

# Proposed Plan Change 81 to the Auckland Unitary Plan Operative in part Section 32 – Evaluation Report

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Addition of eleven historic heritage places  
(including four historic heritage areas) to  
Schedule 14 Historic Heritage Schedule,  
Statements and Maps in the Auckland  
Unitary Plan

**5 August 2022**

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# 1 Introduction

## 1.1 Scope and purpose of this report

This report is prepared by Auckland Council (**Council**) to fulfil the statutory requirements of section 32 of the Resource Management Act 1991 (**the Act or RMA**) for proposed Plan Change 81 (**PC81**) to the Auckland Unitary Plan (Operative in Part) (**Unitary Plan**).

The Unitary Plan contains existing objectives, policies, and rules or other methods for the purpose of managing historic heritage places<sup>1</sup>. PC81 is not altering or re-litigating any of these provisions. This evaluation report relates only to the addition of historic heritage places in Schedule 14 Historic Heritage Schedule, Statement and Maps (**Schedule 14**) within the existing policy framework of the Unitary Plan. The policy approach remains unchanged, and this report will not evaluate it in any more detail.

The plan change is to recognise the values of eleven identified historic heritage places, including four historic heritage areas, by adding them to the Unitary Plan Historic Heritage Overlay<sup>2</sup>, as identified in Schedule 14.1 Schedule of Historic Heritage (**Schedule 14.1**) and the planning maps. The addition of these historic heritage places to Schedule 14.1 ensures the provisions of the Unitary Plan apply, including the Historic Heritage Overlay provisions. This will assist in the management and protection of these historic heritage places.

## 1.2 The section 32 evaluation

Section 32 of the Act requires that before adopting any objective, policy, and rule or other method, the Council shall have regard to the extent to which each objective is the most appropriate way to achieve the purpose of the Act, and whether the policies and rules or other methods are the most appropriate way of achieving the objectives. A report must be prepared summarising the evaluation and giving reasons for the evaluation. The evaluation must also take into account:

- the benefits and costs of policies, rules, or other methods, and
- the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

## 1.3 The evaluation approach

In accordance with section 32(6) of the Act and for the purposes of this report:

- the 'proposal' means PC81,
- the 'objectives' means the purpose of the proposal/PC81, and
- the 'provisions' means the policies and rules or other methods that implement or give effect to the objectives of the proposal.

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<sup>1</sup> B5 Ngā rawa tuku iho me te āhua – Historic heritage and special character and D17 Historic Heritage Overlay

<sup>2</sup> Chapter D17 Historic Heritage

This section 32 evaluation will continue to be refined in relation to any consultation that occurs, and in relation to any new information that may arise, including through submissions on PC81 and during hearings on the plan change.

## 2 The issues

### 2.1 The Auckland Unitary Plan

The Unitary Plan became operative in part on 15 November 2016. Regular plan changes initiated by the Council to add to and maintain Schedule 14.1 are anticipated over the life of the Unitary Plan.

### 2.2 Background to the proposed plan change

The Unitary Plan contains objectives, policies and rules to protect significant historic heritage from inappropriate subdivision, use, and development. The Unitary Plan method to achieve this protection is focused on the Historic Heritage Overlay. Schedule 14.1 identifies the historic heritage places that are subject to the Historic Heritage Overlay. The Unitary Plan method to achieve this protection is the Historic Heritage Overlay. Schedule 14.1 identifies the historic heritage places that are subject to the Historic Heritage Overlay. Places subject to the overlay are shown spatially in the planning maps by the Historic Heritage Overlay Extent of Place (**extent of place**), shown with a pattern of purple cross-hatching.

Schedule 14.1 of the Unitary Plan contains approximately 2,300<sup>3</sup> scheduled historic heritage places. Most historic heritage places identified in Schedule 14.1 were included in a historic heritage schedule in one of Tāmaki Makaurau Auckland’s legacy regional or district plans and “rolled over” into the Proposed Auckland Unitary Plan (**PAUP**) in 2014.

The historic heritage places and areas proposed in PC81 to be included in Schedule 14.1 were identified as part of:

- work undertaken by Council staff to respond to the NPS-UD and the incorporation of the Medium Density Residential Standards (**MDRS**)<sup>4</sup> in the Unitary Plan,
- public nominations, and
- area studies.

