



Proposed Plan Change 78 (PPC78)

Plan change to the Auckland Unitary Plan
(Operative in part)

**Section 32 and section 77K / section 77Q alternative process for existing
qualifying matters**

EVALUATION REPORT

HISTORIC HERITAGE OVERLAY

Table of Contents

Executive Summary.....	3
1. Introduction	4
1.1 Integrated evaluation for existing qualifying matters	4
2. Issue	6
3. Objectives and Policies (existing).....	8
3.1 B5 Ngā rawa tuku iho me te āhua – Historic heritage and special character.....	8
3.2 Chapter D17 Historic Heritage Overlay.....	8
4. Development of options	9
4.1 Alternative density.....	11
4.2 Consequences for development potential	12
4.3 Evaluation of options	13
4.4 Overall conclusion.....	17
4.5 Information Used	18
4.6 Consultation	18

Executive Summary

The Historic Heritage Overlay applies to scheduled historic heritage places on land and in the coastal marine area that are identified in the Auckland Unitary Plan (Operative in part) (**Unitary Plan**) historic heritage schedule and shown on the planning maps. Each scheduled historic heritage place has been evaluated and meets the heritage significance criteria and thresholds set out in the Regional Policy Statement section of the Unitary Plan.

In the planning maps, places included in the Historic Heritage Overlay are 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 Historic Heritage Overlay is a qualifying matter as it identifies and manages significant historic heritage values. Historic heritage is a matter of national importance and Council is required to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development. Historic heritage is identified as a qualifying matter for Policy 3 and the Medium Density Residential Standards (**MDRS**) as a matter of national importance.

The Unitary Plan 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). 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.

The Historic Heritage Overlay as a qualifying matter requires the modification of Policy 3 and the MDRS in part. The aspects that require modification include those that relate to density (subdivision) and activities relating to construction (new buildings and structures, demolition, relocation, modification etc.). These activities require resource consent within the overlay.

The Historic Heritage Overlay applies to all Policy 3 zones and all relevant residential zones in the urban environment. Each scheduled historic heritage place is different, and each has its own set of heritage values, so it is not possible to describe the level of development forgone by not applying Policy 3 and the MDRS in full in terms of a typical site. However, it is known that the level of development forgone by not applying Policy 3 and the MDRS in full is minimal, as the Historic Heritage Overlay applies to less than one per cent of land parcels in Auckland's urban environment.

Policy 3 and the MDRS need to be modified for the Historic Heritage Overlay as a qualifying matter to ensure that the historic heritage values identified by the overlay are protected from inappropriate subdivision, use and development.

1. Introduction

This report is prepared as part of the evaluation required by section 32 and sections 77I and 77Q of the Resource Management Act 1991 ('**the Act**') for proposed Plan Change X (**PPCX**) to the Auckland Unitary Plan (Operative in Part) (**Unitary Plan**).

The background to and objectives of PCX are discussed in the overview report, as is the purpose and required content of section 32 and 77I / 77Q evaluations.

This report discusses the implications of applying the Historic Heritage Overlay as a qualifying matter to the medium density residential standards (MDRS) of Schedule 3A of the Act and the implementation of Policy 3 of the National Policy Statement on Urban Development (**NPS-UD**).

An existing qualifying matter is a qualifying matter referred to in section 77 I or 77O (a) to (i) that is operative in the relevant district plan when the IPI is notified.

- Section 77I relates to relevant residential zones.
- Section 77O relates to urban non-residential zones.

The Council may make the MDRS and the relevant building height or density requirements under Policy 3 less enabling of development in relation to an area within a relevant residential zone or urban non-residential zone only to the extent necessary to accommodate one or more of the qualifying matters listed in section 77I or 77O.

1.1 Integrated evaluation for existing qualifying matters

For the purposes of PPCX, evaluation of the Historic Heritage Overlay as an existing qualifying matter has been undertaken in an integrated way that combines section 32 and 77K / 77Q requirements. The report follows the evaluation approach described in the table below.

