

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Noel Reardon – Manager – Heritage Unit

FROM Megan Patrick – Team Leader - Heritage Policy



DATE 2 June 2020

SUBJECT **Plan Change 10 to the Auckland Unitary Plan (AUP)
Operative in part (15 November 2016)**



This memorandum requests an update to Auckland Unitary Plan Operative in part

Reason for update – Make Plan Change 10: Historic Heritage Schedule (errors, anomalies and information update) fully operative	
Chapter	- Chapter L – Schedules - GIS Viewer
Section	- Schedule 14.1 Schedule of Historic Heritage - Schedule 14.3 Historic Heritage Place maps
Changes to text (shown in underline and strikethrough)	Please refer to appeal consent order in Attachment 1.
Changes to diagrams	Remove the following diagrams in Schedule 14.3: <ul style="list-style-type: none"> • Map14.3.13.1 • Map14.3.13.2 • Map14.3.13.3 Please refer to appeal consent order in Attachment 1.
Changes to spatial data	<ul style="list-style-type: none"> • Remove the following from 108-116 Greys Avenue Auckland Central Auckland 1010: “Modification Plan Changes, Plan Change 10, Historic Heritage Schedule, Historic Heritage Overlay Extent of Place [rcp/dp], View PDF, Subject to Appeal, 25/01/2018”
Attachments	Attachment 1 – Appeal Consent Order ENV-2019-AKL-000080 Attachment 2 – Updated Text

Prepared by: Megan Patrick Team Leader - Heritage Policy	Text prepared by: Sophia Coulter Planning Tech
Signature: 	Signature: 
Reviewed by: Megan Patrick Team Leader - Heritage Policy	Signed off by: Noel Reardon Manager – Heritage Unit

Signature:



Signature:



Attachment 1 – Appeal Consent Order
ENV-2019-AKL-000080

BEFORE THE ENVIRONMENT COURT

I MUA I TE KOOTI TAIAO O AOTEAROA

IN THE MATTER of the Resource Management Act 1991 (**the Act**)

AND of an appeal under Clause 14 of the First Schedule to the Act

BETWEEN AUCKLAND HEBREW CONGREGATION
(ENV-2019-AKL-000080)

Appellant

AND AUCKLAND COUNCIL

Respondent

Environment Judge M Harland sitting alone under s 279 of the Act
IN CHAMBERS at Auckland

CONSENT ORDER

[A] Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed subject to the amendments set out in this order;
- (2) the appeal is otherwise dismissed.

[B] Under s 285 of the Resource Management Act 1991, there is no order as to costs.



REASONS

Introduction

- [1] This consent order relates to an appeal against part of a decision of the Auckland Council in respect of a submission lodged by Auckland Hebrew Congregation on proposed Plan Change 10: Historic Heritage Schedule (errors, anomalies and information update) (**PC10**) to the Auckland Unitary Plan Operative in part (**AUP**).
- [2] The land and buildings at 108 Greys Avenue, Auckland comprise the Auckland Synagogue and community centre owned by the Auckland Hebrew Congregation.
- [3] The Auckland Synagogue is shown on the planning maps of the AUP as subject to Chapter D9, Historic Heritage Overlay. It is identified as Historic Heritage Place ID#01965 and as a Category B Historic Heritage Place.
- [4] Schedule 14.1 of the AUP sets out 11 descriptive headings that provide information about the Historic Heritage Places identified in the Historic Heritage Overlay.
- [5] PC10 proposed various amendments in relation to Schedule 14.1 in the AUP in relation to Historic Heritage Place ID# 01965, with amendments to the description, details of the primary feature, listed heritage values, exclusions and extent of place.
- [6] The Auckland Hebrew Congregation's appeal related to the following three headings in Schedule 14.1:
- (a) Heritage Values identification, in particular whether the Auckland Synagogue exhibits Heritage Values E(technology), G (aesthetic) and H (context);
 - (b) Extent of Place description (including Schedule 14.3); and



(c) Exclusions description.

[7] On 27 November 2019 expert witness conferencing occurred between the parties' heritage experts. The matters agreed between the experts have provided the basis upon which the parties have reached an agreement to resolve this appeal.