The historic heritage places in PC81 have been identified primarily for their built heritage values.

PC81 is to be notified as a companion plan change to the Council’s Intensification Planning Instrument (**IPi**) to incorporate the Medium Residential Density Standards (**MDRS**) and implement the National Policy Statement on Urban Development 2020 (**NPS-UD**) into the Unitary Plan. The environment against which options for this plan change are considered is

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<sup>3</sup> This excludes places in the Hauraki Gulf Islands District Plan

<sup>4</sup> The MDRS were inserted in the Act via the Resource Management Act (Enabling Housing Supply and Other Matters) Amendment Bill in 2021

that arising from application of the MDRS and Policy 3 of the NPS-UD. To be clear, PC81 is prepared against this baseline or reference point.

### 3 The proposed plan change

PC81 introduces changes to Schedule 14.1, Schedule 14.2 Historic Heritage Areas – Maps and statements of significance (**Schedule 14.2**) and the GIS viewer/planning maps of the Unitary Plan. The proposed changes are to add eleven historic heritage places, including four areas, to Schedule 14.1, and to show these places in the GIS viewer. The proposed addition of historic heritage areas requires information to be added to Schedule 14.2 (being the addition of a statement of significance for each proposed historic heritage area and a map showing its extent).

The plan change documents for PC81 show:

- proposed amendments to Schedule 14.1 (see **Attachment A**),
- proposed amendments to Schedule 14.2 (see **Attachment B**), and
- proposed amendments to the Historic Heritage Overlay Extent of Place (shown in the planning maps) (see **Attachment C**)

An evaluation has been prepared for each place that is included in PC81. These evaluations, which do not form part of the plan change, are included as **Attachments D - O**.

### 4 Reasons for the proposed plan change

An evaluation under section 32 of the Act must examine the extent to which the objectives of PC81 are the most appropriate way to achieve the purpose of the Act.<sup>5</sup> The objective of PC81 is to protect and manage the significant heritage values of the places identified by adding them to Schedule 14.1 and the planning maps of the Unitary Plan and making them subject to the Historic Heritage Overlay.

The proposed plan change will assist the Council to carry out its functions in order to achieve the purpose of the Act, being to promote the sustainable management of natural and physical resources.

Built heritage and character is an issue of regional significance in the RPS. Chapter B5.1 of the RPS states following issues:

- (1) *Auckland's distinctive historic heritage is integral to the region's identity and important for economic, social, and cultural well-being.*
- (2) *Historic heritage needs active stewardship to protect it from inappropriate subdivision, use and development.*

Historic heritage helps people to understand and appreciate their history, culture and identity. The recognition, protection, conservation, and appropriate management of historic heritage

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<sup>5</sup> RMA s32(1)(a)

places will help current and future generations appreciate what these places mean to the development of the region. Historic heritage places are a finite resource that cannot be duplicated or replaced.

The approach of the Unitary Plan is to recognise the significance of historic heritage places by identifying them in Schedule 14.1 and the planning maps and applying the provisions of the Historic Heritage Overlay to achieve the protection and management of these places. The provisions of the Historic Heritage Overlay apply to scheduled historic heritage places on land. None of the proposed changes apply to the coastal marine area.

The Historic Heritage Overlay is a management approach where activities anticipated to have a greater effect on the values of a historic heritage place in Schedule 14.1 are subject to more rigorous management. The identification of the category, primary feature(s), heritage values, exclusions, and an extent of place for each significant historic heritage place is the basis of this management approach, as it ensures the management of a historic heritage place is specific to the values and significance of that particular place.

The provisions of the Historic Heritage Overlay manage the protection, maintenance, modification, relocation, and use and development of the historic heritage places included in Schedule 14.1. The inclusion of historic heritage places in Schedule 14.1 means activities involving demolition and destruction, relocation, modification, and new buildings and structure may require a resource consent beyond that already required by Unitary Plan provisions of the underlying zoning of a property.