Preparation of this report has involved the following:

- review of Chapter D17 Historic Heritage Overlay and its purpose in the Unitary Plan
- assessment of the relevant provisions of Chapter D17 and other relevant provisions in the Unitary Plan, including Schedule 14 Historic Heritage Schedule, Statements and Maps (**Schedule 14**), against Policy 3 of the NPS-UD, and with the MDRS in accordance with Schedule 3A of the Act
- section 32 options analysis
- development of draft amendments to D17 to accommodate the Historic Heritage Overlay as a qualifying matter.

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

This section 32/77K 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

Standard section 32 steps	Plus, section 77K / 77Q steps for existing qualifying matter
<p>Issue</p> <p>Define the problem- provide overview/summary providing an analysis of the qualifying matter</p>	<p>Section 77K or 77Q (1) (a)</p> <p>The qualifying matter is the Historic Heritage Overlay. The Historic Heritage Overlay applies to scheduled 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 Unitary Plan maps. Scheduled historic heritage places have been evaluated and meet the heritage significance criteria and thresholds set out in the Regional Policy Statement (RPS) (Policy B5.2.2(3)).</p> <p>The location and extent of historic heritage places identified in the Historic Heritage Overlay are mapped in the Unitary Plan maps by:</p> <ul style="list-style-type: none"> • Historic Heritage Extent of Place (purple cross-hatching), or • Historic Heritage Place (purple dot).
<p>Identify and discuss objectives / outcomes</p>	<p>Section 77K or 77Q(1) (c)</p> <p>The relevant RPS objectives are B5.2.1(1) and (2) and relevant RPS policies are B5.2.2(1) to (9).</p> <p>The Historic Heritage Overlay is a qualifying matter as it manages the significant historic heritage values of historic heritage places that are identified in Schedule 14. Historic heritage is a matter of national importance that decision makers must consider under section 6 of the Act and historic heritage has been identified as qualifying matter for Policy 3 and the MDRS as a matter of national importance.</p>
<p>Identify and screen response options</p>	<p>Section 77k or 77Q (1) (b)</p> <p>The three options that have been identified and evaluated for the Historic Heritage Overlay as a qualifying matter are:</p> <ul style="list-style-type: none"> • Apply Policy 3 and MDRS / do not apply Historic Heritage Overlay as a qualifying matter • Apply Policy 3 and MDRS in a modified form by identifying alternative density standards • Apply Historic Heritage Overlay as a qualifying matter in full.
<p>Collect information on the selected option(s)</p>	<p>Section 77K or Q (1) (d)</p> <p>For the Historic Heritage Overlay, it is not possible to describe in general terms for a typical site the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been</p>

	permitted by the MDRS and Policy 3. While sites may be typical in terms of their underlying zoning, historic heritage places are all individual and range from multi-storey buildings in the City Centre zone to warehouses to apartment complexes to churches to gates to memorials to archaeological sites. The Historic Heritage Overlay Extent of Place (extent of place), where the provisions of the overlay apply, may be located across the entirety of a property or only to a portion. The extent of place also may be located over more than one property and be subject to different underlying zones, include the road reserve, or the coastal marine area.
Evaluate option(s) - environmental, social, economic, cultural benefits and costs	<p>Section 77K or Q (1) (b)</p> <p>Identifying the Historic Heritage Overlay as a qualifying matter provides significant benefit, as historic heritage places contribute to a well-functioning urban environment.</p> <p>Identifying the Historic Heritage Overlay as a qualifying matter has a low cost in terms of the provision of a variety of housing types and sizes. This is because the overlay applies to a very small percentage of land within Auckland's urban environment (2.38% of land and less than 1% of property parcels within the urban environment). Scheduled historic heritage places within the overlay are also scattered throughout the relevant residential zones and non-residential zones so will not impact on the ability of said zones to provide for a variety of housing types (including three-storey buildings) and sizes.</p>
Overall judgement as to the better option (taking into account risks of acting or not acting)	The impact of the qualifying matter on the level of development enabled by Policy 3 and the MDRS is low as it contributes to a well-functioning urban environment. This qualifying matter has a limited impact on the intensification sought by Policy 3 and the need to provide a variety of housing types and sizes because it applies to scattered sites which cover approximately 2% of Auckland's urban environment.

