Proposed Plan Change 120: Housing Intensification and Resilience (PC120)

to the Auckland Unitary Plan (Operative in part)

Section 32 and Schedule 3C of the Resource Management Act 1991 for qualifying matter:

Historic Heritage Overlay

EVALUATION REPORT

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Executive summary

This section 32 report addresses the Historic Heritage Overlay as both a qualifying matter and as a planning constraint. This qualifying matter is present across various business, residential and other zones within Auckland's urban environment. The overlay is a qualifying matter where is it is located within areas identified in Policy 3 of the National Policy Statement on Urban Development (**NPS-UD**) (**Policy 3**). Outside these areas, it is a planning constraint.

The Historic Heritage Overlay is a qualifying matter as it identifies and manages significant historic heritage values that have been identified, evaluated and included in the Auckland Unitary Plan (Operative in part) 2016 (**AUP**) historic heritage schedule.

Significant historic heritage places, which are identified in the AUP Schedule 14.1 Schedule of Historic Heritage (**Schedule 14.1**), have been identified and evaluated considering the criteria set out in the Regional Policy Statement (**RPS**) section of the AUP.

There is no typical site within the Historic Heritage Overlay; scheduled historic heritage places come in a range of forms and typologies. Places in the overlay range from a single feature (e.g., a lamp post or statue) to residential dwellings or groups of them (known as historic heritage areas (**HHAs**)) and also include apartment buildings, archaeological sites, churches and commercial buildings of various heights and sizes.

Historic heritage is identified as a qualifying matter in PC120 because it is a matter of national importance that decision makers are required to recognise and provide for under section 6 of the Resource Management Act 1991 (**RMA**) (sections 77I(a) and 77O(a) of the RMA identifies this group of qualifying matters).

Clause 4(1)(b) and (c) of Schedule 3C of the RMA and Policy 3 set out specific height and/or density requirements that must be enabled in a district plan. These requirements are building heights and/or densities of at least:

- 15 storeys in the walkable catchments of the Maungawhau (Mount Eden), Kingsland and Morningside train stations (clause 4(1)(b)),
- at least ten storeys in the walkable catchments of the Baldwin Avenue and Mount Albert train stations (clause 4(1)(c)),
- at least six storeys within at least a walkable catchment of other existing and planned rapid transit stops, the edge of city centre and metropolitan centre zones (Policy 3(c)), and
- within and adjacent to neighbourhood, local and town centre zones, building heights and densities commensurate with the level of commercial activity and community services (Policy 3(d)).

The PC120 map viewer shows where the overlay applies as a qualifying matter; the overlay is shown by the Historic Heritage Overlay Extent of Place (a polygon marked with purple cross-hatching) or by the Historic Heritage Overlay Place (a purple dot). The overlay is only a qualifying matter where it is within a walkable catchment (walkable catchments are shown on the PC120 map viewer by a thick black line) or where it is within an area identified under Policy 3(d) of the NPSUD.

There are nearly 2,500 historic heritage places identified in Schedule 14.1 and they are located across the Auckland region. Within the urban environment, there is approximately 1,070 ha subject to the overlay, being around 1.5% of the land area of the urban environment. Of the total land subject to the overlay, approximately 160 ha is located within walkable catchments (and 59 ha within Policy 3(d) areas.

The AUP contains objectives and policies at both regional and district levels that seek to protect historic heritage places from inappropriate subdivision, use and development and allow for the appropriate use of these places. Rules in the overlay manage development activities according to the expected impact of development on the historic heritage values of a place; activities like maintenance and repair are permitted (subject to standards). In addition to the provisions of the underlying zone, activities including demolition, the construction of new buildings and structures and subdivision, which may have an impact on the historic heritage values of a place, are managed via resource consent.

Where the Historic Heritage Overlay is a qualifying matter, it may or may not prevent the level of development that would have been provided by clause 4(1)(b) and (c) or Policy 3. The overlay does not manage height, this is managed by the underlying zone. However, the overlay does include rules for activities relating to density, including subdivision, demolition and the construction of new buildings. The impact of applying the qualifying matter depends on the historic heritage values of each place, where it is located on a site, and the provisions of underlying zone.

To ensure that historic heritage places are protected from inappropriate subdivision, use and development, PC120 proposes to identify the Historic Heritage Overlay in PC120 and specify which rules are qualifying matter rules. The rules within the overlay that are proposed to be identified as a qualifying matter are those that relate to subdivision and development activities relating to construction (new buildings and structures, demolition, relocation, modification etc.).

In the operative AUP, the presence of the Historic Heritage Overlay is not reflected in the underlying zone. In other words, the overlay does not ‘down-zone’ in order to protect and conserve the historic heritage values of a place; the provisions of the overlay are designed to do this. However, given the PC120 proposed changes to the zone and/or height variation control (**HVC**) in some areas as a result of the requirements of clause 4(1)(b) and (c) or Policy 3, the underlying zone for limited parts of the overlay has been reviewed. This review has resulted in a proposal to retain or amend the underlying zone for some residential HHAs to Single House Zone (**SHZ**) or Mixed Housing Urban (**MHU**), as these zones are more aligned with the historic heritage values of the areas.

The spatial extent of the Historic Heritage Overlay is not proposed to change from what is identified in the operative AUP.