The evaluation of eleven historic heritage places, including four areas, identified as part of PC81 concludes that these places are of significance and should be included in Schedule 14.1. Due to the significance of these places, and the importance of protecting them from inappropriate subdivision, use and development, PC81 is the most appropriate way to achieve the purpose of the Act, as outlined in the evaluation of options below.

## 4.1 Development of options

In the preparation of PC81, the following options have been identified:

**Option 1** – do nothing/retain the status quo

**Option 2** – non-regulatory methods

Non-regulatory methods for the protection and management of historic heritage places include advocacy, education, and the provision of information. Non-regulatory methods include:

- GIS-based alert layers such as the Cultural Heritage Inventory (**CHI**) identifying areas where there may be known or a high likelihood of unrecorded or unidentified archaeological sites,
- land and project information memoranda (**LIMS** and **PIMS**) which include advice about places on the New Zealand Heritage List/Rārangī Kōrero (**NZHL/RK**) and the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu,
- advice notes on resource consents informing landowners of potential historic heritage values,

- non-statutory plans and strategies (e.g., spatial plans),
- Memoranda of Understanding (**MOU**) and interagency agreements with, for example, other regulatory agencies such as government departments and agencies, Council Controlled Organisations (**CCOs**), and/or with other entities including Mana Whenua groups,
- funding and assistance such as heritage incentives and grants to encourage the non-regulatory management and protection of historic heritage places.

**Option 3** – other regulatory methods

Other regulatory methods include:

- heritage orders under the Act and covenants under the Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPTA**).<sup>6</sup>
- use of the Reserves Act 1977 to create historic heritage reserves,
- covenants recorded on the certificate of title to protect historic heritage.

**Option 4** – a plan change to add eleven historic heritage places, including four areas, to Schedule 14.1.

**Option 5** – a plan change to add ten historic heritage places, including three areas, to Schedule 14.1.

Option 5 does not propose to include the Parkfield Terrace Historic Heritage Area in Schedule 14.1. Under this option, the Special Character Areas Overlay – Residential: Isthmus A, which currently applies to Parkfield Terrace, is used to provide for the special character values of Parkfield Terrace. The Special Character Areas Overlay applying to the proposed Pūhoi Township Historic Heritage Area and Lawry Settlement Workers’ Housing Historic Heritage Area is not proposed to be identified as a qualifying matter under 3.32(1)(h) of the NPS-UD.

## **4.2 Evaluation of options**

Refer to the following table and section 4.3 for a summary of analysis under section 32(2) of the Act.

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<sup>6</sup> In accordance with Section 175 and 192 of the RMA, these must be included in the district plan. This is Schedule 13 Heritage Orders Schedule of Unitary Plan.



Table 1: Summary of analysis of options

Options	Efficiency and effectiveness of provisions in achieving the objectives <sup>7</sup>	Benefits	Costs
<p><b>Option 1 – Do nothing/retain status quo</b></p>	<p>The ‘do nothing’ option is not an efficient or effective option. This is because there is no mechanism that will protect the significant heritage values which have been identified through the evaluations. This is inconsistent with RPS provisions of the Unitary Plan and section 6(f) of the Act.</p> <p>This option will also not achieve the objectives of PC81 to manage and protect the significant historic heritage values of the identified places.</p> <p>Potentially, these places could wait for a future plan change with more places being added to Schedule 14.1 or for plan review to be more efficient. However, this would not be effective in protecting the historic heritage values of these places which could be lost before a future plan change is undertaken.</p>	<p>No cost to the Council to undertake a public plan change; an economic benefit.</p> <p>The historic heritage values of the identified properties would not need to be taken into account if the landowners wanted to develop their land. In addition, a landowner may not require a resource consent for certain activities which are permitted activities within an underlying zoning (depending on whether comply with all relevant standards of that zone). These may be perceived as benefits to the landowner.</p>	<p>Potential cost to the environment through possible loss of significant historic heritage values due to inappropriate subdivision, use and development. Any loss would be contrary to both the provisions of the Unitary Plan and the purpose of the Act. This loss would be to both current and future generations.</p> <p>The historic heritage values of the identified places would not need to be taken into account in relation to any growth and development opportunities – this loss of heritage could be perceived as a cost to society.</p>
<p><b>Option 2 – Non-regulatory methods</b></p>	<p>Advocating for and provision of education and information to landowners may help their understanding of the values and significance of historic heritage places, and how these places are managed. However, consideration of these matters is at the discretion of the landowners as this option is non-regulatory. This could lead to inefficiency if effort is put into the provision of information, education and advocacy, but such</p>	<p>Potentially no cost at present to Council to undertake a public plan change; an economic benefit.</p> <p>The historic heritage values of the identified properties would not need to be taken into account if the landowners wanted to develop their land. In addition, a landowner may not require a resource consent for certain activities which are permitted activities within an underlying zoning (depending on whether the activity complies with all relevant standards of that</p>	<p>Potential cost to Council to advocate for and provide education and information to landowners where this does not lead to any additional protection of the significant historic heritage value of a place or area.</p> <p>Potential cost to the environment through possible loss of significant historic heritage values due to inappropriate subdivision, use and development. Any loss would be contrary to both the provisions of the Unitary Plan and the purpose of the Act.</p>