2. Issue

The qualifying matter being evaluated is the Historic Heritage Overlay under the following sections of the Act:

Residential zones:

- Section 77I –historic heritage is a matter of national importance that decision makers required to recognise and provide for under section 6 of the Act.
- Section 77K – historic heritage is an existing qualifying matter in the district plan section of the Unitary Plan and the alternative process for existing qualifying matters is appropriate.

Non-residential zones:

- Section 77O(a) – historic heritage is a matter of national importance that decision makers required to recognise and provide for under section 6 of the Act.
- Section 77Q – historic heritage is an existing qualifying matter in the district plan section of the Unitary Plan and the alternative process for existing qualifying matters is appropriate.

The Historic Heritage Overlay applies to scheduled historic heritage places on land and in the coastal marine area that are identified in Schedule 14.1 and shown in the Unitary Plan maps. Scheduled historic heritage places have been evaluated and meet the heritage significance criteria and thresholds set out in the RPS.

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; cultural landscapes, buildings, structures, monuments, gardens and plantings, archaeological sites and features, traditional sites, sacred places, townscapes, streetscapes and settlements.

The location and extent of historic heritage places identified in the Historic Heritage Overlay are mapped in the Unitary Plan maps by:

- Historic Heritage Extent of Place (polygon with purple outline and purple cross-hatching), or
- Historic Heritage Place (purple dot).

Tāmaki Makaurau Auckland's significant historic heritage places that are identified in the Historic Heritage Overlay are located in nearly all zones within the urban environment. They are found in all relevant residential zones and in urban non-residential zones, including the City Centre and other business zones, open space zones and special purpose zones.

This qualifying matter seeks to protect significant historic heritage places from inappropriate subdivision, use and development and to enable the appropriate use of historic heritage places (section 6(f) of the Act). The values of scheduled historic heritage places come in a wide variety of forms and may be affected by intensification in varying degrees or may not be affected at all. The Historic Heritage Overlay is compatible with Policy 3 and the MDRS except in relation to density provisions including subdivision and construction activities including demolition and destruction, relocation (including temporary relocation), modifications (including for seismic strengthening) and new buildings and structures.

Subdivision, use and development activities may occur within the Historic Heritage Overlay in an appropriate way that ensure the historic heritage values of a place are protected. However, some development activities may be incompatible with the intensification required by Policy 3 of the NPS UD and MDRS, including demolition, the construction of new buildings, and subdivision. These activities can have an impact on the values of a historic heritage place and therefore should continue to be managed. The modification of Policy 3 in part to manage activities that may be inappropriate for scheduled historic heritage places may restrict density, including density of urban form in the City Centre zone and metropolitan centre zones. Modification of the MDRS in part is required to ensure that activities including

subdivision continue to be managed within the overlay to ensure the values of the scheduled historic heritage places within the overlay are protected.

3. Objectives and Policies (existing)

The Unitary Plan identifies objectives and policies that support the Historic Heritage Overlay as a qualifying matter.

3.1 B5 Ngā rawa tuku iho me te āhua – Historic heritage and special character

Chapter B5 contains two objectives:

(1) Significant historic heritage places are identified and protected from inappropriate subdivision, use and development.

(2) Significant historic heritage places are used appropriately and their protection, management and conservation are encouraged, including retention, maintenance and adaptation.

These objectives are supported by policies B5.2.2 (1) to (9):

- Policies 1 to 5 relate to the identification and evaluation of historic heritage places.
- Policies 6, 7 and 8 seek to protect scheduled historic heritage places, including by avoiding demolition and relocation of the primary features of scheduled places and avoiding where practicable significant adverse effects on historic heritage places or, where significant adverse effects cannot be avoided, seeking that they be remedied or mitigated so they no longer constitute a significant adverse effect.
- Policy 9 seeks to provide for the use and development of significant historic heritage places where this will support the retention of, and will not detract from, the historic heritage values of the place.

3.2 Chapter D17 Historic Heritage Overlay

Chapter D17 of the Unitary Plan contains the district-level objectives and policies that support the Historic Heritage Overlay as a qualifying matter. There are three objectives:

(1) The protection, maintenance, restoration and conservation of scheduled historic heritage places is supported and enabled.

(2) Scheduled historic heritage places are protected from inappropriate subdivision, use and development, including inappropriate modification, relocation, demolition or destruction.