The Historic Heritage Overlay is present in all residential zones in Auckland’s urban environment and most non-residential zones. Overall, the impact of limiting development capacity by identifying the Historic Heritage Overlay is small, because the overlay applies to such a small land area and because some sites are able to be developed to the heights and densities required by the RMA and Policy 3.

The impact of limiting development capacity arising from the qualifying matter is very site specific, as there is no typical site within the Historic Heritage Overlay. It is acknowledged that development capacity on individual sites will be impacted by the qualifying matter, where the underlying zone provides for high-intensity development and where the historic heritage values of a place mean it cannot be developed to the intensity anticipated in the zone. However, scheduled historic heritage places within the overlay are scattered throughout the residential and non-residential zones and will not overall impact on the ability of zones to provide for a variety of housing heights and densities. The costs and broader impacts of applying the qualifying matter are low.

Introduction

1. This report is prepared as part of the evaluation required by Section 32 and Schedule 3C of the RMA for PC120.

2. The background to and objectives of PC120 are discussed in the overview report, as is the purpose and required content of section 32 and Schedule 3C evaluations.

3. This report discusses the implications of applying the Historic Heritage Overlay as a qualifying matter to the requirements of clause 4(1)(b) and (c) of Schedule 3C of the RMA and the implementation of policy 3 of the NPS-UD. This report also evaluates the provisions which have been included in PC120 relating to the Historic Heritage Overlay.

4. PC120 also proposes to amend the extent of the overlay to apply it to six properties outside Policy 3 areas, so this section 32 report also evaluates that proposed change.

5. The Council may make the relevant building height or density requirements of clause 4(1)(b) and (c) of Schedule 3C of the RMA and policy 3 of the NPS-UD less enabling of development in relation to an area within any zone in an urban environment only to the extent necessary to accommodate 1 or more of the following qualifying matters that are present:

   (a) a matter listed in section 77I(a) to (i) of the RMA;
   (b) any other matter that makes higher density, as specified by clause 4(1)(b) or (c) of Schedule 3C of the RMA or policy 3 of the National Policy Statement on Urban Development 2020 (**NPS-UD**), inappropriate in an area but only if subclause (4) of clause 8 of Schedule 3C is satisfied.

6. Under clause 8(2) of Schedule 3C of the RMA, the evaluation report required under section 32 of the RMA must in relation to a proposed amendment to accommodate a qualifying matter under subclause (1)(a) or (1)(b) of clause 8:

   (a) demonstrate why the Council considers:
      (ii) that the area is subject to a qualifying matter; and
      (iii) that the qualifying matter is incompatible with the level of development provided by clause 4(1)(b) or (c) or policy 3 for that area; and
   (b) assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity; and
   (c) assess the costs and broader impacts of imposing those limits.

7. Under clause 8(5) of Schedule 3C of the RMA, the Council may, when considering existing qualifying matters (a qualifying matter referred to in clause 8(1)(a) of Schedule 3C of the RMA that is operative in the AUP when the Auckland housing planning instrument (PC120) is notified), instead of undertaking the evaluation process described in clause 8(2), do all of the following things:

(a) identify by location (for example, by mapping) where an existing qualifying matter applies:
(b) specify the alternative heights or densities (as relevant) proposed for those areas identified under paragraph (a):
(c) identify in the evaluation report why the Council considers that one or more existing qualifying matters apply to those areas identified under paragraph (a):
(d) describe in general terms for a typical site in those areas identified under paragraph (a) the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been provided by clause 4(1)(b) or (c) or policy 3:
(e) notify the existing qualifying matters in the Auckland housing planning instrument.

Integrated evaluation for existing qualifying matters

8. For the purposes of PC120 evaluation of the Historic Heritage Overlay as a qualifying matter has been undertaken in an integrated way that combines section 32 and Schedule 3C of the RMA requirements. The report follows the evaluation approach described in the table below.

9. The preparation of this report has involved the following:
- assessment of the AUP(OP) to identify any relevant provisions that apply to this qualifying matter
- development of draft amendments to the operative district plan provisions of the AUP(OP) to implement this matter as a Qualifying Matter in accordance with the requirements of Schedule 3C of the RMA
- review of the AUP(OP) to identify all relevant provisions that require a consequential amendment to integrate the application of this qualifying matter
- review of the AUP(OP) Maps to assess the spatial application of this qualifying matter
- section 32 options analysis for this qualifying matter and related amendments.

10. The scale and significance of the issues is assessed to be minor.

11. This section 32/Schedule 3C evaluation report will continue to be refined in response to any consultation feedback provided to the council, and in response to any new information received.

Table 1 Integrated approach for any matter specified in section 77I(a) to (i) that is operative in the AUP when the Auckland housing planning instrument (PC120) **is notified) (this table also addresses the overlay where it is a planning constraint)**

