consideration when assessing whether the Pelham Ave Flats should or should not be included in Schedule 14. This being that the decision as to whether or not the Pelham Ave Flats merits scheduling must be made with reference to the requirements of section 32 of the RMA and must give effect to the NPS-UDC and the Regional Policy Statement. The Corporation submits that there is no ability within the schema of section 32 to assess the cost of scheduling against the Council's other options to address housing supply in the Region.
13. Unless and until the Plan Change provisions regarding the Pelham Ave Flats are amended in accordance with the relief sought below, they will not:
- (a) Promote the sustainable management of resources;
 - (b) Otherwise be consistent with Part 2 of the RMA;
 - (c) Be appropriate in terms of section 32 of the RMA; or
 - (d) Be consistent with the balance of the provisions of the Unitary Plan.
14. The Corporation seeks the following relief:
- (a) That the Decision subject to this Appeal be disallowed;
 - (b) The deletion of the Pelham Ave Flats from Schedule 14;
 - (c) Such other orders, relief or other consequential amendments as are considered appropriate or necessary by the Court to address the concerns set out in this Appeal; and
 - (d) Costs of and incidental to the Appeal.

15. The Corporation **attaches** the following documents to this Notice of Appeal:
- (a) A copy of the Corporation's original submission on the Plan Change (**Annexure A**).
 - (b) A copy of the relevant parts of the Decision (**Annexure B**).
 - (c) A list of the parties to be served with a copy of this Appeal (**Annexure C**).

DATED at Auckland this 30th day of May 2019

**HOUSING NEW ZEALAND
CORPORATION** by its solicitors and
duly authorised agents Ellis Gould



C E Kirman / A K Devine

ADDRESS FOR SERVICE: The offices of Ellis Gould, Solicitors, Level 17 Vero Centre, 48 Shortland Street, PO Box 1509, Auckland, DX CP22003, Auckland, Telephone: (09) 307-21752, Facsimile: (09) 358-5215. Attention: Dr Claire Kirman / Alex Devine. ckirman@ellisgould.co.nz/adevine@ellisgould.co.nz.

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Annexure A - A copy of the Corporation's original submission on the Plan Change

**SUBMISSION ON PROPOSED PLAN CHANGE 7: ADDITIONS TO SCHEDULE 14
HISTORIC HERITAGE**

To: Attention: Planning Technician
 Plans and Places
 Auckland Council
 Private Bag 92300
 Auckland 1142
 unitaryplan@aucklandcouncil.govt.nz

HOUSING NEW ZEALAND CORPORATION (“**the Corporation**”) at the address for service set out below makes the following submission on Proposed Plan Change 7: Additions to Schedule 14 Historic Heritage (“**the Plan Change**”).

Introduction

1. This submission on the Plan Change is made on behalf of the Corporation.
2. The Corporation’s role includes the efficient and effective management of state houses and the tenancies of those living in them. In the Auckland context, the housing portfolio managed by the Corporation comprises some 27,900 dwellings. Reconfiguring this housing stock in Auckland is a priority for the Corporation to better deliver to its responsibility of providing efficient and effective affordable and social housing.

Scope of Submission

3. The submission relates to the Plan Change as a whole, including, but not limited to:
 - (a) The proposed addition of 6-12 Pelham Avenue, Point Chevalier (First State Pensioner Housing) to Chapter L: Schedule 14.1 Historic Heritage; and
 - (b) The proposed addition of 1043-1049 Great North Road, Point Chevalier (Pasadena Buildings) to Chapter L: Schedule 14.1 Historic Heritage.

The Submission is:

4. The Corporation opposes the Plan Change, for the reasons set out below.
5. Provided that the relief sought below and attached is granted:
 - (a) The Plan Change will be in accordance with the purpose and principles of the Resource Management Act 1991 (“the Act”) and will be appropriate in terms of section 32 of the Act;
6. In the absence of the relief sought, the Plan Change:
 - (a) Is contrary to the sustainable management of natural and physical resources and is otherwise inconsistent with Part 2 of the Act;
 - (b) Will in those circumstances impact significantly and adversely on the ability of people and communities to provide for their social, economic and cultural wellbeing.
7. In particular, but without limiting the generality of the above:
 - (a) There is the potential for conflict to arise as a result of the Plan Change, particularly in respect of the Corporation’s ongoing role in relation to the provision of warm, safe, dry and an appropriate mix of housing for those in need. As such, the Corporation wishes to ensure that the amendments and additions to the heritage schedules of the Unitary Plan strike an appropriate balance between the protection of identified historic heritage values and the ongoing efficient use and development of land.
 - (b) With regard to the proposed addition of the properties at 6-12 Pelham Avenue, Point Chevalier to Schedule 14.1, a potential conflict arises through the identification of the ‘extent of place’ over the site and the extent to which such a notation may provide for an appropriate balance between the protection of historic heritage values and the efficient use of this site to provide additional housing for Aucklanders in need.
 - (c) In addition, the Corporation also considers that deletions or amendments may be required to the proposed listing of the properties at 6-12 Pelham Avenue within Schedule 14.1 of the Unitary Plan,

286.3

particularly in relation to the identified 'heritage values', the extent of place and the identified 'exclusions', in order to help achieve the balance referred to above.

- (d) With regard to the proposed addition of 1043-1049 Great North Road, Point Chevalier (the Pasadena Buildings) to Schedule 14.1, a potential issue arises in relation to the proposed 'extent of place' identification for the site and the potential for creating or exacerbating boundary interface issues or effects for immediately adjoining properties, noting the Corporation own the immediately adjoining sites at 1055 and 1053 Great North Road.

286.4

Relief Sought

- 8. The Corporation seeks the following decision from Auckland Council on the Plan Change:

- (a) Decline the Plan Change to the extent necessary to take into account the concerns of the Corporation;

286.1

and/or in the alternative:

that the proposed additions to Schedule 14 be deleted or amended, as a result of the matters set out in this submission, so as to provide for the sustainable management of the Region's natural and physical resources and thereby achieve the purpose of the Act.

286.2

- (b) Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.

286.5

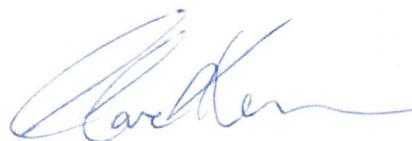
- 9. The Corporation does not consider it can gain an advantage in trade competition through this submission.

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

- 11. If others make a similar submission, the Corporation would be willing to consider presenting a joint case with them at hearing.

DATED this 9th day of February 2018

**HOUSING NEW ZEALAND
CORPORATION** by its solicitors
and duly authorised agents Ellis
Gould



C E Kirman / A Devine

ADDRESS FOR SERVICE: The offices of Ellis Gould Lawyers, Level 17, Vero Centre, 48 Shortland Street, PO Box 1509, Auckland 1140, DX CP22003, Auckland, Telephone: (09) 307-2172, Facsimile: (09) 358-5215. Attention: Dr Claire Kirman / Alex Devine. ckirman@ellisgould.co.nz / adevine@ellisgould.co.nz.

Copies to: Beca Limited
 PO Box 6345
 Auckland
 Attention: Matt Lindenberg
 Email: matt.lindenberg@beca.com

Annexure B - A copy of the relevant parts of the Decision (Extracts)

Decision on Plan Change 7 to the Auckland Unitary Plan under the Resource Management Act 1991



SUMMARY OF THE DECISION

This decision is made pursuant to Clause 10 of Schedule 1 of the Resource Management Act. The decision of the Commissioners is that Plan Change 7 is APPROVED, subject to the modifications set out.

Number and Name of Plan Change	Plan Change 7 – Additions to Schedule 14 Historic Heritage.
Type of Plan Change	Council-initiated
Date Notified	16 November 2017
Submissions	340 (including 2 late and 1 late in part)
Hearing commenced:	Thursday 27 September
Hearing panel:	David Mead (Chairperson) Shona Myers Lisa Whyte
Appearances:	<p><u>For the Submitters:</u></p> <p>Rachel Neal Progressive Enterprises Ltd represented by: – Mike Foster Xtreme Exposure Ltd represented by: – Robert Macintyre Friends of Onehunga Community House represented by: - Bridget Graham - Tony Broad Guy Brocklehurst and Belinda Hilton Emerge Aotearoa represented by: - John Cook - John Brown Valerie Muir Briar Wilson representing James Wilson and herself John and Rosalind Glengarry represented by: - Patrick Mulligan Civic Trust represented by: Allan Matson Shihe NZ Limited represented by: - Bronwyn Carruthers Diane Ross Spark New Zealand represented by: - Fiona Matthews - Kelly Bunyan - Joel Gibb Viaduct Harbour Holdings Ltd represented by: - Douglas Allan</p>