(3) Appropriate subdivision, use and development, including adaptation of scheduled historic heritage places, is enabled.

Twenty-six policies support these objectives. The policies relate to a range of development activities, including maintenance and repair, use and development, modifications, restoration and new buildings, demolition and destruction, relocation, temporary activities, and infrastructure.

The management approach for historic heritage set out in the Unitary Plan has two key components to managing historic heritage places as a qualifying matter. Firstly, historic

heritage places are identified and evaluated for their significance, which may include multiple values¹, and are recognised in Schedule 14 of the Unitary Plan. Secondly, historic heritage places included in this schedule are subject to the provisions of the Historic Heritage Overlay. These provisions manage the protection, conservation, maintenance, modification, relocation, use and development of scheduled historic heritage places.

Rules in the Historic Heritage Overlay relate to the following key development activities:

- Demolition and destruction
- Relocation of historic heritage features
- Maintenance and repair
- Modification and restoration
- New buildings and structures
- Signs and ancillary structures
- Subdivision.

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.

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 subdivision, 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.

There are no amendments proposed to Chapter D17, including its objectives and policies, in response to either Policy 3 or MDRS.

4. Development of options

Tāmaki Makaurau Auckland has approximately 2,500 scheduled historic heritage places identified in the Historic Heritage Overlay. As stated previously, a scheduled historic heritage place can be an individual feature or encompass multiple features and/or properties.

In Tāmaki Makaurau Auckland's urban environment, historic heritage places range from multi-storey commercial buildings in the city centre to historic dwellings in residential zones to memorials or plaques that occupy only a small portion of a site. There is no typical site in relation to a scheduled historic heritage place, given both the range of zones where this qualifying matter occurs and the variability of historic heritage values.

¹ Policy B5.2.2(1) seeks historic heritage places to be identified and evaluated considering the following criteria: (a) historical, (b) social, (c) Mana Whenua, (d) knowledge, (e) technology, (f) physical attributes, (g) aesthetic, and (h) context.

The land that is subject to the Historic Heritage Overlay represents an extremely small proportion of Auckland's total land area, as the following statistics illustrate (and note that the overlay does not always apply to the entire parcel):

- Auckland region – 0.9% of property parcels are subject to the Historic Heritage Overlay
- urban environment – 0.8%
- Policy 3 walkable catchments – 4.5%.²

For the Historic Heritage Overlay as a qualifying matter, many elements of Policy 3 and most of MDRS can be applied in full, as set out below.

In terms of the MDRS, the Historic Heritage Overlay does not directly manage building height, height in relation to boundary (HIRB), setbacks, building coverage, outdoor living space, outlook space, windows to street or landscaped area.

The Historic Heritage Overlay does require a resource consent for demolition and destruction, relocation, modifications, new buildings and structures and subdivision. This means by default the ability to apply other MDRS as a permitted activity may also be constrained. The Historic Heritage Overlay requirement for consent for these activities affects the density enabled by Policy 3 and the ability to implement the MDRS standard for up to three residential units per site in relevant residential zones. The rules for development activities apply everywhere the overlay is located, in both residential and non-residential zones, so these rules also impact on the application of Policy 3. These development activities when proposed within the Historic Heritage Overlay are assessed against the historic heritage values of the relevant historic heritage place.

The values of scheduled historic heritage places subject to the Historic Heritage Overlay are significant and Council is required to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development. It is therefore necessary to consider whether the MDRS and Policy should be applied in part or not at all in response to this qualifying matter. There are three options, which are summarised in the table below.

² This figure includes previously identified walkable catchments in the Light Rail Corridor

Table 2 – Options

Option	Detail of option
1. Apply Policy 3 & MDRS / do not apply Historic Heritage Overlay as a qualifying matter	Remove Chapter D17 Historic Heritage Overlay provisions that manage subdivision and construction activities including demolition and destruction, relocation, modifications and new buildings and structures.
2. Apply Policy 3 & MDRS in a modified form by identifying alternative density standards	Specify alternative density of one dwelling per site for relevant residential zones (see below)
3. Apply Historic Heritage Overlay as a qualifying matter in full	Chapter D17 Historic Heritage Overlay provisions would continue to apply as operative.