Standard sec 32 steps	Plus clause 8 Schedule 3C steps for existing qualifying matter
Issue **Define the problem- provide overview/summary providing an analysis of the qualifying matter**	The qualifying matter is the Historic Heritage Overlay, where it is within a Policy 3 area (walkable catchment or Policy 3(d) area). Outside these areas, it is a planning constraint. The Historic Heritage Overlay manages the significant historic heritage values of historic heritage places that are identified in Schedule 14.1. The overlay is an existing qualifying matter because it is a qualifying matter referred to in clause 8(1)(a) of Schedule 3C that is operative in the AUP when the Auckland housing planning instrument (PC120) is notified. The qualifying matter is a matter of national importance that decision makers are required to recognise and provide for under section 6 of the RMA (this qualifying matter is identified in sections 77I(a) and 77O(a) of the RMA). Outside Policy 3 areas, the overlay is also a matter of national importance and is identified as a planning constraint, in the same way that it operates under the AUP at the moment. The Historic Heritage Overlay is identified in the operative AUP. It applies to significant historic heritage places on land and in the coastal marine area that are identified in Schedule 14.1 Schedule of Historic Heritage (**Schedule 14.1**) and shown in the PC120 map viewer. The location and extent of historic heritage places identified in the Historic Heritage Overlay are shown in the PC120 map viewer by: • Historic Heritage Overlay Extent of Place (purple cross-hatching), or • Historic Heritage Overlay Place (purple dot). The spatial extent of the Historic Heritage Overlay is not proposed to change from what is identified in the operative AUP, except for a small addition (six sites in Hazel and Hardley avenues, Three Kings). The Historic Heritage Overlay does not raise a significant problem in relation to the intensification. On some sites, the qualifying matter will be incompatible with the level of development provided by clause 4(1)(b) of Schedule 3C of the RMA or policy 3 of the NPS-UD. The incompatibility will depend on:

Standard sec 32 steps	Plus clause 8 Schedule 3C steps for existing qualifying matter
	• the type of historic heritage place (scheduled historic heritage places come in many forms including archaeological sites, monuments, single dwellings, churches, apartment buildings and commercial buildings of varying sizes and scale), • the identified historic heritage values of a place, and where a historic heritage place and its features are located within a site.
Identify and discuss objectives / outcomes	The AUP Regional Policy Statement (**RPS**) objectives and policies that are relevant to historic heritage as both a qualifying matter and as a planning constraint are set out in Chapter B5 Ngā rawa tuku iho me te āhua - Historic heritage and special character (**Chapter B5**) and Chapter D17 Historic Heritage Overlay (**Chapter D17**). The Historic Heritage Overlay is present within individual sites across residential and non-residential zones in Auckland's urban environment. The overlay does not control building height (this is managed by the underlying zone) but manages building density by applying rules for activities such as subdivision, new buildings and structures, modifications, and demolition and destruction.
Identify and screen response options	Three reasonably practicable options for achieving the objectives have been identified and evaluated for this qualifying matter or where the overlay is a planning constraint: • Option 1: Do not apply the Historic Heritage Overlay as a qualifying matter. • Option 2: Apply the Historic Heritage Overlay as a qualifying matter. • Option 3: Apply the Historic Heritage Overlay as a qualifying matter and amend the underlying zone where necessary.
Collect information on the selected option(s)	There is no typical site within the Historic Heritage Overlay; scheduled historic heritage places come in a range of forms and typologies and include single features (e.g., a lamp post or statue), single residential dwellings and historic heritage areas (HHAs), apartment buildings, archaeological sites and commercial buildings of various heights and sizes. The underlying zone is not amended by the overlay, so can be a range of residential, business and other zones (e.g., open space). Development via building height and density may be compatible with the level of development provided by clauses 4(1)(b) or (c) or

Standard sec 32 steps	Plus clause 8 Schedule 3C steps for existing qualifying matter
	Policy 3, or by the provisions of the underlying zone where the overlay exists outside these areas. However, for some sites, the provisions of the Historic Heritage Overlay will mean the intensity and scale of development required by the clause 4(1)(b) or (c) or Policy 3 or by the underlying zone will not be able to be achieved. The impact of limiting development capacity by identifying the Historic Heritage Overlay is site specific. The level of impact arising from the qualifying matter or planning constraint depends on the location of the qualifying matter (or planning constraint). Overall, the impact of limiting development capacity by identifying the qualifying matter is small, because the overlay is applied to a very small part of Auckland's urban environment. The overlay applies to just 1.5% of land Auckland's urban environment. In addition, many sites within the overlay will be able to be developed in accordance with the underlying zone, and achieve the heights and densities directed by the RMA and the NPS-UD.
Evaluate option(s) - environmental, social, economic, cultural benefits and costs	Identifying the Historic Heritage Overlay as a qualifying matter and as a planning constraint provides significant benefit, as historic heritage places contribute to a well-functioning urban environment. Managing the significant historic heritage values of Auckland's urban environment will ensure these values are protected and managed and enabled to be used by current and future generations.
Overall judgement as to the better option (taking into account risks of acting or not acting)	The implications of applying the qualifying matter on the development capacity required by clause 4(1)(b) or (c) and Policy 3 in the areas where the qualifying matter applies is minor. The overlay applies to such a small land area and because some sites are able to be developed to the heights and densities required by the RMA and Policy 3.

Issues

The qualifying matter being evaluated is the Historic Heritage Overlay qualifying matter. This overlay manages the protection, conservation, maintenance, modification, relocation, use and development of scheduled historic heritage places.

The Historic Heritage Overlay is proposed to apply as a qualifying matter because it is a matter of national importance that decision makers must recognise and provide for under section 6 of the RMA (it is a qualifying matter specified in sections 77I(a) (residential zones)

and 77O(a) (non-residential zones) of the RMA). The Historic Heritage Overlay is an existing provision in the AUP that was operative before PC120 is notified.

The Historic Heritage Overlay is applied to places identified in Schedule 14.1 of the AUP. A scheduled historic heritage place can be an individual feature, or encompass multiple features and/or properties, and may include public land, land covered by water and any body of water. A historic heritage place may include; buildings, structures, monuments, gardens and plantings, archaeological sites and features, traditional sites, sacred places, cultural landscapes, townscapes, streetscapes and settlements.

