

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

**Report to Auckland Council
Hearing topic 010**

Historic Heritage

July 2016

Report to Auckland Council hearing topic 010 Historic Heritage

Contents

1. Hearing Topic Overview	2
1.1. Topic description	2
1.2. Summary of the Panel's recommended changes to the proposed Auckland Unitary Plan.....	2
1.3. Overview.....	2
1.4. Scope	3
1.5. Documents relied on	4
2. Unscheduled significant historic heritage.....	5
2.1. Statement of issue	5
2.2. Panel recommendation and reasons.....	5
3. Consequential changes	6
3.1. Changes to other parts of the plan	6
3.2. Changes to provisions in this topic.....	6
4. Reference documents	6
4.1. General topic documents	6
4.2. Specific evidence.....	7

1. Hearing Topic Overview

1.1. Topic description

Topic 010 addresses the regional policy statement provisions of the proposed Auckland Unitary Plan relating to:

Topic	Proposed Auckland Unitary Plan reference	Independent Hearings Panel reference
Historic Heritage	Chapter B - Regional Policy Statement - 4 Protecting our historic heritage, special character and natural heritage – Te tiaki taonga tuku iho	B5 Built heritage and character

Under the Local Government (Auckland Transitional Provisions) Act 2010, section 144 (8) (c) requires the Panel to set out:

the reasons for accepting or rejecting submissions and, for this purpose, may address the submissions by grouping them according to—

- (i) the provisions of the proposed plan to which they relate; or
- (ii) the matters to which they relate.

This report covers all of the submissions in the Submission Points Pathways report (SPP) for this topic. The Panel has grouped all of the submissions in terms of (c) (i) and (ii) and, while individual submissions and points may not be expressly referred to, all points have nevertheless been taken into account when making the Panel's recommendations.

1.2. Summary of the Panel's recommended changes to the proposed Auckland Unitary Plan

- i. The historic heritage provisions of the regional policy statement in relation to significant and identified historic heritage places (i.e. those that are or worthy of scheduling in the Unitary Plan) have largely remained as agreed by most parties through the mediation and hearings process.
- ii. Those provisions seeking to protect or manage 'unscheduled significant historic heritage' places have been deleted from the regional policy statement.

1.3. Overview

The Panel has not recommended any significant changes to the historic heritage provisions of the regional policy statement in relation to significant and identified historic heritage places. These provisions carry forward a settled methodology of identification, evaluation and scheduling of items of significant and important historic heritage based upon an agreed set of factors.

The factors used to identify and evaluate a place with historic heritage values are listed in B5 Built heritage and character (following a similar approach to all other matters which have been scheduled, such as significant ecological areas, outstanding and high natural character and outstanding natural features and landscapes). The historic heritage factors are:

- i. historical,
- ii. social,
- iii. Mana Whenua,
- iv. knowledge,
- v. technology,
- vi. physical attributes,
- vii. aesthetic, and
- viii. context.

This was essentially confirmed by the Council in its closing statement in responding to particular matters raised by parties at the hearing, and in relation to questions from the Panel. At paragraph 1.2 the Council stated:

The approach taken in these legal submissions is not to address all matters raised in submissions or matters raised during the hearing. Rather, these submissions address the material points of difference between the matters raised by the submitters in evidence and the position of the Council (emphasis added).

It is noted that the closing statement, while extensively addressing special character and the pre-1944 provisions, makes no further reference to or addresses matters relating to historic heritage.

While the chapter looks different to the Council's closing statement version, many of the amendments made by the Panel are to the structure and the wording of the objectives and policies in order to clarify their purpose.

The provisions seeking to protect or manage 'unscheduled significant historic heritage' places have been deleted from the regional policy statement. Some of these provisions which more generically sought to avoid, remedy or mitigate adverse effects on 'unidentified' significant historic heritage places have been addressed in the plan provisions or have been deleted. This is a consistent approach that the Panel has recommended across the entire regional policy statement.

The Panel notes that the majority of the issues raised by submitters focused on the historic heritage schedules and on activity status for demolition of buildings and structures and the definition of total and substantial demolition. These are district plan matters and have been addressed in the Panel's reports on these hearing topics – see Report to Auckland Council – Hearing topic 031 Historic heritage July 2016 and Report to Auckland Council – Hearing topic 032 Historic heritage schedules July 2016.

1.4. Scope

The Panel considers that the recommendations in 1.2 above and the changes made to the provisions relating to this topic (see 1.1 above) are within scope of submissions.

For an explanation of the Panel's approach to scope see the Panel's Report to Auckland Council – Overview of recommendations July 2016.

1.5. Documents relied on

Documents relied on by the Panel in making its recommendations are listed below in section 4 Reference documents.