The three options in Table 2 are evaluated in section 6 below.

4.1 Alternative density

When setting out the alternative process for existing qualifying matters, section 77K(1)(b) of the Act requires the alternative density standards proposed for a qualifying matter to be specified. For the Historic Heritage Overlay as a qualifying matter, the densities need to be specified for all of the overlay, which applies to the relevant residential and non-residential zones shown in Table 3.

Table 3 – Zones and densities

Zone	Density (as a permitted activity)
<i>Relevant residential zones</i>	
Single House	One dwelling per site except for minor dwellings and the conversion of a principal dwelling into a maximum of two dwellings
Mixed Housing Suburban	Up to three dwellings per site
Mixed Housing Urban	Up to three dwellings per site
Townhouse and Apartment Buildings	n/a Dwellings are a restricted discretionary activity (RDA) New buildings that comply with height in relation to boundary standards are an RDA
<i>Non-residential zones</i>	
City Centre, Metropolitan Centre, Town, Local & Neighbourhood Centre zones	n/a New buildings are an RDA

Due to the variability of scheduled historic heritage places, including their individual historic heritage values and the location of primary features and other heritage features within the Historic Heritage Overlay extent of place, it is very difficult to specify alternative densities for the overlay. Any density specified could allow development that could adversely affect the historic heritage values of a place. Therefore, as a precaution, the alternative density within the relevant residential zones is one dwelling per site within relevant residential zones.

4.2 Consequences for development potential

The Historic Heritage Overlay is present across all residential zones in Tāmaki Makaurau Auckland's urban environment and is also located in many non-residential zones, including the City, and the Metropolitan, Town, Local and Neighbourhood Centre zones.

The Historic Heritage Overlay as a qualifying matter may affect the level of development enabled by Policy 3 and MDRS in relation to subdivision and development relating to the construction of buildings. The overlay manages demolition and destruction, relocation, modifications and new buildings and structures and includes the following rules for subdivision:

- Subdivision of land within the scheduled extent of place of a historic heritage place (discretionary activity)
- Subdivision of land within a Historic Heritage Area (discretionary for contributing sites/features and restricted discretionary for non-contributing sites/features)³.

The Historic Heritage Overlay as a qualifying matter may affect the level of development enabled by Policy 3 and the MDRS because subdivision and development involving construction are managed under the overlay in conjunction with Chapter E38 Subdivision – Urban and these impact on the ability to provide density on a site.

It is not possible to describe in general terms a typical site within the Historic Heritage Overlay, especially in terms of the level of development that would be prevented by accommodating the qualifying matter compared to the level of development that would be permitted by Policy 3 and the MDRS. Not only does the overlay apply in all relevant residential zones and in the Policy 3 areas, but each scheduled historic heritage place within the overlay is also individual. Each scheduled historic heritage place has its own identified historic heritage values, and the primary feature and associated features of each place may be located across a site or be located only on a specific part of it.

Scheduled historic heritage places include:

- in the City Centre zone and other centre zones, multi-storey buildings, facades, churches, memorials, wells, walls and fences
- in other business zones, warehouses, hotels, former stables, churches and halls
- in residential zones, apartment and terrace housing, single house residences, groups of state houses, school buildings and memorial gates.

The extent of place in the AUP maps identifies the area that is integral to the function, meaning and relationships of the place and illustrates the historic heritage values identified for the place. The provisions of the Historic Heritage Overlay apply within this area. In some cases, the extent of place is mapped across the entirety of a site where a scheduled place is located and in others the extent of place only covers a small portion of a site, leaving the remainder to be developed unencumbered by the overlay provisions. In some cases, the extent of place also may be located over more than one site and be subject to different underlying zones. It therefore follows that for some sites subject to the overlay, the level of development that would be prevented by accommodating the qualifying matter in

³ Unitary Plan, Chapter D17, Rule A34

comparison to that enabled via Policy 3 and the MDRS is higher and for other sites, it would have minimal impact.

To be clear, for some relevant residentially zoned sites within the Historic Heritage Overlay, the overlay will prevent the development of up to three dwellings per site, if such a development were not appropriate to the historic heritage values of the particular place located on that site. Similarly, the overlay may prevent development of non-residential sites such that the intensification sought by Policy 3 is not enabled. In some zones on some specific sites within the overlay, the historic heritage place may already provide the density enabled by the NPS UD.