The location and extent of historic heritage places identified in the Historic Heritage Overlay are mapped in the AUP maps by either the Historic Heritage Overlay Extent of Place (**EOP**) or the Historic Heritage Overlay Place. The way the overlay is shown in the AUP maps is shown in the table below. The overlay is a qualifying matter where it is located within a walkable catchment or in a Policy 3(d) area (town, local and neighbourhood centre zones and any area identified around them).

Table 2 – Historic Heritage Overlay in the AUP maps

Historic Heritage Overlay EOP	Historic Heritage Overlay Place
	
Historic Heritage Overlay EOP, shown by purple cross-hatching	*Historic Heritage Overlay Place, shown by purple dots*

The Historic Heritage Overlay is present in residential zones and non-residential zones in Auckland's urban environment, including all residential zones and in business zones, open space zones and special purpose zones.

The spatial extent of the Historic Heritage Overlay is not proposed to change from what is identified in the operative AUP, except for a small addition (six sites in Hazel and Hardley avenues, Three Kings).

The key issues the proposed qualifying matter raises is a site-specific incompatibility with the level of development provided by clause 4(1)(b) of Schedule 3C or policy 3 of the NPS-UD for some sites.

Objectives and Policies (existing)

The AUP manages the Historic Heritage Overlay via the RPS (Chapter B5), the Auckland-wide provisions (Chapter E12 Land disturbance – District and Chapter E26 Infrastructure), the overlay provisions (Chapter D17) and the AUP maps.

This approach in the AUP was extensively addressed through the Proposed AUP hearings process during 2014 to 2016.

The relevant AUP objectives and policies that support the Historic Heritage Overlay qualifying matter are shown in the table below.

Table 3 – AUP objectives and policies relating to historic heritage

AUP Chapter	Objective / Policy	Summary of matter addressed
B5 Ngā rawa tuku iho me te āhua – Historic heritage and special character	Objective B5.2.1(1) Policies B5.2.2(6), (7) & (8)	Protection of significant historic heritage places from inappropriate subdivision, use and development.
	Objective B5.2.1(2) Policy B5.2.2(9)	Enabling the appropriate use of significant historic heritage places and encouraging the protection, management and conservation of historic heritage places.
	Policies B5.2.2(1), (2), (3) & (4)	Methods to identify, evaluate and classify significant historic heritage.
E12 Land disturbance – district	Policy E12.3(1)	Policy to avoid, mitigate or remedy the adverse effects of land disturbance on areas scheduled in the AUP in relation to historic heritage (and other matters).
E26 Infrastructure	E26.2.2(6) & (7)	Policies to: • Consider additional matters when new infrastructure or major upgrades to infrastructure are proposed within areas that have been scheduled in the AUP for historic heritage values, and

AUP Chapter	Objective / Policy	Summary of matter addressed
		• enable the use and operation of existing infrastructure and the minor upgrading of new linear infrastructure to be located in roads within the Historic Heritage Overlay.
D17 Historic Heritage Overlay	Objectives D17.2(1), (3) Policies D17.3(1), (2), (3), (4), (5), (6), (7), (15), (16), (20), (21), (22)	Enabling the appropriate subdivision, use and development of significant historic heritage places and supporting and enabling the protection, maintenance, restoration and conservation of historic heritage places.
	Objective D17.2.(2) Policies D17.3(8), (9), (12), (13), (14), (17), (18),(19)	Protection of significant historic heritage places from inappropriate subdivision, use and development.
	Policy D17.3 (23)	Provides for subdivision within the Historic Heritage Overlay.
	Policies D17.3 (24), (25), (26)	Provides for the operation of infrastructure within the Historic Heritage Overlay.
Chapter I Precincts	Some precincts include specific objectives and policies relating to historic heritage. These provisions relate to scheduled historic heritage places within the precincts.	Precinct provisions that relate to scheduled historic heritage places include objectives and policies that seek to retain, conserve, recognise and/or enhance significant historic heritage values within precincts.

Policies in Chapter B5 of the AUP enable the identification and evaluation of historic heritage places for their significance. The historic heritage places that are included in Schedule 14.1 of the AUP have all been evaluated to be of at least considerable overall historic heritage significance to their locality or beyond. It is appropriate to identify these places as a qualifying matter, as they have been through a process to determine their historic heritage values are of a sufficient level to be identified within the overlay.

The Historic Heritage Overlay seeks to protect significant historic heritage places from inappropriate subdivision, use and development and to enable the appropriate use of historic

heritage places. The AUP method to achieve this is by applying rules to the development of scheduled historic heritage places. The rules manage activities including:

a) maintenance and repair (permitted activity, subject to standards),
b) modification and restoration (restricted discretionary),
c) new buildings and structures; subdivision (both discretionary activities),
d) relocation (prohibited, non-complying or discretionary, depending on the category of historic heritage place, the feature affected by the activity and where the feature is being relocated to),
e) demolition and destruction (prohibited, non-complying or discretionary, depending on the category of historic heritage place and the feature affected by the activity).

The Historic Heritage Overlay is based on a management approach where activities anticipated to have a greater effect on the values of a historic heritage place in Schedule 14 are subject to more rigorous management. The identification of an extent of place, primary feature(s), and exclusions is the basis of this management approach, ensuring the management of a historic heritage place is specific to its features, and therefore to the values and significance of that particular place.