<sup>7</sup> RMA s32(1)(b)(ii)

Options	Efficiency and effectiveness of provisions in achieving the objectives <sup>7</sup>	Benefits	Costs
	<p>effort does not result in any additional protection of significant historic heritage values.</p> <p>Funding, such as grants, is a non-regulatory method of assisting with the protection of historic heritage values. However, such funding usually first requires a regulatory method, such as scheduling, to ensure a place receives priority consideration for a grant and to justify the investment of public funding.</p> <p>In summary, non-regulatory methods are not considered an efficient or effective option to achieve the objectives of PC81 on their own. These methods are unlikely to protect the significant historic heritage values that have been identified in the evaluations of these places.</p>	<p>zone). These may be perceived as benefits to the landowner.</p> <p>Advocating to and providing education and information could be seen as a benefit to the landowner, and to Council, as this may lead to a greater understanding and willingness of the landowner to protect the historic heritage values of a place.</p> <p>Funding may be seen as a potential benefit as this means less cost is borne by the landowner.</p>	<p>This loss would be to both current and future generations.</p> <p>The historic heritage values of the identified places would not need to be taken into account in relation to any growth and development opportunities – this loss of heritage could be perceived as a cost to society.</p> <p>Potential cost of a plan change, in addition to funding, as funding usually first requires a regulatory method, such as scheduling, to receive priority consideration for a grant.</p>
<p><b>Option 3 – Other regulatory methods</b></p>	<p>Covenants and heritage orders can be effective options to protect the values of significant historic heritage places.</p> <p>However, the protection and management of each historic heritage place, and area, included in PC81 by methods such as covenants and heritage orders is likely to be a time consuming and costly administrative process, as each place would require a separate regulatory process.</p> <p>Other regulatory methods may be effective in achieving the objectives of PC81, but they are not the most efficient option to achieve the objectives of the plan change.</p>	<p>The significant values of historic heritage places may be protected from inappropriate subdivision, use and development (depending on the scope of the method). This environmental benefit will on an ongoing basis, for current and future generations.</p> <p>Other regulatory options for protecting historic heritage do provide certainty to landowners as the regulatory controls are clearly set out and relate to the significance of a historic heritage place.</p>	<p>Other regulatory methods may not protect the identified historic heritage from inappropriate subdivision, use and development in a way that aligns with the Unitary Plan. For example, the covenant may apply to an area smaller than the historic heritage extent of place, or the historic reserve classification may not manage activities requiring resource consent under the Unitary Plan.</p> <p>There are costs associated with the preparation and registration of a covenant on each certificate of title. The financial burden usually falls on the Council, and therefore ratepayers, if the covenant is in favour of Council. There may also be a cost to remove the covenant from the certificate of title</p>