If the Historic Heritage Overlay applies fully as a qualifying matter, development via increased density as enabled by Policy 3 and the MDRS may still occur, but resource consent would need to be sought for subdivision and/or construction activities. The merits of each consent application would be assessed against the impact of the proposed development on the individual historic heritage values of each place. There are many examples of development which has achieved sufficient additional density on a site subject to the Historic Heritage Overlay, for example:

- City Centre zone – the development of ID 02749 Cambridge Shirt and Clothing Factory and Office (former) on Victoria Street to construct a 12-storey tower on a site which contained a two-storey scheduled building
- Townhouse and Apartment zone – the development of ID 00185 Residence at 12 Hutchinson Road, New Lynn to construct three townhouses
- Mixed Housing Urban zone – the subdivision of ID 02267 Major Bremner’s Cottage at 99 McQuoids Road, Flat Bush⁴ to create a total 239 residential lots plus roads and reserves, of which ten are within the Historic Heritage Overlay.
- Mixed Housing Suburban zone – development of a Ryman healthcare facility within ID 00831 Duder’s brickworks and jetty site R11_1795.

Consideration of the options has shown that the current approach of managing subdivision and construction activity within the overlay via the resource consent process is the most appropriate option for managing density within the Historic Heritage Overlay. This option will allow for increased density where the underlying zone provides for it, whilst also ensuring that the individual values of each historic heritage place are protected whilst any intensification is undertaken. Given the significance of the Historic Heritage Overlay, this option is considered appropriate.

4.3 Evaluation of options

To determine the most appropriate response for historic heritage as a qualifying matter, each of the options needs to be evaluated in the context of the objectives of Policy 3 and the MDRS, namely:

⁴ Note: this cottage has recently been destroyed by fire but was in situ when the consent to subdivide was granted

Objective 1

a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Objective 2

a relevant residential zone provides for a variety of housing types and sizes that respond to:

- i. housing needs and demand; and*
- ii. the neighbourhood's planned urban built character, including 3-storey buildings.*

This evaluation is outlined in Table 4.

Table 4 – Evaluation of options for Historic Heritage Overlay as a qualifying matter (QM)

Historic Heritage Overlay	Option 1 – Apply Policy 3 & MDRS / do not apply the Historic Heritage Overlay as a QM	Option 2 Apply Policy 3 & MDRS in a modified form by identifying alternative density standards (one dwelling per site in relevant residential zones)	Option 3 Apply the Historic Heritage Overlay as a qualifying matter in full
Costs of applying the QM – broader social, economic, environmental, cultural	<p>High cost</p> <p>Applying Policy 3 and MDRS fully by not identifying the Historic Heritage Overlay as a QM may enable the densities sought by Policy 3 and MDRS. However, enabling this level of intensification may result in loss of identified significant historic heritage values. Once lost, these values will be gone forever, representing a high cost to both current and future generations as significant historic heritage places and their values contribute towards a well-functioning urban environment.</p>	<p>Medium cost</p> <p>Applying Policy 3 and MDRS in a modified form to provide for one dwelling per site will contribute to a well-functioning urban environment by protecting the Historic Heritage Overlay as a qualifying matter and ensuring development and intensification does not result in loss or degradation of identified historic heritage values.</p> <p>However, this option may not assist people and communities to provide for the social, economic and cultural wellbeing as it effectively ‘down-zones’ some sites where the overlay applies – by applying a density of one dwelling per site, sites in the overlay that are currently zoned anything other than Single House zone will have additional density restrictions imposed.</p>	<p>Low cost</p> <p>The Historic Heritage Overlay manages the values of significant historic heritage places. These places contribute to a well-functioning urban environment that enables people, both current and future generations, to provide for their social, economic and cultural wellbeing. Applying the Historic Heritage Overlay as a qualifying matter in full will allow the significant values of the overlay to be managed to avoid their loss or degradation.</p>
Costs of applying QM – housing supply / capacity	<p>No cost</p> <p>The Historic Heritage Overlay would not be applied as a QM in this option so there is no cost related to housing supply / capacity.</p>	<p>Low cost</p> <p>The Historic Heritage Overlay applies to a very small percentage of land within Auckland’s urban environment so there will be negligible cost in terms of housing supply / capacity. Scheduled historic heritage places within the overlay are scattered throughout residential and non-residential zones so do not impact on the</p>	<p>Low cost</p> <p>The Historic Heritage Overlay applies to a very small percentage of land within Auckland’s urban environment so there will be negligible cost in terms of housing supply / capacity. Scheduled historic heritage places within the overlay are scattered throughout residential and non-residential zones so do not impact on the</p>