	<p>Rockport Holdings Limited Partnership represented by:</p> <ul style="list-style-type: none"> - Anthony Bloomfield <p>The Minister and the Ministry of Education represented by:</p> <ul style="list-style-type: none"> - Joanna Beresford <p>Martin Spencer Allen Dixon Joe Hollander Mary Robinson Sarah Sparks</p> <p>Heritage Landscapes represented by:</p> <ul style="list-style-type: none"> - Mandy McMullin <p>David Reeks Trevor Keam Lord Farrow Valerie Benn</p> <p>David Reeves and Dr David Gaimster represented by:</p> <ul style="list-style-type: none"> - Gail Romano <p>Andrew Bull</p> <p>The Sappers Association Inc represented by:</p> <ul style="list-style-type: none"> - Vail Hubner <p>Auckland RSA represented by:</p> <ul style="list-style-type: none"> - Graham Gibson <p>St David's Presbyterian Church represented by:</p> <ul style="list-style-type: none"> - Helen Atkins - Heike Lutz - John Childs - Reverend Douglas Lendrum <p>Friends of St David's Charitable Trust represented by:</p> <ul style="list-style-type: none"> - Brendon Abley - Penelope Stevenson - Dawn Judge - Paul Baragwanath - Karl Cook - Jane Matthews - Craig Stevenson - Terry Mansfield <p>Housing New Zealand Corporation (Housing NZ) represented by:</p> <ul style="list-style-type: none"> - Claire Kirman - Alex Devine - Brendon Liggett - Amelia Linzey <p>St Cuthbert's College Educational Trust represented by:</p> <ul style="list-style-type: none"> - Bal Matheson - Adam Wild - John Childs - Damian McKeown - Peter Nouwen <p>Mt Albert Historical Society represented by:</p> <ul style="list-style-type: none"> - John Childs <p>W L Property Investment Ltd represented by:</p> <ul style="list-style-type: none"> - Rebecca Macky - Geoff Richards - Robert Liang
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	<p>Franklin Heritage Forum represented by:</p> <ul style="list-style-type: none"> - Ian Barton - Howard Upfold <p>The University of Auckland represented by:</p> <ul style="list-style-type: none"> - Francelle Lupis - Karl Cook <p>Jeffery Wong</p> <p>Heritage New Zealand Pouhere Taonga represented by:</p> <ul style="list-style-type: none"> - Susan Andrews - Robin Byron <p><u>For Council:</u> Emma Rush, Reporting Officer David Bade, Heritage Richard Bollard, Heritage Anna Boyer, Heritage Susan Fairgray, Economics Rebecca Fogel, Team Leader – Built Heritage Implementation Rebecca Freeman, Heritage Blair Hastings, Heritage Lili Knight, Heritage Carolyn O’Neil, Heritage Noel Reardon, Manager – Heritage Unit David Reynolds, Heritage Tania Richmond, Planning Emma Rush, Planning Tanya Sorrell, Team Leader – Built and Cultural Heritage Policy Megan Walker, Heritage Diane Hartley and Anne Buchanan, Legal - DLA Piper Tanisha Hazelwood, Hearings Advisor</p>
Submitter’s who tabled evidence in lieu of attending	<p>Jude Miller Hon Nicki Kaye Westhaven Properties Limited</p>
Hearing adjourned	<p>Wednesday, 3 October 2018</p>
Hearing Closed:	<p>Tuesday 13 November 2018</p>

The following documents are appended to this decision:

- Attachment One: Record of evidence and submissions received
- Attachment Two: Amendments to AUP (OP) Schedule 14.1
- Attachment Three: Amendments to AUP (OP) Schedule 14.2
- Attachment Four: Amendments to AUP (OP) maps.

Introduction

1. This decision is made on behalf of the Auckland Council (“the Council”) by Independent Hearing Commissioners David Mead, Shona Myers and Lisa Whyte appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (“the RMA”).
2. The Commissioners have been given delegated authority by the Council to make a decision on Plan Change 7 (PC7) to the Auckland Council Unitary Plan Operative in Part (“AUP (OP)”, or ‘the Plan’) after considering all the submissions, the section 32 evaluation, the reports prepared by the officers for the hearing and evidence presented during and after the hearing by submitters.
3. PC7 is a Council-initiated plan change that has been prepared following the standard RMA Schedule 1 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as set out under the RMA).
4. The plan change was publicly notified on 16 November 2017 following a feedback process involving Iwi, as required by Clause 4A of Schedule 1.
5. The submission period closed on 9 February 2018. A summary of submissions was notified for further submissions on 12 April 2018. In addition to the summary of decisions requested, the Council directly approached a number of landowners of buildings where primary submissions from other parties had suggested that specific buildings be added to Schedule 14.1. These letters, dated 14 April 2018, informed the recipients that a submission on PC7 sought to schedule their particular property. Further, the letter advised owners and occupiers that while the submission was likely to be out of scope, they could become involved in PC7 by lodging a further submission.
6. A total of 340 submissions (including 3 late submissions) and 117 further submissions were made on the plan change. The three late submissions were deemed to have not affected the processing of PC7 and waivers were granted by the Council pursuant to section 37A of the RMA.

7. In accordance with clause 8D of Schedule 1 of the RMA, the proposal to include a Waiuku Town Centre Historic Heritage Area in the AUP (OP) was withdrawn from PC7.

Summary of Plan Change

8. PC7 has been initiated by the Council to recognise the historic heritage values of 49 places (46 individual places and three historic heritage areas. As noted above, after notification, the Waiuku Historic Heritage Area was withdrawn from PC7) by adding them to Schedule 14 and the GIS viewer/planning maps, thereby making them subject to the provisions of the AUP (OP)'s Historic Heritage Overlay.
9. PC7 does not seek to amend any of the objectives and policies of the AUP (OP). Nor does it seek to introduce any rules or zoning to the AUP (OP). The AUP (OP) policy approach to historic heritage is not changed by PC7.
10. The 49 historic heritage places in PC7 were identified by the Council through a number of processes, including:
 - heritage evaluations funded by Local Boards,
 - Council-led heritage surveys and evaluations,
 - Proposed Auckland Unitary Plan (PAUP) Pre-1944 Building Demolition Control Overlay surveys, and
 - heritage evaluations of places nominated by the public.
11. These processes are not exhaustive and we understand from Council staff that it is possible that further places will be added to Schedule 14 in response to on-going investigations.
12. The above processes identified a wide range of buildings and places that might be added to the schedule. The potential candidates were screened for their heritage significance, with only some being proposed for scheduling. Each historic heritage place included in PC7 has been evaluated for its historic heritage significance in accordance with the Council's Methodology for Evaluating Historic Heritage Significance. This methodology is dated 2013. The factors to be taken into account follow the key criteria of the Regional Policy Statement of the AUP (OP).

Hearing Process

13. To expedite the hearing process the Commissioners issued a Direction requiring the pre-circulation of expert evidence. Council prepared a section 42A report that discussed the background to the plan change and submissions received. A number of amendments to the plan change were identified, based on submissions. In response to expert evidence provided by submitters, Council was given the

opportunity to identify further changes, which they did so by way of an Addendum to the section 42A report. In this Addendum, further amendments were identified.

14. At the hearing, expert evidence was taken as read. In some cases short additional statements were provided by experts, while submitters provided notes, photographs and oral comments. Experts and submitters responded to the questions raised by the Commissioners. Council staff were invited to provide any comments as each submitter appeared.
15. The Commissioners undertook site visits before and after the hearing. They visited a selection of the buildings to be included in the schedule.
16. Towards the end of the hearing, a request was received from one submitter (Housing NZ) for leave to prepare additional submissions and evidence on a specific topic, in response to matters raised during the hearing. This extension was granted, with the additional material received by 25 October 2018.
17. The Commissioners issued a minute on the 16 October 2018 requesting additional information from the Council on a number of topics. Having reviewed this additional material and being satisfied that they had sufficient information, the Hearing was closed on 13 November 2018.

Scope of submissions – additions to the schedule

18. An important issue raised during the hearing was the scope of changes identified by submissions, and whether possible additions to the heritage schedule proposed by submissions were "on" the plan change. In particular were a number of submissions that sought to add places to Schedule 14; that is places that were not identified in PC7 as notified. Seven submissions to PC7 sought to add 25 additional historic heritage places to Schedule 14.
19. We received advice on scope issues from Council's legal advisors, as well as specific submissions from legal representatives for Spark NZ and Housing NZ. A number of counsel also provided verbal comments in relation to scope.
20. Generally, the advice was that there is a two-step process to be followed. Firstly, submissions need to be 'on' the plan change; that is the submissions needed to be within the terms of the change proposed. For example, the submission cannot raise a new change wholly outside the content of the primary change, the effect of which would be to alter the intent of the plan change. In considering the scope of a plan change, legal advice was that it was relevant to look at the purpose of the plan change, the public notice, the section 32 report and the changes actually set out in the plan change. All these factors added together to form the scope of the change.
21. Secondly, if the submission is on the plan change, then the submission needs to propose amendments that do not significantly affect the interests of other parties not present to the proceedings. That is, there is a fairness test. Here the issue is

whether a reasonable person, who had looked at the primary plan change, would likely review submissions to see whether any material changes are proposed by those submissions. The further submission process provides opportunity for them to support or oppose primary submissions, but to exercise this right, they need to be aware that changes are proposed by a primary submission.