Options	Efficiency and effectiveness of provisions in achieving the objectives <sup>7</sup>	Benefits	Costs
			<p>if required at a future date and this would need agreement from all parties to the covenant.</p> <p>There are costs associated with the preparation of a Heritage Order. Each order requires a notice of requirement and submissions process and, similar to decisions on a plan change, the local authorities' recommendation on a heritage order may be appealed to the Environment Court. In addition, the Environment Court can order that the land subject to a heritage order is purchased by the heritage protection authority.</p> <p>There is a cost to the landowner as prior written consent of the heritage protection authority is required for any works on land subject to a heritage order. This may result in time delays, and other costs, where the works are for maintenance or repair which is a permitted activity.</p>
<p><b>Option 4 – Plan Change to a plan change to add eleven historic heritage places, including four areas and make amendments to Schedule 14.1</b></p>	<p>One plan change is a more efficient way to meet the objectives of PC81, compared to the separate regulatory processes of Option 3 that would be required to effectively protect their historic heritage values.</p> <p>The proposed changes to Schedule 14.1 will help ensure the objectives of the Unitary Plan and purpose of the Act are achieved, as well as the Council's statutory requirements for the Unitary Plan to give effect to its RPS section.</p> <p>The eleven historic heritage places, including four historic heritage areas, proposed to be included in PC81 will be clearly identified in Schedule 14.1 and the planning maps. The</p>	<p>The significant historic heritage values of the places proposed to be included in Schedule 14.1 will be protected from inappropriate subdivision, use and development.</p> <p>Social and cultural benefits from the recognition, protection, and appropriate management of significant historic heritage places.</p> <p>The addition of places to Schedule 14.1 provides certainty to landowners as the regulatory controls are clearly set out and clearly related to the significance of a historic heritage place.</p> <p>Support is offered to landowners of scheduled historic heritage places through provisions relating to the use</p>	<p>There is a financial cost to the Council to proceed with a plan change.</p> <p>There are likely to be costs to some owners of historic heritage places included in the plan change to engage in the plan change process. This is particularly where there is disagreement with the proposed addition of the place to Schedule 14.1.</p> <p>There are costs to Council relating to the provision of heritage advice on the additional historic heritage places and for processing any resource consents received that relate to these places.</p>

Options	Efficiency and effectiveness of provisions in achieving the objectives <sup>7</sup>	Benefits	Costs
	<p>management regime applying to them is efficient and effective as it is clearly established for Council, landowners and interested parties. Policies provide a framework for the appropriate use and development of historic heritage places. Rules are an effective way to enable protection, maintenance and adaptation of scheduled places. Permitted activity statuses allow maintenance and repair to be undertaken without the need for resource consent.</p> <p>The identification and management of historic heritage places by including them in Schedule 14.1 is considered the most efficient and effective means to achieve the objectives of PC81 and the purpose of the Act.</p>	<p>of scheduled places, including reducing or waiving consent application costs, provision of free expert advice.</p> <p>The identification of a historic heritage place in Schedule 14.1 is likely to afford a landowner a higher priority for grants and other financial assistance as this method of support usually relies on some manner of legal or statutory control over a place to identify places worthy of funding.</p> <p>No economic growth or employment benefits anticipated.</p>	<p>There may be perceived opportunity costs, through particular properties being subject to greater management and protection.</p>
<p><b>Option 5 – Plan Change to add ten historic heritage places, including three areas and make amendments to Schedule 14.1</b></p>	<p>The historic heritage values of Parkfield Terrace have been identified and evaluated against the criteria of B5.2.2. The evaluation shows that it meets the criteria and thresholds of a historic heritage place. The most efficient and effective method of protecting significant historic heritage values in the Unitary Plan is to apply the Historic Heritage Overlay.</p> <p>The SCA – Residential and Business Overlay is for the purpose of ‘maintaining and enhancing the identified special character of an area’ rather than the ‘protection of historic heritage from inappropriate subdivision, use and development’. This option would therefore not achieve the purpose of the proposed plan change.</p>	<p>Option 5 has the same benefits as option 4 except as applied to Parkfield Terrace.</p> <p>There is minimal change in the cost to Council by not including Parkfield Terrace in the public plan.</p> <p>The historic heritage values of the identified properties would not need to be taken into account if the landowners wanted to develop their land. In addition, a landowner may not require a resource consent for certain activities which are permitted activities within an underlying zoning (depending on whether comply with all relevant standards of that zone). These may be perceived as benefits to the landowner.</p>	<p>Option 5 has the same costs as option 4. This loss would be to both current and future generations.</p> <p>Landowners of properties within a Special Character Area are not offered the same support (such as reduced or waived application costs, free expert advice, or priority for grants) as landowners of properties that are subject to the Historic Heritage Overlay.</p> <p>There is minimal change in the cost to Council by not including Parkfield Terrace in the public plan.</p>

### **4.3 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. There is considered to be sufficient information about the historic heritage places included in PC81 for the plan change to proceed. Each place included in the proposed plan change has been subject to an evaluation according to the criteria and thresholds set out in the RPS.