Building height is not managed by the overlay, it is managed in the underlying zone. However, for the same reasons set out above, building heights enabled by clause 4(1)(b) or (c) or Policy 3 may not be able to be achieved on some sites within the Historic Heritage Overlay, as development to those heights will adversely affect the historic heritage values of a place.

The overlay rules are designed to avoid unnecessary consent activity, while protecting historic heritage places from inappropriate subdivision, use and development. Activities such as repair and maintenance are permitted, subject to standards, while activities likely to have a greater impact on the historic heritage values of a place, such as modification or demolition and destruction, require resource consent. The requirement for consent ensures that the historic heritage values and significance of a place will be taken into account by both landowners and decision makers.

The ability to undertake these development activities within the Historic Heritage Overlay predominantly relates to the effects of the proposed development on the historic heritage values of a place. Scheduled historic heritage places come in a wide variety of forms and may be affected by development to achieve intensification in varying degrees or may not be affected at all. It follows that some development activities within the overlay will be consented and may not impact on the level of development provided by clause 4(1)(b) of Schedule 3C or policy 3 of the NPS-UD. In other cases, where the level of development provided will result in adverse effects to the historic heritage values of a place in the overlay, consent may not be granted.

Historic Heritage as qualifying matter may be compatible with the level of development provide for by clause 4(1)(b) or (c) or Policy 3 of the NPS-UD for the areas the Historic Heritage Overlay is applied to. Incompatibility may arise for rules in the overlay that manage density, which include rules for demolition and destruction (rules A1 and A2 in Table D17.4.1 Activity table), relocation (rules A3, A4 and A5), modifications (rule A9), new buildings and structures (rule A10), seismic strengthening (rule A12), and subdivision (rule A17).

There are no amendments proposed to the objectives and policies of Chapters B5 and D17, in response to either clause 4(1)(b) of Schedule 3C of the RMA or policy 3 of the NPS-UD.

Development of Options

Section 32 of the RMA requires an examination of the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA. The overall objective (purpose of the proposal) of Plan Change 120 has two key objectives – it proposes:

- measures to better manage significant risks from natural hazards region-wide; and
- an amended approach to managing housing growth as a result of no longer incorporating the medium density residential standards (MDRS), but providing for intensification in a way that complies with clause 4 of Schedule 3C of the RMA by:
    - providing at least the same amount of housing capacity as would have been enabled if Plan Change 78:Intensification (PC78), as notified, was made operative, including by providing for additional intensification along selected Frequent Transit corridors and modifying zoning in suburban areas through an amended pattern of Residential - Mixed Housing Urban and Mixed Housing Suburban zones;
    - enabling the building heights and densities specified in clause 4(1)(b) and (c) of Schedule 3C of the RMA within at least the walkable catchments of Maungawhau (Mount Eden), Kingsland, Morningside, Baldwin Avenue and Mount Albert Stations;
    - giving effect to Policy 3 (c) and (d) of the National Policy Statement on Urban Development 2020 (NPS-UD) through intensification in other walkable catchments and land within and adjacent to neighbourhood, town and local centres;
    - enabling less development than that required by clause 4(1)(b) and (c) of Schedule 3C or Policy 3 of the NPS-UD where authorised to do so by clause 8 of schedule 3C.

Section 32 requires a range of options to be considered.

There are several reasonably practicable options for achieving the objectives, having considered the particular requirements in clause 4(1)(b) of Schedule 3C of the RMA and/or policy 3 of the NPS-UD:

Option 1: Do not apply the Historic Heritage Overlay as a qualifying matter

This option would retain the Historic Heritage Overlay and related AUP provisions as per the operative AUP but not make amendments to Chapter D17 to identify the overlay as a qualifying matter.

Option 2: Apply the Historic Heritage Overlay as a qualifying matter

This option would retain the Historic Heritage Overlay and related AUP provisions as per the operative AUP but make amendments to Chapter D17 to identify the overlay and specific rules that impact density as qualifying matters.

Option 3: Apply the Historic Heritage Overlay as a qualifying matter and amend the underlying zone where necessary.

This option would retain the Historic Heritage Overlay and related AUP provisions as per the operative AUP but make amendments to Chapter D17 to identify the overlay and specific rules that impact density as qualifying matters.

Many historic heritage places identified in Schedule 14.1 have a single-storey, single dwelling typology, but may have an underlying zone (either in the operative AUP or in PC120) that does not reflect the type of dwelling. It is not appropriate to rezone all of these properties, as it would result in "spot" zoning throughout Auckland. However, most of the HHAs identified in Schedule 14.1 have an underlying residential zone and have a predominantly single-storey, single dwelling typology. Option 3 proposes a zoning approach, in conjunction with the provisions of the overlay, to protect and conserve the historic heritage values in these areas. The residential zone that best matches the values of each of the 14 residential HHAs is proposed to be applied, as shown in Table 4 below.