22. Council's advice was that the submissions seeking to add places to the schedule were out of scope on the basis of the first step and should be rejected on this basis. This view was supported by a number of other legal advisors. In contrast a couple of legal counsel who presented at the hearing said that there may be room for debate as to whether the submissions requesting additional items be added were in or out of scope. Given that the plan change seeks to add places to the schedule, then it seems possible to conclude that submissions adding places are 'in scope'. However, there was still the fairness test. They went on to say that even if in scope, Commissioners would need to make a finding as to whether the places proposed to be added to the list had sufficient merit and were supported by the appropriate investigations.
23. We have considered scope issues on a case-by-case basis.

Relevant statutory provisions considered

24. The RMA sets out an extensive set of 'tests' for the formulation of plans and changes to them. These tests do not need to be repeated in detail, as PC7 is very much focused on methods. There was no need for assessment of objectives and policies in relation to superior planning documents, for example.
25. The section 42A report sets out the statutory context for the consideration of the plan change and no evidence disputed the matters set out. What is most relevant is the policy tests set out in the AUP (OP) for places and items to be scheduled for protection in the plan.
26. It is useful at this point to set out the general policy approach to historic heritage. Section 6 of the RMA states, that in achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

(f) the protection of historic heritage from inappropriate subdivision, use, and development
27. Historic heritage is defined in the RMA to mean those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:
 - a. archaeological:
 - b. architectural:

- c. cultural:
 - d. historic:
 - e. scientific:
 - f. technological.
28. Neither section 6(f) of the RMA nor the Act's Section 2 definition of 'historic heritage' defines the particular level of heritage significance to be met for a place or building to warrant protection from inappropriate subdivision, use and development. This is a matter for the relevant plan to determine.
 29. As required by Section 61 of the RMA, the Regional Policy Statement for the Auckland Region must be prepared in accordance with Part 2 of the Act, which includes Section 6. Accordingly, Chapter B5 of the AUP (OP) sets out the general approach to heritage management.
 30. By way of context, the Independent Hearings Panel that considered the Proposed Auckland Unitary Plan (PAUP) reported that the Panel did not recommend any substantial changes to the historic heritage provisions of the proposed regional policy statement in relation to significant and identified historic heritage places. The Panel noted that the provisions largely carry forward a settled methodology of identification, evaluation and scheduling of items of significant and important historic heritage based upon an agreed set of factors¹.
 31. Chapter B5 of the AUP (OP) is operative in part. B5.2. Historic heritage is operative; the objectives relating to Special Character (B5.3) are subject to appeal.
 32. Objective B5.2.1 (1) states that significant historic heritage places are to be identified and protected from inappropriate subdivision, use and development. The reference in the objective to 'significant' historic heritage is important. The Plan does not directly state what it means by significant, although later policies and the Council's heritage methodology² shed light on the criteria to apply. The heritage methodology explains that "significant historic heritage places are places that have been evaluated against the Unitary Plan criteria and found to be of considerable or exceptional overall significance to the locality or greater geographic area".
 33. The criteria for the identification of historic heritage values are set out in AUP (OP) Policy B5.2.2. Policy B5.2.2 (3) provides direction on listing:

Include a place with historic heritage value in Schedule 14.1 Schedule of Historic Heritage if:

¹ IHP report to AC Topic 010 Historic heritage 2016-07-22

² Methodology for Evaluating Historic Heritage Significance Version 7.5, 18 October 2013

(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.

34. The policy is worded such that two dimensions need to be considered: the value of the place in terms of the criteria, as well as the overall significance of the place to the locality or wider. We take this two dimension test to mean that a place needs to meet at least one of the criteria listed in B5.2.2(1), at a considerable or outstanding level, to be eligible for listing. B5.2.2(3)(b) requires that there be an overall judgement as to significance in relation to its geographic context. That is, there is a holistic assessment. It is possible that this overall assessment may mean that a place or building should not be scheduled, even if it meets one of the criteria listed. Alternatively, the overall significance may be great, even if a single criterion is met.

35. The words 'considerable' and 'outstanding' are not defined by the RMA or the AUP (OP).

36. The Council's heritage methodology suggests that the words outstanding and considerable can be considered to be part of a continuum of values that extends from little or no value, through moderate to considerable and then exceptional value.

37. The Council's assessment methodology provides the following definition of considerable:

Considerable: of great importance or interest. Retention of the identified values / significance is very important.

38. Legal submissions suggested the dictionary definition of considerable included qualities such as rarity, notable, of consequence, or worthy of consideration due to magnitude.

39. In relation to outstanding, the Council's methodology uses the term "exceptional". We are given to understand that the methodology uses this term in the same sense as 'outstanding' as referred to in Policy 3. The methodology provides the following definition of exceptional:

Of outstanding importance and interest. Retention of the identified values / significance is essential.

40. This definition is somewhat elliptical in terms of the RPS. Exceptional is usually taken to mean something that is uncommon, atypical or much greater than usual. It was also put to us that the term 'outstanding' could be considered within the context of the RMA's use of the term in relation to landscapes, that is the protection of outstanding landscapes from inappropriate subdivision and

development. Case law suggests that the term outstanding is a strong adjective. It means conspicuous, eminent, especially because of excellence or being remarkable.

41. Turning to the geographic component of B5.2.2(3), the plan does not define 'locality'. Council's methodology requires identification of local, regional or national significance. As referred to below, one policy refers to significance well beyond the 'immediate environs of the place' (in relation to Category A places). We have taken this to mean significance that extends beyond the immediate neighbourhood that the place is located in.
42. In summary, the RPS appropriately establishes 'a high bar' for places to be added to the schedule.
43. Policy B5.2.2 (1) lists the following factors to be taken into account in the assessment of value:
 - (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*
44. We note that none of the above criteria refer to the potential 'burden' of listing, for example the extent of lost or reduced development opportunities. This is a matter we address below.
45. If a place meets the criteria of having considerable or outstanding value in terms of one or more of the matters listed above, then a decision needs to be made as to what level of protection is to be afforded to the place, the extent of the site to be included in the schedule and whether any specific exclusions should be identified.
46. In relation to the level of protection, Policy B5.2.2 (4) states:
- Classify significant historic heritage places in Schedule 14.1 Schedule of Historic Heritage in one of the following categories:*
- (a) *Category A: historic heritage places that are of outstanding significance well beyond their immediate environs;*
 - (b) *Category A*: historic heritage places identified in previous district plans which are yet to be evaluated and assessed for their significance;*
 - (c) *Category B: historic heritage places that are of considerable significance to a locality or beyond.*
47. It was clarified by Council staff that Category A* was a transitional category applied to places identified in legacy plans. It was not a category to be used for new places to be added to the schedule.
48. The extent of place identifies the area surrounding the building that is important to the values to be protected. It can include adjacent footpaths, for example.
49. Two historic heritage areas are proposed to be included in the AUP (OP) – Winstones Model Homes and Point Chevalier Shops. Policy B5.2.2 (4) describes Historic Heritage areas as follows:
- 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.*
50. Finally two places are located in the coastal marine area and are subject to the Regional Plan: Coastal. Inclusion of these two places requires the approval of the Minister of Conservation.

Decision making

51. The Commissioners were presented with a number of approaches as to how they should assess the proposed additions to the schedule. In particular was the extent to which other, 'non-heritage' factors should weigh in the decision as to whether a place should be scheduled. Thus, a two-step process was suggested by a number of submitters.
52. The first step was to consider whether the proposed place met the criteria for scheduling, as set out in the RPS and elaborated upon by the specific heritage assessments undertaken.
53. The next step, should the place be an appropriate candidate, was to consider whether there were other factors that might outweigh the heritage benefits identified. For example, lost or forgone development opportunities were often identified. The National Policy Statement on Urban Development Capacity was raised in this regard. Also relevant may be existing designations for public works that could 'override' the heritage listing.
54. Support for this two-step process was found by reference to section 32 of the RMA – that in considering a change to the AUP, options needed to be considered and costs and benefits taken into account. Indeed one criticism of the plan change was that the section 32 assessment was very general and did not address specific places. This criticism was borne out, to an extent, by the Council seeking to 'withdraw' some places from being scheduled based on the submissions received and after taking into account non-heritage matters.
55. In general we agree with the two-step process, but with the qualification that the second step does not need to be completed for all places and sites. In our view, supported by reference to Section 6 of the Act and the RPS policies that significant heritage be protected from inappropriate development, the second step is most relevant to those situations where the heritage values are finely balanced, or where there is substantial lost opportunities. That is, if the place clearly meets and exceeds the criteria for listing, then it is reasonable to assume that the place has high heritage values, and on the face of it, these values are likely to outweigh other factors. To do otherwise would be to undermine the direction of section 6 of the RMA that heritage be protected from inappropriate development. Having said that, we accept that if there is debate or doubt as to heritage values, or very significant costs on the other side of the ledger, then it is reasonable to take into account other factors that may weigh against listing.
56. In relation to the first step - assessing heritage values – it was accepted by all parties that the RPS requires an evaluative judgement of heritage values based on knowledge and experience. It is not a precise science. As a result, in considering contrasting views as to heritage values it is important to take into account factors such as extent of investigations, range of sources used, knowledge of the place or property and comparative assessments.