### **4.4 Reasons for the preferred option**

The historic heritage places proposed to be included in Schedule 14.1 have been evaluated against the Unitary Plan criteria and thresholds and have been determined to be eligible for inclusion in Schedule 14. These have been determined to be of such historic heritage significance that if they were destroyed or modified in an inappropriate way, significant values of Auckland's historic heritage will be lost.

The evaluation of options in Table 1: Summary of analysis of options shows that the preferred option for meeting the objectives of the proposal, and the most efficient and effective option, is a plan change to the Unitary Plan to add historic heritage places to Schedule 14.

In accordance with section 32(1)(a) of the Act, the objectives of the proposal are the most appropriate way to achieve the purpose of the Act. PC81 uses the existing objectives, policies and rule framework for the recognition and protection of historic heritage.

## **5 Statutory evaluation under the Act**

### **5.1 Overall broad judgement against Part 2 of the Act**

The purpose of the Act is to promote the sustainable management of natural and physical resources, as defined in section 5(2) of the Act. Part 2 matters in the Act relevant to significant historic heritage as provided for in the Unitary Plan include:

- Section 6(f) the protection of historic heritage from inappropriate subdivision, use and development.

Sections 7 and 8 of the Act are also relevant to historic heritage:

- section 7(aa) the ethic of stewardship,
- section 7(c) the maintenance and enhancement of amenity values,
- section 7(f) the maintenance and enhancement of the quality of the environment,
- section 7(g) finite characteristics of natural and physical resources, and
- section 8 the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

PC81 is consistent with Part 2 of the Act, and in particular with the purpose of the Act, as it seeks to provide for the sustainable management of Auckland's historic heritage resources.

The proposed addition of the eleven historic heritage places in Schedule 14.1 and the planning maps will provide for the use, development, and protection of these physical resources and

for them to be managed in a way, or at a rate which enables people and communities to provide for their social, economic, and cultural well-being, and for their health and safety.

The management and protection of historic heritage is a core responsibility of the Council's role in exercising its powers and functions under the Act. The scheduling of historic heritage places is an appropriate method for assisting the management of significant historic heritage resources in Auckland. Through their identification, evaluation and addition to Schedule 14.1, historic heritage places are subject to appropriate objectives, policies and rules. Schedule 14.1 is therefore an important tool to assist in avoiding, remedying and mitigating adverse effects on historic heritage places in order to protect them from inappropriate subdivision, use and development.

## **5.2 Other relevant sections of the Act**

### **5.2.1 Section 31**

Section 31 of the Act outlines the function of territorial authorities under the Act. Of relevance is section 31(1)(a):

*(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*

*(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.*

It is considered that PC81 assists the Council to carry out its functions as set out in section 31 of the Act. The plan change is reviewing methods in the Unitary Plan to achieve integrated management of the use, development and protection of some of the region's significant historic heritage resources.

### **5.2.2 Section 74**

Section 74 of the Act sets out the matters to be considered by a territorial authority when preparing or changing its district plan. These matters include any proposed RPS, proposed regional plan, and management plans or strategies prepared under other legislation, relevant entries in the NZHL/RK, to the extent that these are relevant to the resource management issues of the district. The authority must take into account any relevant planning document recognised by an iwi authority to the extent that its content has a bearing on the resource management issues of the district. The authority must not have regard to trade competition. These matters, as relevant, are discussed in the following sections.

### **5.2.3 Section 77**

Section 77I of the Act sets out when a Tier 1 urban environment, which includes Auckland Council, may make the MDRS and the relevant building height or density requirements under NPS-UD policy 3 less enabling of development within a relevant residential zone to accommodate qualifying matters that are present. Section 77O sets out the equivalent provisions for an urban non-residential zone.