Table 4: Zoning of residential Historic Heritage Areas

Schedule 14.1 ID	HHA name	Location	Typology	Walkable catchment (WC)	In SCA Overlay in PC120?	PC120 proposed zone	PC120 if the revised zoning approach was not applied to the QM
02512	Renall Street	Ponsonby	Single house	City Centre zone	Yes	SHZ	SHZ
02513	Burnley Terrace and King Edward Street	Mt Eden	Single house - villas	Partly within Kingsland WC	In part	SHZ	SHZ (for ~80% sites/about 120 sites) THAB + 50m Height Variation Control (**HVC**) (for 20% sites/about 30 sites)
02515	Herne Bay Road	Herne Bay	Single house - villas	No	Yes	SHZ	SHZ
02516	Ardmore Road, Wanganui Avenue, Albany Road and Trinity Street	Herne Bay	Single house – villas	No	Yes	SHZ	SHZ
02517	Elgin Street	Grey Lynn	Single house – cottages & villas	No	Yes	SHZ	SHZ
02518	Cooper Street	Arch Hill	Single house – cottages	No	Yes	SHZ	SHZ
02562	Part of Renown Estate	Balmoral	Single house- brick 1930s	No	No	SHZ	MHU
02564	Lippiatt Road Pegler Brothers	Otahuhu	Single house - bungalows	Otahuhu WC	No	SHZ	THAB + 50m HVC
02565	Railway Workers Housing Area	Otahuhu	Single house – cottages	Otahuhu WC	No	SHZ	THAB + 50m HVC / MHU
02739	Winstone Model Homes	Balmoral	Single house	No	No	SHZ	MHU
02851	Parkfield Terrace	Newmarket	Single house	Grafton WC	Yes	SHZ	SHZ
02852	Jervois Road Streamline Moderne/Art Deco Block	Herne Bay	Apartments	No	No	THAB	THAB

Schedule 14.1 ID	HHA name	Location	Typology	Walkable catchment (WC)	In SCA Overlay in PC120?	PC120 proposed zone	PC120 if the revised zoning approach was not applied to the QM
02853	Workers' Dwellings Act Housing Area	Ellerslie	Single house – workers' houses	Ellerslie WC	No	SHZ	THAB + 34.5m HVC

Consequences for development capacity

The consequences for the provision of development capacity by accommodating the Historic Heritage Overlay are overall low. The overlay applies to a small area of land within Auckland's urban environment (less than 2%) and a small number of sites within walkable catchments (782 property parcels, or 1%). There is no typical site within the Historic Heritage Overlay. The qualifying matter is present across all residential zones and most non-residential zones and will have a site-specific effect on development capacity, depending on the type of historic heritage place present, its historic heritage values, and the ability to develop a site whilst protecting these values.

The consequences of the revised zoning approach are also overall low. This is due to the small number of the properties subject to this revised approach and it being unlikely, due to the presence of the overlay, that an increase in height and density would be achievable in these locations.

Evaluation of options

To determine the most appropriate response for Wetlands as a qualifying matter, each of the options needs to be evaluated in the context of the objectives and of clause 4(1)(b) or (c) of Schedule 3C of the RMA and policy 3 of the NPS-UD.

Table 5 – Evaluation of options

Qualifying matter: Historic Heritage	Option 1: Do not apply the Historic Heritage Overlay as a qualifying matter	Option 2: Apply the Historic Heritage Overlay as a qualifying matter	Option 3: Apply the Historic Heritage Overlay as a qualifying matter and amend the underlying zone where necessary
	Costs of applying qualifying matter – housing supply / capacity		
Costs of applying qualifying matter – housing supply / capacity	***Low overall cost/site specific cost*** The Historic Heritage Overlay applies to a small percentage of land within Auckland's urban environment so the overall cost to housing supply and capacity is low. Of the approximately 2,500 scheduled historic heritage places, 31% are located within residential zones.[1] Scheduled historic heritage places are scattered throughout residential and non-residential zones so, overall, do not impact on the ability of any zone in an urban environment to provide for a variety of housing types, in a variety of heights and densities. It is acknowledged there will be site-specific costs where the presence of the qualifying matter affects the ability to intensify a site to provide housing capacity.	***Low overall cost/site specific cost*** The Historic Heritage Overlay applies to a small percentage of land within Auckland's urban environment so the overall cost to housing supply and capacity is low. Of the approximately 2,500 scheduled historic heritage places, 31% are located within residential zones.[2] Scheduled historic heritage places are scattered throughout residential and non-residential zones so, overall, do not impact on the ability of any zone in an urban environment to provide for a variety of housing types, in a variety of heights and densities. It is acknowledged there will be site-specific costs where the presence of the qualifying matter affects the ability to intensify a site to provide housing capacity.	***Low overall cost/ site specific cost*** The Historic Heritage Overlay applies to a small percentage of land within Auckland's urban environment so the overall cost to housing supply and capacity is low. Of the approximately 2,500 scheduled historic heritage places, 31% are located within residential zones.[3] Scheduled historic heritage places are scattered throughout residential and non-residential zones so, overall, do not impact on the ability of any zone in an urban environment to provide for a variety of housing types, in a variety of heights and densities. It is acknowledged there will be site-specific costs where the presence of the qualifying matter affects the ability to intensify a site to provide housing capacity. Amending the underlying zone of residential HHAs to match the housing typology results in the proposed 'down-zoning' of five HHAs and part of a sixth to the SHZ. If this zoning approach were not taken, these HHAs would be zoned THAB or MHU. This option imposes a higher cost on housing supply, although the plan-enabled capacity may not be able to be realised if development cannot conserve and protect the heritage values of the place.
	Social – costs and benefits		
Costs	***High cost*** Not applying the Historic Heritage Overlay as a qualifying matter may result in the loss if identified significant historic heritage values. Significant historic heritage places contribute to the identity of Tāmaki Makaurau Auckland's people and the urban environment. Historic heritage places contribute to how people live in a community and contribute to social well-being, so any loss of historic heritage values would be a cost. This cost would be to both current and future generations.	***Low cost*** The Historic Heritage Overlay manages the values of significant historic heritage places. These places contribute to how people live in a community and to social well-being. Identifying the overlay as a qualifying matter would enable the significant historic heritage values of the overlay to be appropriately protected, used and developed.	***Low cost*** The Historic Heritage Overlay manages the values of significant historic heritage places. These places contribute to how people live in a community and to social well-being. Identifying the overlay as a qualifying matter would enable the significant historic heritage values of the overlay to be appropriately protected, used and developed.