57. In relation to the second step – the wider evaluation – a number of factors were put to us, including the need to provide for growth and development, the potential for other methods to be used, the extent to which compensating actions could be taken to address the listing, such as allowing for more development elsewhere on a site. The existence of demolition consents and designations was also referred to.
58. We note that the Council provided only a very general assessment of costs and benefits of scheduling. Council’s reporting also relied, to an extent, on initial analysis that suggested properties that were scheduled did not appear to see a reduction in their property values, relative to neighbouring properties. At the hearing the Council updated this advice, noting that reassessment of data indicated a reduction in values arising from scheduling, perhaps in the order of 10%. Council had also undertaken an assessment of some commercial and industrial sites proposed to be included in the schedule. This analysis suggested that in comparison to average levels of development across the business areas that they were located in, the specific sites were developed to a comparable level. This suggested that in reality, any foregone development options were limited in extent.
59. At the end of the hearing, Council provided some additional comment on development opportunities that may be foregone, based on submissions from Housing NZ. The core of this advice appeared to be that the lost development opportunity from a specific site could be made up for by changes elsewhere across Housing NZ’s land holdings. Housing NZ opposed this method of analysis.
60. On the general issue of lost development potential, the National Policy Statement on Urban Development Capacity was put to us as a policy that might be said to ‘lean against’ heritage protection. That is, when formulating plans, the National Policy Statement requires sufficient development capacity to meet short to long term housing and business needs. The tenor of the evidence was that where there was insufficient development capacity, then this should mean that heritage listings are not pursued if those listings would result in lost development opportunities. As a general proposition, the Commissioners are not convinced that the National Policy Statement must be read in this light. The protection of historic heritage is a matter of national importance under the RMA. If there are concerns about lost development opportunity from historic heritage protection, then that may be addressed by adjustments to the general zoning patterns and envelopes, rather than not affording protection to recognised features and places. We acknowledge that this approach of ‘changes elsewhere’ to off-set increased protection on specific sites is not something that we can guarantee. We also note that the costs and benefits of such an approach may also fall unevenly.
61. In any event, Council’s latest reporting on the implementation of the National Policy Statement is that the Auckland Unitary Plan provides sufficient capacity to meet short to medium term demands. This was not disputed by any party. Long term there is a question over feasible capacity, but equally there is time for Council to

take actions to remedy the situation. We do not see the National Policy Statement as being an overriding consideration.

62. As a general statement, the submissions we received sought that an analysis of costs and benefits be undertaken, rather than provide the detail of such analysis. In one case valuations by Registered Valuers of a property with and without the listing were provided which assisted in describing the 'costs' of listing. A similar approach was put forward by Housing NZ in relation to the site in Pelham Street. Council's section 42A report indicated some sympathy with the need to address 'costs' of listing. As noted, Council's reporting indicated a 10% reduction in property values for sites that are listed, relative to surrounding sites. Furthermore, the Council recommended that one potential listing not proceed due to the constraint to redevelopment (First State House). Yet for other properties, the Council maintained that the costs of listing were outweighed by the heritage benefit.
63. No attempt was made to quantify the benefits of heritage listing by the submitters requesting an analysis of costs and benefits. The Council's evidence suggested a small 'halo' effect, with adjacent properties rising in value from being located beside a listed heritage site, with increase in the order of 1 to 2%.
64. We are not persuaded that factors such as demolition consents should make any material difference to listing or not. We were presented with a number of examples where demolition consents have been issued but not actioned. We appreciate calls for compensating actions to be taken, with one submitter noting the AUP refers to transferable development rights. The Plan Change makes no amendment to methods and we cannot make such a change, even if we saw merit in it.
65. Finally, Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting submissions. The decision must include a further evaluation of any proposed changes to the plan change arising from submission; with that evaluation to be undertaken in accordance with section 32AA. With regard to Section 32AA, we note that the evidence presented by submitters and Council effectively represents this assessment, and that that material should be read in conjunction with this decision, where we have determined that a change to PC7 should be made.

Evidence heard

66. The Council planning officer's report was circulated prior to the hearing and taken as read. The majority of expert evidence of the submitters was pre-circulated. The submitter's witnesses responded to the issues and concerns identified in the Council planning officer's recommendation reports, the plan change itself and the submissions made.
67. Tabled evidence was received from Westhaven Properties Limited; Top Chain Investment Holding Ltd, Jude Miller and Hon Nickki Kaye.

68. Appendix One contains a schedule of all evidence received. Rather than summarise this evidence as we received it, we address the main points raised by reference to specific places, as set out in the following sections.

Principal issues to be resolved and findings on these issues

69. The plan change and associated evidence raised a wide range of issues for us to address. These issues can be grouped into a number of themes. It is useful to consider submissions in this way as the themes provide a structure for decision making that avoids repetition. The themes are:
- a. Changes where there is a substantial degree of support amongst relevant parties
 - b. Additions to the schedule
 - c. Opposition primarily on the basis of heritage values
 - d. Opposition to scheduling primarily on the basis of non-heritage factors
 - e. Significant amendments to the proposed Scheduling.
70. We note that these are not discrete categories and some submissions fall under a number of the above headings. However for the sake of simplicity, we deal with submissions once.

Changes largely in agreement

71. This group of submissions supported the plan change, subject to clarifications in some cases.

Church of the Ascension

72. Rachel Neal, owner of the former Church of Ascension property, provided a written statement. She supports scheduling, but seeks a reduced extent of place. The section 42A report recommends a reduction in the extent of place, removing the overlay from the rear of the site. Ms Neal indicated agreement with the amendment.
73. Our finding is that the submission be accepted and the extent of place be amended as per the section 42A report.

Onehunga Manual Training School

74. Onehunga Community House – represented by Bridget Graham and Tony Broad - presented at the hearing. The submitters support the Onehunga Manual Training School buildings being incorporated into Schedule 14.1 as a Category B place.

75. In their view, the buildings are important to the people of Onehunga and there is a strong visual and social connection to Onehunga Community House which is a Category A place.
76. It was noted that the buildings are located on land owned by the Crown / KiwiRail, with a rail designation applying. KiwiRail did not submit against the scheduling. Elsewhere we address the effect of designations. In short we do not consider that the presence of a designation is sufficient reason by itself to not schedule a building or place.
77. In this case the buildings have considerable heritage value. Our finding is that the buildings are worthy of listing. Accordingly the submission is accepted.

North Auckland Farmers Co-operative Ltd Warehouse

78. Anthony Blomfield appeared on behalf of Rockport Holdings Limited. Rockport owns the buildings located at 117-125 St Georges Bay Road. As lodged, the submission opposed the scheduling of the buildings. However the submitter now accepts that the heritage values of the three buildings on the site are worthy of listing in Schedule 14.1. The submitter sought clarification as to the extent of place extending over adjacent footpaths and the exclusions listed in the schedule.
79. Mr Blomfield indicated that amended wording to the Exclusion column of the schedule had been agreed to by Council and the submitter. The effect of the amendment is that all trees and structures in that part of the road reserve covered by the extent of place are excluded, along with the building's canopies. This amendment will avoid confusion as to whether street trees are part of the heritage feature, if consent is sought to remove the trees, for example.
80. Our finding is that the submission opposing the plan change is accepted in part with the amended exclusions column to read as follows:

Exclusions: Interior of building(s); structures that are not the primary feature; window canopies and street trees.

81. The extent of place is to be amended as set out in the Section 42A report.

Additions to the Schedule

82. This group of submissions sought that specific places and buildings be added to the list. These places and buildings were not part of the plan change as notified. Scope issues were raised in relation to the ability to add items to the list through submissions, as well the extent of analysis required to support a 'new' listing.

Butler House

83. Valerie Muir provided a booklet of notes and photographs supporting her submission. The submission seeks to add Butler House to Schedule 14.1. Ms Muir is owner of the house. PC7 as notified did not include the property in the Schedule.
84. In response to the submission, Council commissioned a heritage assessment. This assessment found that the building has considerable local heritage significance in relation to its physical attributes.
85. We note that there is a potential 'scope' issue with the submission, as the submission requests an amendment to the plan change that is beyond the content of the change as notified. Having considered the matter, in this particular case, we consider the scope issues to be of limited import. The owner of the property seeks the listing and no other parties are adversely affected. The house is worthy of incorporation into schedule 14.1.
86. Our finding is that we accept the submission and include Butler house in Schedule 14.1.