2. Unscheduled significant historic heritage

2.1. Statement of issue

The protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance (section 6(f) of the Resource Management Act 1991). The notified proposed Auckland Unitary Plan took a broad view of historic heritage, including archaeological sites. The Plan identified and scheduled historic heritage places for protection in the conventional way. However it also included policies in the regional policy statement, as well as at plan level (Auckland-wide objectives and policies) dealing with historic heritage that has not been identified or evaluated. There were also references to 'significant unscheduled historic heritage'. This all-inclusive approach to unscheduled historic heritage was a major focus of the submissions at the hearing of historic heritage places.

2.2. Panel recommendation and reasons

A number of submitters opposed the provisions relating to 'unidentified historic heritage' places.

These included the University of Auckland, Samson Corporation/Sterling Nominees and New Zealand Institute of Architects (Auckland Branch) and the Ports of Auckland Limited They presented legal submissions and expert planning evidence. The Panel agrees with the submitters for the reasons set out below.

The regional policy statement provides for the identification and evaluation of historic heritage places according to eight factors (set out in the overview section above), the definition of the physical extent of the place, and its inclusion in the schedule of significant historic heritage on the basis of its considerable or outstanding values. A further policy sets out the categories of historic heritage places. In addition, identification of the primary features, exclusions and extent of place is a helpful management approach because it assists understanding of what is protected in a particular circumstance. It also means that the activity status for works within the extent of place can be tailored according to whether it involves the primary features or non-primary features, thus avoiding unnecessary applications. The Panel endorses this approach to identification and protection of historic heritage.

In the Panel's view, the method of protecting historic heritage by scheduling those places identified as having considerable and outstanding historic heritage value is well-established. The Panel supports this approach because it provides certainty to landowners and is likely to achieve the outcomes sought by the Plan. The Panel considers that significant historic heritage places should be identified, evaluated and included in the schedule following the process set out in the regional policy statement because this promotes effective protection.

For these reasons, the Panel does not support the inclusion of plan provisions relating to unscheduled historic heritage. If the Council wishes to protect historic heritage, it should follow the identification and scheduling process provided for in the regional policy statement, using the plan change procedure.

Overall, the Panel does not support the inclusion of objectives and policies addressing 'unscheduled historic heritage' in the regional policy statement (nor does it support the many

references to 'unscheduled significant historic heritage' that occur throughout the Plan, and this is addressed in more detail in the Panel's report on hearing topic 031 Historic heritage as referenced above). Accordingly, provisions relating to unidentified historic heritage places have been removed from the regional policy statement.

3. Consequential changes

3.1. Changes to other parts of the plan

There are no consequential changes to other parts of the Plan as a result of the Panel's recommendations on this topic.

3.2. Changes to provisions in this topic

There are no changes to provisions in this topic as a result of the Panel's recommendations on other hearing topics.

4. Reference documents

The documents listed below, as well as the submissions and evidence presented to the Panel on this topic, have been relied upon by the Panel in making its recommendations.

The documents can be located on the aupihp website (www.aupihp.govt.nz) on the hearings page under the relevant hearing topic number and name.

You can use the links provided below to locate the documents, or you can go to the website and search for the document by name or date loaded.

(The date in brackets after the document link refers to the date the document was loaded onto the aupihp website. Note this may not be the same as the date of the document referred to in the report.)

4.1. General topic documents

Panel documents

[010-Submission Point Pathway Report - Historic Heritage](#) (15 October 2014)

[010-Submission Point Pathway Report - Natural Heritage](#) (22 September 2014)

[010-Parties and Issues Report - Historic Heritage](#) (11 November 2014)

[010-Parties and Issues Report - Natural Heritage, Natural Character, Landscapes and Features](#) (11 November 2014)

[010-Expert Conference Joint Statement - B4.1 Historic heritage](#) (11 November 2014)

[010-Expert Conference Joint Statement - B4.3 Natural heritage and B4.31 Natural character](#) (11 November 2014)

Auckland Council marked up version

[010-Attachment 1 - marked-up text for B.3 Natural heritage and B.3.1 Natural character](#) (11 November 2014)

[010-Attachment 1A - marked-up text for B4.1 Historic heritage](#) (9 June 2016)

[010-Attachment 1B - marked-up text for B4.1 Historic heritage](#) (11 November 2014)

Auckland Council closing statement

[Hearing Evidence - Closing Statement \(B4.1 and B4.2\)](#) (19 December 2014)

4.2. Specific evidence

Ports of Auckland Limited

[Hearing Evidence - Legal Submissions](#) (9 December 2014)

[Hearing Evidence- Mark Arbuthnot](#) (13 November 2014)

The University of Auckland

[Hearing evidence - Legal submission](#) (3 December 2014)

[Hearing Evidence - Karl Cook](#) (13 November 2014)