[1] Auckland Heritage Counts, 2024.
[2] Auckland Heritage Counts, 2024.
[3] Auckland Heritage Counts, 2024.

Qualifying matter: Historic Heritage	Option 1: Do not apply the Historic Heritage Overlay as a qualifying matter	Option 2: Apply the Historic Heritage Overlay as a qualifying matter	Option 3: Apply the Historic Heritage Overlay as a qualifying matter and amend the underlying zone where necessary
Benefits	***Low benefit*** Not applying the Historic Heritage Overlay as a qualifying matter may result in loss of identified significant historic heritage values.	***High benefit*** Identifying the Historic Heritage Overlay will enable the density rules of the Chapter D17 to be modified to accommodate the historic heritage values, and ensure that historic heritage values are appropriately protected, used and developed.	***High benefit*** Identifying the Historic Heritage Overlay will enable the density rules of the Chapter D17 to be modified to accommodate the historic heritage values, and ensure that historic heritage values are appropriately protected, used and developed.
	Economic (not otherwise covered by housing capacity issues – costs and benefits		
Costs	***No cost*** The Historic Heritage Overlay and specific rules within Chapter D17 would not be identified as a qualifying matter. If the qualifying matter was not applied, any economic benefits would also not apply. Economic costs are hard to quantify but would probably be low.	***Low overall cost/site specific cost*** The ability to develop sites within the overlay for non-residential purposes at the heights and densities specified by clause 4(1)(b) or (c) or Policy 3 will depend on the type of historic heritage place present, its values, and how those values may be affected by a development proposal. Overall, the economic cost of applying the qualifying matter/planning constraint is low, as the overlay only applies to a small number of business-zoned sites within the urban environment. As with the provision of housing capacity, there will be economic costs on a site-specific basis.	***Low overall cost/site specific cost*** The ability to develop sites within the overlay for non-residential purposes at the heights and densities specified by clause 4(1)(b) or (c) or Policy 3 will depend on the type of historic heritage place present, its values, and how those values may be affected by a development proposal. Overall, the economic cost of applying the qualifying matter/planning constraint is low, as the overlay only applies to a small number of business-zoned sites within the urban environment. As with the provision of housing capacity, there will be economic costs on a site-specific basis.
Benefits	***Low benefit*** Not applying the Historic Heritage Overlay as a qualifying matter may result in loss of identified significant historic heritage values.	***High benefit*** Identifying the Historic Heritage Overlay as a qualifying matter/planning constraint will enable the density rules of the Chapter D17 to be modified to accommodate the historic heritage values, and ensure that historic heritage values are appropriately protected, used and developed.	***High benefit*** Identifying the Historic Heritage Overlay as a qualifying matter/planning constraint will enable the density rules of the Chapter D17 to be modified to accommodate the historic heritage values, and ensure that historic heritage values are appropriately protected, used and developed.
	Environmental – costs and benefits		
Costs	***High cost*** Not applying the Historic Heritage Overlay as a qualifying matter may result in loss of identified significant historic heritage values, which would lead to a cost on the environment.	***Low cost*** Identifying the Historic Heritage Overlay as a qualifying matter/planning constraint will enable the density rules of the Chapter D17 to be modified to accommodate the historic heritage values, and ensure that historic heritage values are appropriately protected, used and developed. Overall, the environmental cost of applying the qualifying matter/planning constraint is low, as the overlay only applies to a small number of sites, again the environmental costs will be on a site-specific basis.	***Low cost*** Identifying the Historic Heritage Overlay as a qualifying matter/planning constraint will enable the density rules of the Chapter D17 to be modified to accommodate the historic heritage values, and ensure that historic heritage values are appropriately protected, used and developed. Overall, the environmental cost of applying the qualifying matter/planning constraint is low, as the overlay only applies to a small number of sites, again the environmental costs will be on a site-specific basis.

Qualifying matter: Historic Heritage	Option 1: Do not apply the Historic Heritage Overlay as a qualifying matter	Option 2: Apply the Historic Heritage Overlay as a qualifying matter	Option 3: Apply the Historic Heritage Overlay as a qualifying matter and amend the underlying zone where necessary
Benefits	***Low benefit*** Not applying the Historic Heritage Overlay as a qualifying matter may result in loss of identified significant historic heritage values, which would lead to a cost on the environment.	***High benefit*** Identifying the Historic Heritage Overlay will enable the density rules of the Chapter D17 to be modified to accommodate the historic heritage values, and ensure that historic heritage values are appropriately protected, used and developed. This will held enable the retention of historic heritage values within the environment.	***High benefit*** Identifying the Historic Heritage Overlay will enable the density rules of the Chapter D17 to be modified to accommodate the historic heritage values, and ensure that historic heritage values are appropriately protected, used and developed. This will held enable the retention of historic heritage values within the environment.