Civic Trust

87. Alan Matson provided a written statement on behalf of the Civic Trust. The Trust's submission sought that a substantial number of buildings be added to the schedule.
88. These buildings were identified by the Trust during the preparation of the PAUP. In that process, the Independent Hearings Panel (IHP) considering the PAUP determined that submissions seeking to add places to the heritage listings of the PAUP should be rejected, but indicated that Council should consider their possible listings as part of future plan changes. The Trust sees PC7 as the opportunity to progress the listing of the places identified in its submission to the PAUP, in accordance with the IHP's recommendation.
89. In relation to scope, Mr Matson's view was that additions to the schedule were in scope. Amending the schedule by way of PC7 opened up the opportunity to add additional items. In relation to the fairness test, the Trust has sought to notify owners of their submission, thereby giving them the opportunity to further submit. Council had also contacted owners alerting them to the Trust's submission.
90. Mr Matson's submission outlined the buildings to be added and identified the values present. He acknowledged that for some of the buildings nominated, circumstances may have changed since the submission was first lodged.
91. Council noted that two of the buildings that the Trust had put up to the IHP were included in PC7, as necessary heritage assessments had been completed.

92. Opposition to the Trust's submission came from M and C Spencer, Roman Catholic Bishop of NZ (represented by M Savage), Shihe NZ Limited (B Carruthers), Spark NZ (Fiona Matthews) and Viaduct Harbour Holdings (D Allan).
93. Council's advice was that the Civic Trust's submission was out of scope. This view was supported by Spark NZ, Roman Catholic Bishop of NZ and Shihe NZ.
94. In the case of Viaduct Harbour Holdings and M and C Spencer, there was concern that the buildings identified for listing did not meet the standards set out in the AUP (OP). There were no specific assessments using the Council's methodology. Furthermore, we were urged to make a finding on the substantive matter, and not just rely upon scope issues. That is, we should find that the buildings would not meet the standards set out in the Regional Policy Statement.
95. In addressing the Civic Trust's submission, we are mindful of the advice we received as to being careful over scope issues. We also appreciate that the Trust's submissions to the PAUP process had not advanced on the basis of being 'out of scope' and that our findings on their submission to PC7 could be interpreted as being a repeat of this. We wish to stress that in considering the Trust's submissions, we have also considered the extent of analysis provided as to heritage values of the individual places identified and the degree of consistency with the criteria set out in the Auckland Regional Policy Statement. During the hearing we questioned Council officers regarding the process they have used to prioritise places for assessment for scheduling and if the places proposed by the Civic Trust had been looked at by Council. As discussed above the process has included Local Board funded assessments, council heritage assessments and public nominations. We understand that 11 of the places proposed by Civic Trust are on the Council list of places of interest. The Darby Buildings and St David's Church are included in PC7.
96. Setting aside scope issues, as a general statement, it is apparent to us that the places nominated would require substantial investigation and analysis for there to be a basis to include them in the schedule. That task is beyond the ambit of the hearing and our powers. It is a matter that Council needs to consider alongside its other priorities for heritage assessment.
97. The Civic Trust's submission did contain a copy of a Heritage Assessment for Liston House, prepared by Mathews and Mathews, dated 2012, for Auckland Council. Liston House is part of the St Patricks Church complex. Council staff indicated that Liston House had been discussed in Council's evidence to the IHP panel. We were subsequently provided a copy of this evidence, as well as a copy of a Heads of Agreement between the former Auckland City Council and the Roman Catholic Diocesan. We understand from that evidence that the Council and the Diocesan have agreed a specific way forward to manage the heritage values of the St Patrick Cathedral complex. On the basis of this agreement, Council had sought that Liston House not be included in the PAUP. The IHP agreed with this.

98. On the issue of scope, it is our view that we must tread carefully when such a wide range of buildings are proposed to be added, especially relating to fairness. The number of further submissions received indicates to us that affected parties may not fully understand the implications of the Trust's submissions, despite the efforts of the Trust and the Council to alert owners.
99. Our finding is that the Trust's submissions be rejected. This is on the basis of insufficient information for us to consider the heritage merits of the buildings identified, as well as concerns over scope. In one case where a substantive heritage assessment was available – Liston House - it is apparent that the matter has recently been considered by the Council and the IHP. We see no reason for us to question that decision.

Progressive Enterprises

100. Papakura Museum made a submission requesting that a number of buildings along the main street of the Papakura town centre be added to Schedule 14.1.
101. A further submission in opposition was received from Progressive Enterprises in relation to 210 Great South Road. Mr Foster appeared at the hearing for Progressive Enterprises. He suggested that the Museum's submission was out of scope and that we should make a ruling that the submission would be disregarded. Council's section 42A report recommended that the submission be rejected as being out of scope.
102. Progressive Enterprises own the building at 210 Great South Road and have a recent demolition consent for the site (LUC60308340 – 7 Feb 2018). The site is zoned Business - Metropolitan Centre.
103. Papakura Museum did not appear at hearing and no information was presented in the submission to support scheduling the sites.
104. Given the lack of a specific heritage assessment, we find no basis to schedule the buildings identified by the Museum's submission. The submission is rejected.

Franklin Heritage Forum

105. The Franklin Heritage Forum sought that the Pukekohe railway station be listed in Schedule 14.1. The Forum was represented by Ian Barton and Howard Upfold. They outlined the historical values of the railway station.
106. A heritage assessment prepared for Auckland Council in July 2017 identified that the railway station had considerable significance in its own right, as well as the association the building has with other heritage railway stations along the southern and western rail lines. The report noted that a substantial amount of work would be required to stabilise and restore the building.
107. The Section 42A report recommended that the submission be considered as out of scope, as PC7 did seek to include the railway station in Schedule 14.1. Council

staff verbally reported that the Pukekohe railway station was likely to be redeveloped in the near future as an important public transport interchange, and as part of that process, the future of the historic railway station building would be considered.

108. At the end of the hearing, we sought further information from the Council on the plans for Pukekohe train station and interchange. Plans and documents were provided that show a number of options. The presence of the historic railway station is noted in these plans, but no firm proposals for the historic railway station are identified.
109. Given the heritage assessment that has been prepared by the Council and the findings of that assessment that the station building warrants scheduling, we would strongly urge the Council to complete the necessary investigations to secure the building's future, including incorporation into Schedule 14 of the AUP (OP). However, we do not consider that we have sufficient justification at this stage to do so as part of this plan change, noting that incorporation of the station building on the basis of a submission does raise fairness issues for other parties who are likely to have an interest in whether the place is to be incorporated into the schedule, but who have not submitted on the plan change. Accordingly the submission has to be rejected.

Opposition to scheduling on the basis of heritage values

110. This group of submitters sought that specific buildings not be added to Schedule 14.1.

Auckland Savings Bank Buildings: Greenlane

111. Robert Macintyre presented submissions opposing the listing of this building. He has owned the building since 1999. He applied for and was granted a demolition consent in 2000 prior to restoration of the building.
112. He noted that many of the features of the building's interior and exterior were items that he had brought from a different ASB bank that was being demolished. In his view, if those features had not been added, then the building would have little heritage value. These features included metal fittings, bronze security grilles, a flag pole and interior bank fittings (obtained from the Dominion Road branch before demolition in 1999).
113. He was also concerned that the site could be part of a wider redevelopment area on the corner of Great South and Greenlane Roads. In his view, it was part of a strategic corner site surrounded by car yards that has development potential. The cost of upkeep was also an issue. Street widening had occurred in 2006-08 and removal of car parking had diminished the range of uses that the building could accommodate.

114. The Commissioners visited the site post the hearing and were given a tour of the building by its owner.
115. Council's heritage assessment identified that the building is proposed to be listed for its links to the ASB bank and its suburban branch network developed during the inter-war period. The building has a distinctive style compared to other ASB banks (e.g. Grey Lynn and Pt Chevalier). ASB Greenlane is one of six surviving branches designed by the same architect.
116. Council's heritage expert confirmed at the hearing that the Point Chevalier branch is to be scheduled, but none of the other buildings are listed.
117. The heritage assessment for Greenlane ASB ranks it as having considerable physical and aesthetic significance for its unique 'mannerist' style. The building is aesthetically and stylistically different from other surviving buildings.
118. We asked the Council's heritage expert for a reassessment of the building, given the evidence of the owner as to the extent of features and items that he had sourced from other bank buildings. The reassessment maintained that the building merited scheduling.
119. Having heard the evidence of the submitter, visited the site and reviewed the heritage assessment, we are not convinced that the building meets the standard of having considerable heritage value. We are reminded that the term 'considerable' is taken to mean 'of great importance'. The association with the ASB bank's suburban branches of the inter-war period is of interest, but not of great interest. The unique style of the building is eye catching, but we consider that the building's physical and aesthetic values have been overrated.
120. Our finding is that the submission be accepted and the former ASB Greenlane Branch not be included in Schedule 14.1.