[8] Specifically, the parties have agreed that the appeal can be disposed of by amending PC10 to modify Schedule 14.1 in the AUP in relation to Historic Heritage Place ID# 01965 as follows:

- (a) Deleting 'G' and 'H' from the Heritage Values identification column;
- (b) Deleting the reference to 'and Schedule 14.3' from the Extent of Place description column;
- (c) Deleting the existing Exclusions description and replacing it with the following description:

~~Extension to the primary feature; interior of main synagogue, except 1968 roof/ceiling structure and form; interior of basement level, except stairwell and safe; restrooms/changing rooms for upper level hall/gymnasium~~

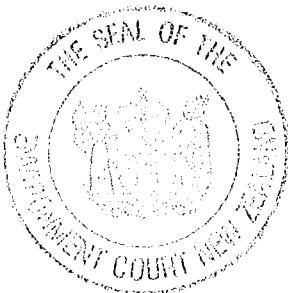
Post 1968 extensions to primary feature; interior of building except:

1. Basement stairwell

2. Ground floor minor synagogue, café (former library), stairwell, foyer, original entrance columns, and void space of entrance

3. First floor gymnasium and raised adjoining space (former social hall), stairwell, foyer, and balconies.

And by modifying Schedule 14.3 in relation to Historic Heritage Place ID#01965 as follows:



- (d) Deleting Map 14.3.13.1 Schedule ID1965 -Auckland synagogue and community centre-Ground Level, Map 14.3.13.2 Schedule ID 1965 - Auckland synagogue and community centre -Upper Level, and Map 14.3.13.3Schedule ID 1965 -Auckland synagogue and community centre -Basement Level.

[9] The parties agree that the proposed amendments to Schedule 14.1 of the AUP appropriately protect the identified heritage values of the Auckland Synagogue.

[10] In making this order the Court has read and considered the appeal and the joint memorandum of the parties dated 28 February 2020.

[11] No other person has given notice of an intention to become a party to the proceedings under s 274 of the Act.

[12] The Court is making this order under s 279(1)(b) of the RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297 of the RMA. The Court understands for present purposes that:

- (a) All parties to the appeal have executed the memorandum requesting the order.
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the RMA, including in particular Part 2.

Order

[13] Therefore, the Court orders, by consent, as set out in **Appendix 1** to this consent order that PC 10 is amended to modify Schedule 14.1 in the AUP in relation to Historic Heritage Place ID# 01965 by:

- (a) Deleting 'G' and 'H' from the listed Heritage Values identification column;
- (b) Deleting the reference to 'and Schedule 14.3' from the Extent of Place description column



- (c) Deleting the existing Exclusions description and replacing it with the following description:

~~Extension to the primary feature; interior of main synagogue, except 1968 roof/ceiling structure and form; interior of basement level, except stairwell and safe; rest rooms/changing rooms for upper level hall/gymnasium~~

Post 1968 extensions to primary feature; interior of building except:

1. Basement stairwell
2. Ground floor minor synagogue, café (former library), stairwell, foyer, original entrance columns, and void space of entrance
3. First floor gymnasium and raised adjoining space (former social hall), stairwell, foyer, and balconies.

And Schedule 14.3 in the AUP in relation to Historic Heritage Place ID# 01965 is to be modified by:

- (d) Deleting Map 14.3.13.1 Schedule ID 1965 - Auckland synagogue and community centre - Ground Level, Map 14.3.13.2 Schedule ID 1965 - Auckland synagogue and community centre - Upper Level, and Map 14.3.13.3 Schedule ID 1965 - Auckland synagogue and community centre - Basement Level.

[14] The appeal is otherwise dismissed.

[15] There is no order for costs.

DATED at Auckland this 11th day of March 2020



M Harland

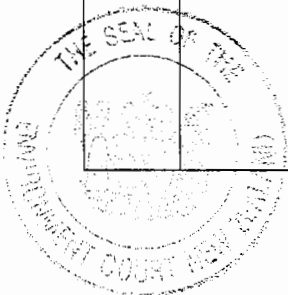
M Harland
Environment Judge

Appendix 1 Proposed amendments to proposed Plan Change 10 to the Auckland Unitary Plan Operative in part

New text is shown as underlined and deleted text as ~~striketrough~~

Amend Schedule 14.1 Historic Heritage as follows:

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
01965	Auckland Synagogue and community centre	108-116 Greys Avenue, Auckland Central	Lot 2 DP 45093; Lot 2 DP 44754; ALLOT 57 SEC 29 AUCKLAND CITY; ALLOT 58 SEC 29 CITY AUCKLAND	B	Building and courtyard	A,B,E,G,H	Refer to planning maps and Schedule 14.3	<p>Extension to the primary feature; interior of main synagogue, except 1968 roof/ceiling structure and form; interior of basement level, except stairwell and safe; rest rooms/changing rooms for upper level hall/gymnasium</p> <p><u>Post 1968 extensions to primary feature; interior of building except:</u></p> <ol style="list-style-type: none"> 1. <u>Basement stairwell</u> 2. <u>Ground floor minor synagogue, café (former library), stairwell, foyer, original entrance columns, and void space of entrance</u> 3. <u>First floor gymnasium and raised adjoining space (former social hall), stairwell, foyer, and balconies.</u> 		