Analysis

The following comments can be made in relation to the options in the table above:

a) Overall, there is little difference in costs and benefits from Historic Heritage Overlay as a qualifying matter and applying it as a planning constraint.
b) The overall cost of applying the qualifying matter is low, because:
    i) the Historic Heritage Overlay only applies to a small area of Auckland's urban environment and of the walkable catchments identified in PC120, and
    ii) the cost to housing supply/capacity will not be imposed on all sites, only on those sites where the type of historic heritage place and its values are not able to be developed in accordance with the heights and densities specified by clause 4(1)(b) of Schedule 3C of the RMA and/or by Policy 3 of the NPS-UD.
c) The benefits arising from the application of the qualifying matter/planning constraint are high.

The preferred option is Option 3, because this option imposes similar costs and provides the same benefits but provides clearer alignment between the zone and overlay for residential HHAs.

Risks or acting or not acting.

Section 32(2)(c) of the RMA requires this evaluation to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. There is sufficient information about this qualifying matter for the plan change to proceed. The information about the Historic Heritage Overlay as a qualifying matter, including information about the values, location and extent of the overlay is already set out in the AUP. It is considered that this information is certain and sufficient.

Effectiveness and efficiency

The proposed option, being to identify the Historic Heritage Overlay as a qualifying matter, is efficient and effective. This option will achieve the protection of an important and nationally significant value (historic heritage) but enable the development of land subject to the qualifying matter in accordance with the provisions of the underlying zone and in a manner which protects significant historic heritage places.

Description of how the qualifying matter is to be implemented

The qualifying matter will be implemented by identifying Chapter D17 Historic Heritage Overlay and Schedule 14 Historic Heritage Schedule, Statements and Maps as a qualifying matter, and by identifying those rules in Chapter D17 that relate to density as qualifying matters. This method is the most efficient and effective way to implement the qualifying matter, as it does not modify the heights specified by heights and densities specified by clause 4(1)(b) of Schedule 3C of the RMA and/or by Policy 3 of the NPS-UD and only modifies the densities specified to the extent required to accommodate the qualifying matter.

The qualifying matter will be shown on the AUP maps in the same way it is currently, by the Historic Heritage Overlay Extent of Place (purple cross-hatching) or the Historic Heritage Overlay Place (purple dot).

Overall conclusion

The Historic Heritage Overlay is recommended to be a qualifying matter for the purpose of protecting the identified significant historic heritage values in Tāmaki Makaurau Auckland. Historic heritage is a matter of national importance that decision makers must consider under section 6 of the RMA and these matters have been identified as qualifying matter in the NPS-UD and sections 77I(a) and 77O(a) of the RMA.

The impact of the qualifying matter on the greatest heights and heights and densities specified by clause 4(1)(b) of Schedule 3C of the RMA and/or by policy 3 of the NPS-UD is low, because the overlay applies to a small part of Tāmaki Makaurau Auckland's urban environment and a small proportion of sites in walkable catchments. While there will be some site-specific costs of applying the qualifying matter, these costs will not fall onto all sites, as some will be able to be developed according to the requirements enabled by the NPS-UD.

The Historic Heritage Overlay as a qualifying matter can be implemented in a way that has the least impact on the objectives by:

a) retaining the management of subdivision and construction activities demolition and destruction, relocation, modification and new buildings and structures as per Chapter

D17 Historic Heritage Overlay of the AUP as operative (and make it clear that these rules replace the rules for the same activity in the underlying one), and

b) Implementing Policy 3 for development except for the rules and standards for subdivision and demolition and destruction, relocation (including temporary relocation), modifications (including for the purpose of seismic strengthening) and new buildings and structures within the Historic Heritage Overlay as sought.

Appendix 1 – Information used

Table 6 – Information used in the preparation of this report

Name of document, report, plan	How did it inform the development of the plan change
AUP - B5 Ngā rawa tuku iho me te āhua - Historic heritage and special character	Sets out historic heritage as a key issue to be protected from inappropriate subdivision, use and development.
AUP – Chapter D17 Historic Heritage Overlay	Sets out the objectives, policies and rules for: protecting historic heritage from inappropriate subdivision, use and development, and using significant historic heritage places appropriately.
AUP – Schedule 14 Historic Heritage Schedule, Statements and Maps	Identifies historic heritage places that have been identified and evaluated as being of sufficient significance to be included in the AUP historic heritage schedule.
AUP maps	Identifies the location and extent of each scheduled historic heritage place.
Statistics from GIS detailing the percentage of property parcels in Auckland that contain a scheduled historic heritage place	Provided information on the level of impact of modifying Policy 3 and MDRS for the Historic Heritage Overlay as a qualifying matter.

Appendix 2 – Consultation summary

1. The First Schedule to the RMA sets out the relevant consultation requirements.

2. Limited consultation on PC 120 has been undertaken, and this is detailed in the Auckland Council September 2025 reports entitled:
    - CONSULTATION AND ENGAGEMENT ON A PROPOSED PLAN CHANGE POTENTIALLY REPLACING PROPOSED PLAN CHANGE 78 – INTENSIFICATION SUMMARY REPORT
    - MĀORI ENGAGEMENT CONSULTATION SUMMARY REPORT