Mountain Court

121. Guy Brocklehurst presented a submission. He is the owner of Mountain Court, along with his partner, Belinda Hilton. They accept that the building has some historical and architectural interest but do not believe it is of such significance to be included in the schedule.
122. The building was constructed in two phases – two flats at the front and three in middle were built first, with two flats at the back built after war. In the submitter's view, the building has some elements of Spanish Mission style but is not a strong example of that style, having only a few references to the style. Seismic strengthening is needed and will require extensive works. It may see the need to replace the original roof tiles with a lighter structure, for example, as well as other works. They were also concerned that their building was being singled out and suggested that there are other, perhaps more deserving examples of inter-war flat development, such as at 351 and 295 Mt Eden Road.

123. The submitters requested that the Commissioners weigh up heritage value against other factors such as required seismic upgrading, impact on 'duty of care', value loss, insurance premium impact, and increased financial impact.
124. The Council's heritage assessment stated that the place has considerable physical, aesthetic and contextual value within the locality, as follows:
- (f) physical attributes, as an important building with unusual form, and as a notable example of Spanish Mission architecture in the locality;
 - (g) aesthetic, for its distinctive style and unusual stepped arrangement and its prominent streetscape presence; and
 - (h) context, for its notable contribution to a dispersed yet inter-related group of known heritage places in the locality and region, and for occupying its original, predominantly intact site for 80 years.
125. The heritage assessment identified 13 other flats in the Mt Eden area. One of these, Marino Flats is scheduled Category B. Other examples of inter-war flats and apartments scheduled in the AUP (OP) are Stichbury Terraces in Herne Bay and Mayfair Apartments in Parnell.
126. We accept that scheduling the building will impose additional obligations on the owners in terms of resource consent requirements, should alterations and additions be required. We note that seismic strengthening is provided for in the relevant rules. We also find that the place does have considerable heritage value being a fine example of inter-war flat development.
127. Having reviewed the heritage assessment and the factors that have led to the proposal to schedule the building, we find that the building has sufficient merit to warrant scheduling in Schedule 14.1. We further consider that while that scheduling will introduce constraints on the owner, we are not persuaded that these constraints are sufficient to set aside the scheduling.

Goldsbro residence

128. The Goldsbro residence is located in Newmarket. Ms Wilson has lived in the property for most of her life. She presented her submission in opposition to the listing. The submission identified numerous modifications that have been made to the building's interior and exterior.
129. Council, based on further analysis arising from the submission, recommended that the building not be listed (it was part of PC7 as notified). This was on the basis of a site visit and information from the owner as to the extent of modifications.
130. Heritage New Zealand represented by Robin Byron submitted that the building was still worthy of scheduling. However, she accepted that she had not been on-site, nor undertaken a detailed assessment.

131. We accept the submission to not include the place in Schedule 14.1.

Wiseman Residence

132. The owners of the dwelling were represented by Mr Mulligan who provided legal submissions. Rosalind Glengarry (part owner) provided a written statement.

133. Mr Mulligan questioned the rigour of the heritage assessment undertaken by the Council. He raised what he considered to be a number of uncertainties with the analysis. He noted that the owners had not sought to obtain their own expert heritage assessment as this was not necessary to question the assessment completed by Council. Given the implications of scheduling, it was important that any assessment be beyond reasonable question.

134. In the case of this building, the association with the original architect / owner was tenuous. The building was of a distinctive design, but that in itself did not justify listing.

135. Rosalind Glengarry read out a statement. She is concerned about the costs of scheduling, and questioned the heritage assessment. She noted that the garden is not original; the historical significance arising from the original occupants had been overstated; and that the house is a bungalow style and is not unique. She described alterations to the house exterior not recognised in the heritage assessment including the veranda on the eastern side closed in; and new windows added on east and western sides.

136. The Council's heritage expert (Mr Hastings) clarified that the building had been identified through the Albert Eden Heritage Evaluation project. The Council's heritage assessment rates the house as being of considerable historical significance locally and regionally because of its association with two of its owners and occupants, being the prominent architect Alexander Wiseman and his daughter, an artist and bookplate designer (Hilda Wiseman). The architect is described as a noted Auckland architect whose works included the Auckland Ferry Building.

137. The building is determined in the heritage assessment to have considerable physical attributes as a unique residential building compared to contemporary buildings of the time. The house is described as a unique 'collection' of architectural elements in terms of its plan and three dimensional form and its decorative composition.

138. We note that a place with historic heritage value can only be placed on the schedule as Category B place if it has considerable value in relation to one or more of the evaluation criteria and the place has overall heritage significance to the locality or greater geological area. This is a high threshold that needs to be met.

139. We are not convinced that the building has sufficient qualities to meet the criteria set out in the Regional Policy Statement. The building's unusual style and linkage

to the Wisemans are of interest, but we do not consider these are sufficient to say that the place has considerable value worthy of incorporation into Schedule 14.1. In particular we consider that the place does not meet the 2nd threshold of Regional Policy Statement Policy B5.2.2 (3) (b).

140. Accordingly we accept the submissions.

St Cuthberts College

141. The College was represented by Bal Matheson, with expert evidence provided by A Wild (heritage), J Childs (planning) and D Mckeown (master planning).

142. The College opposes the listing of four buildings. This is on the basis that the buildings do not meet the criteria set out in the Regional Policy Statement. In addition, the scheduling of the buildings poses a number of practical issues for the ongoing redevelopment of the site. Peter Nouwen (Director of Finance and Operations at the college) outlined the College's building and development plans. Three of the buildings are located in the middle of the site. The College is seeking to build up around the edges of their site, and develop a central open 'green' space.

143. Mr Wild had undertaken a heritage assessment of the buildings. He did not agree with the Council's assessments, considering that they overstated the heritage values and relied too heavily upon the concept of a cluster or group of buildings. He acknowledged that the Robertson building had some heritage values, but his opinion was that the building was of moderate, not considerable value, when taken in isolation.

144. Council's section 42A report recommended that the buildings be removed from PC7. This was on the basis of the costs of scheduling, not a reassessment of heritage values. The 42A report noted that the heritage assessment stood after consideration of submissions. The 42A report concluded that:

If this place is not included in Schedule 14.1, a likely consequence is that some of the buildings will be demolished and replaced to accommodate the school's future needs. The cost of this is the loss of considerable historic heritage. However, on balance when considering the historic heritage values of the place, in conjunction with the ability of the school to accommodate future growth, I consider it is more appropriate not to manage the historic heritage values of the place through scheduling.

145. Heritage New Zealand suggested that one of the buildings (the Robertson building) had merit and should be retained on the list. However no specific evidence on the heritage values of the Robertson building was presented. The Robertson building is now part of a larger complex of buildings, with extensive additions to the rear and a new large wing added to the south. Despite this, the building still retains a separate character to those additions. There is a large front portico that will be removed due to earthquake risks. This may be replaced.

146. Given the evidence of Mr Wild as to his assessment of values as being overall moderate and the Council's recommendation that the buildings not be included in the plan change, we consider that the weight of evidence is that the buildings not be scheduled.
147. We do note that there is a degree of uncertainty in both the heritage assessments as to the values of the Robertson building. Mr Wild appears to have undertaken a review, rather than a detailed assessment, and refers in a number of cases to the 'possible exception' of the Robertson building; while the Council's assessment appears to focus more on the group of buildings as a whole, rather than individual buildings. In other words, it is not clear to us whether the Robertson building could meet the criteria on its own and it is this uncertainty that means that we agree that scheduling should not proceed at this time. However that does not mean that future investigations cannot fully identify and describe the heritage values present.
148. Our finding is that the submission be accepted for the reasons outlined above and St Cuthbert's College (ID 02806) be removed from Schedule 14.1.

Auckland's First State house

149. Mr Wong, current owner, provided a written statement as well as a power point presentation. He questioned the heritage value of the property. He disagreed, based on his research, that the house was Auckland's first state house. He agreed with Council's 42A report that the place not be included in Schedule 14.1.
150. Council's heritage assessment was that the house at 146 Coates Avenue has considerable national, regional and local significance for its historical, social, physical attributes and context values. The property is one of the first groups of houses built in Coates Avenue under the 1935 Labour Government state housing programme, with the work beginning in May 1937. The house at 146 Coates Avenue was not the first to be occupied, but become the site of the 'official' opening of the state housing scheme in Orakei on 23 December 1937. At the opening the Prime Minister, Michael Savage assisted the new tenants, Mr and Mrs T E Skinner, carry their furniture in.
151. The Council's section 42A report set out a reassessment of whether the place should be included in the schedule. The report indicated that the cost of not including the place in Schedule 14.1 is the likely loss of considerable historic heritage. However, because of the development potential of the site and the constraints in achieving even a modest intensity of development on the site, the report concluded that scheduling imposes an unreasonable burden on the landowner that is not outweighed by the benefits of scheduling.
152. During the hearing Council's heritage specialist agreed that the house is not the first state house, but does have symbolic value due to the publicity at the time of its occupation. It has importance in relation to political and social change. In relation to development potential, Council staff advised that they considered there to be a difference between this case and others where development potential was raised;

in that unlike, for example Housing NZ, the scheduling affected an individual property and there were no compensating actions possible to off-set the loss of development potential.