Attachment 2 – Updated Text

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
01964	Greys Avenue Flats/State Flats	95-113 Greys Avenue, Auckland Central	Part Allot 52 Sec 28 Auckland City; Part Allot 53 Sec 28 Auckland City; Part Allot 54 Sec 28 Auckland City; Part Allot 55 Sec 28 Auckland City; Allot 56 Sec 28 Auckland City; Part Allot 57 Sec 28 Auckland City; Lot 2 DP 30999	A	Apartment building	A,F	Refer to planning maps	Interiors of all buildings, except all common spaces within the primary feature, including lobbies stairwells and corridors		
01965	Auckland Synagogue and community centre	108-116 Greys Avenue, Auckland Central	Lot 2 DP 45093; Lot 2 DP 44754; ALLOT 57 SEC 29 AUCKLAND CITY; ALLOT 58 SEC 29 CITY AUCKLAND	B	Building and courtyard	A,B,E	Refer to planning maps	Post 1968 extensions to primary feature; interior of building except: 1. Basement stairwell 2. Ground floor minor synagogue, cafe (former library),stairwell, foyer, original entrance columns, and void space of entrance 3. First floor gymnasium and raised adjoining space (former social hall), stairwell, foyer, and balconies		
01966	A. Cleave and Co. Building (former)	18 High Street, Auckland Central	Part Allot 5 Sec 4 Auckland City	B		F,G,H	Refer to planning maps	Interior of building(s)		
01967	Commercial building	35-37 High Street, Auckland Central	Lot 4 DP 21158	B		E,F,G	Refer to planning maps			
01968	Canterbury Arcade annexe	166-174 Queen Street (also known as 47 High Street), Auckland Central	ALLOT 37 SEC 4 CITY AUCKLAND; LAND ON DP 3305; LAND ON DP 814; road reserve	B		F,G,H	Refer to planning maps	Interior of building(s)		
01969	Auckland Harbour Board Workshops (former)	204 Quay Street, Auckland Central	Lot 1 DP 183125	B		A,F,G	Refer to planning maps and Schedule 14.3	Interior of building(s)		
01970	Albion Hotel	119 Hobson Street, Auckland Central	Part Allot 10 Sec 23 Auckland City	B		A,B,F,G	Refer to planning maps	Interior of building(s)		
01971	St Matthew-in-the-City	132 Hobson Street, Auckland Central	Lot 1 DP 184578	A	Sanctuary building	A,B,F,G,H	Refer to planning maps			
01972	Prince of Wales Hotel (former)	201-203 Federal Street, Auckland Central	Part Allot 17 Sec 30 Auckland City; road reserve	B		A,F	Refer to planning maps	Interior of building(s)		
01973	Auckland Trades Hall (former)	157 Hobson Street, Auckland Central	Lot 1 DP 318861	B		A,E,F,G	Refer to planning maps			
01974	Thomas Doo Building	164-168 Hobson Street, Auckland Central	Lot 1 DP 348651	B		A,F	Refer to planning maps			
01975	Bank Buildings	111 Karangahape Road, Auckland Central	Lot 1 DP 15721	B		F,G,H	Refer to planning maps	Interior of building(s)		
01976	St Kevins Arcade	183 Karangahape Road, Auckland Central	Lot 2 DP 118752; road reserve	B		B,F,G,H	Refer to planning maps			
01977	Rendells Building (former)	184 Karangahape Road, Newton	Part Lot 10 DP 3909	B		F,G,H	Refer to planning maps	Interior of building(s)		
01978	Pitt Street Buildings	211-235 Karangahape Road, Auckland Central	Lot 31 Deeds Red U; Lot 32 Deeds Red U; Lot 33 Deeds Red U; road reserve	B		F,G,H	Refer to planning maps	Interior of building(s)		
01979	George Court Department Store (former)	238 Karangahape Road, Newton	Lot 1 DP 174920	A	Building	A,F,G,H	Refer to planning maps			
01980	Naval and Family Hotel	243 Karangahape Road, Auckland Central	DP 1395	B		A,F,G,H	Refer to planning maps	Interior of building(s)		

PC 27 (See modifications)

PC 27 (See modifications)

Map 14.3.13 [deleted]

Map 14.3.13.1 [deleted]

Map 14.3.13.2 [deleted]

Map 14.3.13.3 [deleted]