		ability of relevant residential zones to provide for a variety of housing types (including 3-storey buildings) and sizes.	ability of relevant residential zones to overall provide for a variety of housing types (including 3-storey buildings) and sizes.
Benefits of the QM – broader social, economic, environmental, cultural	Low benefit Applying Policy 3 and MDRS fully may result in loss of identified significant historic heritage values.	High benefit The significant historic heritage values of scheduled historic heritage places are likely to be protected from inappropriate subdivision, use and development. The benefits of retaining these values are that the values contribute to a well-functioning urban environment, to both current and future generations.	High benefit The significant historic heritage values of scheduled historic heritage places will be protected from inappropriate subdivision, use and development. The benefits of retaining these values are that the values contribute to a well-functioning urban environment, to both current and future generations.

The following comments can be made in relation to these options:

- Options 1 should be discarded due to the low rating of one of the outcomes (high cost to identified significant historic heritage values).
- Option 2 protects the values of identified significant historic heritage places as part of a well-functioning urban environment, but this option has a medium cost in terms of broader social, cultural and economic considerations.
- Option 3 protects the values of identified significant historic heritage places as part of a well-functioning urban environment and is shown to have a low cost both in relation to the cost of applying the qualifying matter and in relation to the provision of a variety of housing types and sizes. Chapter D17 is amended to make it clear that historic heritage is a qualifying matter; a statement to that effect has been added to D17.1 Background and the relevant rules and standards in the overlay have been 'tagged' as a qualifying matter.

4.3.1 Risk of acting or not acting

Section 32(2)(c) of the Act 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. 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 Unitary Plan. It is considered that this information is certain and sufficient.

4.4 Overall conclusion

The Historic Heritage Overlay is 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 Act and historic heritage has been identified as qualifying matter for Policy 3 and the MDRS as a matter of national importance.

The impact of the qualifying matter on the level of development enabled by Policy 3 and the MDRS is low as it contributes to a well-functioning urban environment and has a very limited impact on the intensification sought by Policy 3 and the MDRS because it applies to scattered sites within only 0.8 per cent of property parcels in Auckland's urban environment.

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

- 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 Unitary Plan as operative (and make it clear that these rules replace the rules for the same activity in the underlying one), and
- Implementing Policy 3 and the MDRS 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.

Resource Management Act s77J(4)(b)

For relevant residential zones, the MDRS are modified only to the extent necessary to accommodate the Historic Heritage Overlay as a qualifying matter. All MDRS will apply in the Historic Heritage Overlay except subdivision as a controlled activity and the density standard for the number of residential units per site. The modification of MDRS will apply to the Historic Heritage Overlay, as shown in the Unitary Plan maps.

4.5 Information Used

The following reports, documents, evidence and plan versions were used to help development the plan change and assess the Historic Heritage Overlay as a qualifying matter.

Name of document, report, plan	How did it inform the development of the plan change
Unitary Plan - 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.
Unitary Plan – 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.
Unitary Plan – 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 Unitary Plan historic heritage schedule.
Unitary Plan 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.

4.6 Consultation

Schedule 1 of the Act sets out the relevant consultation requirements. Mana whenua have been engaged in the preparation of the IPI plan change at various stages in the process as required by Schedule 1 of the Act.

The Council provided an opportunity to the Auckland community to comment on its 'preliminary response' proposals during the period April 19 to May 9, 2022. While not specifically consulted on, submitters were overwhelmingly in favour of the continued protection of heritage places listed on Schedule 14.1 and their application as a qualifying matter. There is a clear consensus across otherwise conflicting submissions that the retention and protection of these places is of value to Tāmaki Makaurau Auckland.