153. Heritage New Zealand suggested that the place be scheduled. Ms Byron noted that the first state house in New Zealand is now owned by the government, while the first state house on the North Shore is scheduled as Category A* in the AUP (OP). She also noted that the place has value in its relationship to Auckland's first garden suburb (Orakei). In her view, the lost development potential of the site did not outweigh the heritage values.
154. In considering this matter we have formed the view that while the house has symbolic value, that value is somewhat overstated. We agree with the submitter that the value derived from the publicity associated with the first tenant moving in is of interest, but does not meet the Regional Policy Statement test of being of 'great interest', particularly given the other examples of state houses protected across the country. The relationship of the place to the Orakei garden suburb is now largely lost, while the garden cottage design of the house is not unique. In short, we agree with the Council's recommendation that the place not be scheduled, but do so more on the basis of some uncertainty around the heritage values, than on the basis of lost development potential.

Opposition to scheduling on the basis of other, non-heritage factors

Greenlee

155. John Cook, Emerge Aotearoa, presented at the hearing. Emerge Aotearoa are a Community Housing provider. Mr Cook noted that the company acquired the place in 1973. Their ultimate aim is to dispose of the building and property to help fund purchase and development of houses suitable for community housing.
156. Emerge Aotearoa do not challenge the conclusions of the Council's heritage assessment but contend that there is a significant cost to the submitter associated with heritage scheduling. Valuations indicate a bare land valuation of \$3.3m (that is, with the current buildings removed). With scheduling and the heritage building retained, the value is estimated to be \$2.4m. In terms of the social objectives of Emerge Aotearoa, this is a significant difference.
157. John Brown, Director Plan.Heritage Ltd provided heritage evidence. He agrees that the heritage evaluation completed by the Council is thorough, but some of its findings are conflated (for example, he considers aesthetic values to be moderate, rather than considerable). He agrees with the assessment regarding context and physical values. As a 'fall back' he supports exclusion of various extensions and ancillary buildings and interior and a reduced extent of place.
158. Mt Albert Historical Society (represented by Mr Childs) support scheduling. Mr Childs noted that it was one of few heritage buildings left in Owairaka.

159. The issue for us to consider is whether the lost development opportunities outweigh the heritage benefits. The heritage values were not questioned by the submitter. They are listed as being of considerable local heritage significance in relation to the following values: (a) Historical, (f) Physical attributes, (g) Aesthetic value, (h) Context, as follows:
- local historical significance as a place associated with the early stages of European settlement of the area
 - significance for its physical attributes as one of the grand historic homes of Mt Albert
 - The place has strong visual appeal in the immediate neighbourhood. The place has considerable local aesthetic significance
 - The house has contextual value as it is one of very few remaining early houses on the street and was a key building in the early subdivision of Richardson Road from farm to suburb,
160. The house sits on a site that is 2,122m² in area and is zoned Residential - Mixed Housing Urban under the Auckland Unitary Plan. The site is irregularly shaped, and does have a large road frontage to Richardson Road. The building occupies about 220m² of site area, but is set back from the road and positioned in the middle of the site.
161. While we have not received any detailed evidence on possible redevelopment layouts with or without the building in place, we are of the view that the site could accommodate some housing development while maintaining the main building. We agree with the reduced extent of place proposed by the submitter. This means new buildings could be built close to the western side of the main building, reducing the effect of the heritage building being sited in a large garden or 'green' area. However the open relationship of Greenlee to the street would be retained.
162. We appreciate the social objectives of the current owners and accept that scheduling may impact upon their business planning and delivery of much needed community housing services. However the RMA does not easily accommodate taking into account the specific financial circumstances of parties involved in proceedings. Indeed legal advice from Housing NZ was that in considering the costs of scheduling, no account should be taken of property owners financial circumstances. On the more general issue of whether the inclusion of the building in Schedule 14.1 would impact on housing supply in general, as we have discussed a number of times in this decision, in principle we do not consider that such matters outweigh the heritage values to be protected, so long as the heritage values meet the required standards.
163. Our finding is that we reject the submission of Emerge Aotearoa. The building is one of few heritage features in the area and has heritage values that warrant inclusion of the building in Schedule 14.1. We accept the issue of reduced

development potential but do not consider this to be of such significance to overturn the listing. We agree with the reduced extent of place proposed by the submitter.

Ministry of Education

164. PC7 proposes the scheduling of three school buildings, being the Senior School block at Ponsonby Primary, and the Manual Training School buildings at Richmond Road and Newmarket Primary Schools. All three buildings are located in prominent positions. The buildings have demonstrable heritage values.
165. The Ministry was represented by Joanna Beresford who provided legal submissions. These noted the pressure on schools in the Auckland Region to accommodate growing rolls and the need for flexibility over how school sites were redeveloped. The Ministry did not provide evidence questioning the specific heritage values of the buildings to be listed by way of PC7. The submissions concentrated on the designation powers of the Minister. The submissions noted that the Minister designates school sites for educational purposes. A designation means that no resource consent is needed to demolish the buildings to be listed. However outline plans processes to construct new classrooms or other modifications to school sites may result in the Council requesting that these plans address relationships to scheduled heritage items. This creates uncertainty for the Ministry and potentially lengthens consent processes if the Minister's decisions on Outline Plans are appealed. Tabled evidence from Top Chain Investments Limited supported the Ministry's submission. Top Chain's evidence opposed the scheduling of the Newmarket Manual Training building, noting that the site was zoned Business-Mixed Use and that listing the building may compromise development on the site, as well as adjoining sites.
166. The Ministry's submissions noted that there are a variety of heritage features and buildings across Ministry of Education sites, some of which are already scheduled in the AUP (OP). Some features are also registered by Heritage New Zealand. Specific conditions of relevant AUP (OP) designations apply to those features identified by Heritage New Zealand. These conditions provide guidance on how the identified heritage features are to be managed, and as a result, provide certainty to the Ministry over what matters it needs to address when developing plans for new and redeveloped buildings. The submission noted that these criteria would not apply to the buildings to be included in Schedule 14.1 (as these places were not on Heritage New Zealand list).
167. Council staff indicated that they were concerned over disposal of school properties. In their view, the scheduling provides protection if land is disposed of and designations are uplifted (although this seems to us to be a remote possibility given the pressures on school resources in the Auckland region).
168. We find that the buildings should be incorporated in Schedule 14.1. We do not consider that the presence of a designation is reason to not schedule a building

(even if the ultimate consequence of the designation could mean removal or demolition of a heritage building). We accept that the scheduling of the building is likely to introduce additional matters that may need to be transacted when Outline Plans are submitted to Council for comment. However we do not consider that this uncertainty is sufficient to over-turn the scheduling of what are clearly important heritage buildings.

First State Pensioner housing

169. Housing NZ submitted in opposition to the listing of a property in Point Chevalier on the basis of lost development potential for state housing development. Housing NZ did not dispute the heritage value of the site. Ms Linzey noted that the site was one of a number in the area owned by Housing NZ and the retention of the buildings was likely to frustrate the comprehensive redevelopment of Housing NZ's sites. This would reduce the likely number of new dwellings that could be built, with flow on effects in terms of social housing provision. She referred to the National Policy Statement on Urban Development Capacity as a matter that should be taken into account, as the scheduling of the property was likely to reduce feasible dwelling capacity, albeit in an incremental way. Subsequent evidence was provided by Ms Linzey and Mr Thompson (an economist). This evidence questioned the costs and benefits of the scheduling.
170. Council provided addition comments on the issue of economic costs. Ms Fairgray provided analysis of the size of Housing NZ's land holdings and the potential for any foregone development to be made up elsewhere across Housing NZ's holdings. Housing NZ disputed this analysis, in particular noting that the specific financial circumstances of individuals or agencies should not weigh, one way or another, in consideration of resource management costs and benefits.
171. We are of the opinion that the place merits scheduling. Being the first purpose-designed pensioner housing does provide strong heritage values. Furthermore, the heritage values present were not contested. On the issue of lost or foregone development potential, we accept that there is a cost in this regard (as there is with most scheduling). However we do not consider that this cost is sufficient to set aside the heritage values. As we noted in our introduction, housing capacity is a matter that the Council has to monitor as part of its responsibilities under the National Policy Statement – Urban Development Capacity. The Council has a variety of options open to it to address housing supply options, including rezoning and amending development envelopes across a large number of areas (and not just related to Housing NZ).

Amendments to the Scheduling

St Davids Presbyterian Church

- Franklin County Council Chambers (former),]
- Point Chevalier Fire Station.

246. We agree with the approach taken by the section 42A report.

STATUTORY PROVISIONS.

247. The RMA sets out a range of matters that must be addressed when considering a plan change, as identified in the section 32 report accompanying the notified plan change. We note that, as the plan change is focused on adding places to a schedule, not amending objectives, the main relevant statutory requirements relate to ensuring that the proposed additions to the schedule are consistent with the objectives and policies relating to identification and protection of heritage.

248. We also note that Section 32 clarifies that analysis of efficiency and effectiveness is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. The changes set out in PC7 are not of strategic significance.

249. Having considered the evidence and relevant background documents, we are satisfied, overall, that PC7 has been developed in accordance with the relevant statutory and policy matters. The plan change will clearly assist the Council in its effective administration of the AUP.

250. We have identified a number of amendments to PC7. We have referred to these changes in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with the requirements of section 32AA.

Decision

251. That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, that Proposed Plan Change 7 to the Auckland Unitary Plan (Operative in Part) be approved, subject to minor modifications as set out in this decision.

252. Submissions on the plan change are accepted and rejected in accordance with this decision. In general, these decisions follow the recommendations set out in the Councils section 42A report and Addendum, except as identified above in relation to matters in contention.

253. The reasons for the decision is that Plan Change 7:

1. As amended by the Plan Change, the Auckland Unitary Plan (Operative in part) will better achieve the overall purpose of the Resource Management Act 1991; and

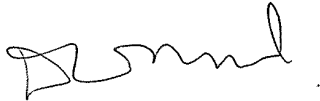
2. The Plan Change is consistent with the Auckland Unitary Plan (Operative in part) Regional Policy Statement.

254. The following documents are appended to this Decision:

- Attachment Two: Amendments to AUP (OP) Schedule 14.1 following decisions on submissions to PC 7
- Attachment Three: Amendments to AUP (OP) Schedule 14.2 following decisions on submissions to PC 7
- Attachment Four: Amendments to AUP (OP) maps following decisions on submissions to PC 7.

D Mead

Chairperson

A handwritten signature in black ink, appearing to read 'D Mead', with a small dot at the end.

20 February 2019

Attachment One

Record of evidence

Introduction presentation from reporting officer Emma Rush

- a. Methodology for evaluating historic heritage significance
- b. Legal advice note
- c. Addendum report to the section 42a hearing report
- d. Additional information memorandum

Robert Macintyre representing Xtreme Exposure Ltd submission summary statement

Friends of Onehunga Community House submission summary statement

Guy Brocklehurst and Belinda Hilton submission summary statement

- e. Pre-circulated seismic up-grade document

John Cook representing Emerge Aotearoa submission summary statement

- f. pre-circulated evidence from John Brown
- g. Valuation report July
- h. Valuation report August

Valerie Muir submission summary statement

John and Rosalind Glengarry legal submissions

- i. Statement from Rosalind Glengarry

Tabled Legal submissions on behalf of Westhaven properties Limited

Allan Matson on behalf of the Civic Trust Auckland evidence

Table of submissions to add places provided by Auckland Council Officers

Shihe NZ Limited legal submissions

Spark New Zealand submission summary statement

- j. Fiona Matthews pre-circulated evidence

Viaduct Harbour Holdings Ltd legal submissions

Martin Spencer submission summary statement

Tabled evidence Jude Miller submission summary statement

Joe Hollander submission summary statement

Mary Robinson submission summary statement

Sarah Sparks – Friends of St David’s Trust - submission summary statement

k. Images of the window

l. News articles

Mandy McMullin on behalf of Heritage Landscapes submission summary statement

Valerie Benn submission summary statement

Gail Romano on behalf on David Reeves and Dr David Gaimster speaking notes

Andrew Bull summary statement

m. Brochure

Graham Gibson on behalf of the Auckland RSA submission summary statement

St David’s Presbyterian Church legal submissions

n. Heike Lutz evidence pre-circulated

o. Heike Lutz summary of evidence

p. John Childs evidence pre- circulated

q. Statement of evidence of Reverend Lendrum

r. Images

Friends of St David’s Charitable Trust legal submissions

s. Karl Cook pre-circulated evidence

t. Jane Matthews pre-circulated evidence

u. Eric Craig Stevenson pre-circulated evidence

v. Terry Ernest- Mansfield pre-circulated evidence

w. Penelope Stevenson presentation

x. Video

- y. Jane Matthews Summary statement
- z. Jane Matthews Supplementary statement

Tabled Hon Nikki Kaye submission summary statement

St Cuthbert's College Educational Trust Board legal submissions

- aa. Adam Wild pre-circulated evidence
- bb. John Childs pre-circulated evidence
- cc. Damian McKeown pre-circulated evidence
- dd. Peter Nouwens pre-circulated evidence
- ee. Environment court decision case law
- ff. H29 Special purpose school zone

Housing NZ legal submissions

- gg. Amelia Linzey pre-circulated evidence
- hh. Brownfield enabled feasible capacity report

Mt Albert Historical Society pre-circulated evidence

W L Property Investment Ltd legal submissions

- ii. Geoffrey Richards pre-circulated evidence
- jj. Robson Liang evidence
- kk. Supplementary submission received 4/10

Franklin Heritage Forum submission summary statement

Carolyn O'Neil heritage evaluation of Pukekohe railway

The University of Auckland legal submissions

- ll. Karl Cook pre-circulated evidence

Jeffery Wong submission summary statement

- mm. Presentation

Susan Andrews on behalf of Heritage New Zealand pre-circulated evidence

- nn. Robin Byron pre-circulated evidence

Auckland Council comments on Housing NZ's submission

Auckland Council St David's Presbyterian Church floor plan exclusions

Attachment Two

Decisions Version: Plan Change 7

Amendments Chapter L: Schedule 14.1 Historic Heritage following decisions on submissions

Notes:

1. Only the entries in Plan Change 7 are shown
2. Amendments to Auckland Unitary Plan as proposed by PC7 as notified and as confirmed by this decision shown as ~~striketrough~~ and underline
3. Amendments to Plan Change 7 as notified following decisions on submissions shown as double ~~striketrough~~ or double underline.

ID	Place Name and/or Description	Verified Location	Verified Legal Description	Category	Primary Feature	Heritage Values	Extent of Place	Exclusions	Additional Rules for Archaeological Sites or Features	Place of Maori Interest or Significance
<u>02810</u>	<u>Mount Albert War Memorial Hall</u>	<u>Mount Albert War Memorial Reserve, 773 New North Road, St Lukes</u>	<u>Land on DP 7269</u>	<u>B</u>	<u>Memorial hall</u>	<u>A,B,F,G</u>	<u>Refer to planning maps</u>	<u>Interior of basement; kitchen and toilets; park infrastructure and furniture</u>		
<u>02812</u>	<u>First State Pensioner Housing</u>	<u>6-12 Pelham Avenue, Point Chevalier</u>	<u>Lot 2 DP 148881</u>	<u>B</u>	<u>State pensioner houses</u>	<u>A,D,F</u>	<u>Refer to planning maps</u>	<u>Interior of building(s); accessory building(s)</u>		
<u>02813</u>	<u>Residence</u>	<u>6 Peverill Crescent, Papatoetoe</u>	<u>Lot 34 DP 16250, Part Lot 20 DP 13242</u>	<u>B</u>	<u>Residence</u>	<u>F,G</u>	<u>Refer to planning maps</u>	<u>Interior of building(s); accessory buildings; 1988 carport</u>		
<u>02814</u>	<u>Point Chevalier Fire Station (former)</u>	<u>59 Point Chevalier Road, Point Chevalier</u>	<u>Lot 229 DP 8813; road reserve</u>	<u>B</u>	<u>Original two storey fire station building</u>	<u>A,B,F,G</u>	<u>Refer to planning maps</u>	<u>Interior of building(s); ablution block; storage/utility building</u>		
<u>02815</u>	<u>Point Chevalier Police Station and residence (former)</u>	<u>399 Point Chevalier Road, Point Chevalier</u>	<u>Lot 9 DP 17996</u>	<u>B</u>	<u>Residence</u>	<u>A,F,H</u>	<u>Refer to planning maps</u>	<u>Interior of building(s)</u>		
<u>02816</u>	<u>St Andrew's Anglican Church complex</u>	<u>31 Queen Street, Pukekohe</u>	<u>Lot 2 DP 86991</u>	<u>B</u>	<u>Church; vicarage; memorial arch</u>	<u>A,B,F,G,H</u>	<u>Refer to planning maps</u>	<u>Interior of vicarage; accessory buildings to rear of vicarage</u>		
<u>02817</u>	<u>Wiseman residence (former)</u>	<u>89 Ranfurly Road, Epsom</u>	<u>Lot 3 DP 128020</u>	<u>B</u>	<u>Residence</u>	<u>A,F</u>	<u>Refer to planning maps</u>	<u>Interior of building(s); accessory building(s)</u>		
<u>02818</u>	<u>Greenlee (former)</u>	<u>103 Richardson Road, Owairaka</u>	<u>Lot 2 DP 52114</u>	<u>B</u>	<u>Former residence</u>	<u>A,F,G,H</u>	<u>Refer to planning maps</u>	<u>Interior of building(s); addition to north-west elevation of house; accessory buildings</u>		

Annexure C - A list of the parties to be served with a copy of this Appeal

Submission Number	Submitter Name	Address for Service
FS81	Heritage New Zealand Pouhere Taonga	PlannerMN@heritage.org.nz