Sections 77I(a) and 77O(a) set out the qualifying matters that apply to the MDRS and Policy 3. These qualifying matters include 'a matter of national importance that decision makers are required to recognise and provide for under section 6 of the Act'. The protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance under section 6(f) of the Act.

Where Policy 3 or the MDRS is to be made less enabling due to a new qualifying matter or an addition to a qualifying matter already incorporated into the Unitary Plan, then Section 77(J) sets out that the section 32 report is to address the following:

- (3) *The evaluation report must, in relation to the proposed amendment to accommodate a qualifying matter:*
  - (a) *demonstrate why the territorial authority considers—*
    - (i) *that the area is subject to a qualifying matter; and*
    - (ii) *that the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A) or as provided for by 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.*

Section 77P(3) contains equivalent provisions relative to Policy 3 for non-residential land.

Sections 77J(5) and (6) also provide:

- (5) *The requirements set out in subsection (3)(a) apply only in the area for which the territorial authority is proposing to make an allowance for a qualifying matter.*
- (6) *The evaluation report may for the purposes of subsection (4) describe any modifications to the requirements of section 32 necessary to achieve the development objectives of the MDRS.*

Those places subject to Policy 3 of the NPS-UD or the MDRS and that will have effect at the time PC81 is notified are set out in Table 2: Properties subject to NPS-UD Policy 3 and MDRS.

Table 2: Properties subject to NPS-UD Policy 3 and MDRS

Place/area	Address/location	Within Urban Area <sup>8</sup>	Subject to NPS-UD Policy 3 <sup>9</sup>	Subject to MDRS
Hartsholme	8 Allendale Road, Mount Albert	Yes	Policy 3(c) Walkable Catchment Mt Albert Train Station	Yes
St Benedict's Convent (former)	2 St Benedicts Street Newtown	Yes	Policy 3(c) Walkable Catchments of City Centre and Mt Eden Train Station	No
Auckland Masonic Temple (former)	24 St Benedicts Street, Newton	Yes	Policy 3(c) Walkable Catchments of City Centre and Mt Eden Train Station	No
D Arkeill Bottling Store/Gladstone Brewery (former)	29 St Benedicts Street, Newtown	Yes	Policy 3(c) Walkable Catchments of City Centre and Mt Eden Train Station	No
MacKenzie's Buildings	114-118 Main Highway, Ellerslie	Yes	Policy 3(c) Walkable Catchment of Ellerslie Train Station	No
Ceramic House (former)	3 Totara Avenue, New Lynn	Yes	Policy 3(b) Within a Metropolitan Centre	No
Wilsons Portland Cement Company dam	Lot 7 DP 138902 and road reserve, Sandspit Road, Warkworth	Yes	No, qualifying matter under 3.32(d) as land is zoned open space	No
Puhi Historic Heritage Area	Pūhoi	No	No	No
Lawry Settlement Workers' Housing Historic Heritage Area	Ellerslie	Yes	Policy 3(c) Walkable Catchment of Ellerslie Train Station	Yes <sup>10</sup>

<sup>8</sup> Section 77F

<sup>9</sup> NPS-UD Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

- (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and
- (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and
- (c) building heights of least 6 storeys within at least a walkable catchment of the following:
  - (i) existing and planned rapid transit stops
  - (ii) the edge of city centre zones
  - (iii) the edge of metropolitan centre zones; and
- (d) in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:
  - (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
  - (ii) relative demand for housing and business use in that location.

<sup>10</sup> Excluding the two sites zoned Open Space



Place/area	Address/location	Within Urban Area <sup>8</sup>	Subject to NPS-UD Policy 3 <sup>9</sup>	Subject to MDRS
Parkfield Terrace	Newmarket	Yes	Policy 3(c) Walkable Catchments of City Centre, Newmarket Metropolitan Centre and Grafton Train Station	Yes
Jervis Road Streamline Moderne/Art Deco Block Historic Heritage Area	175, 177, 179, 181, 183, 185, 187 and 189 Jervis Road and 2 Salisbury Street, Herne Bay	Yes	No	Yes

An evaluation of each of place and area using the methodology set out at RPS policy B5.2.2(1) has determined that they meet the threshold for inclusion in Schedule 14.

The historic heritage places and areas that are included in PC81 are identified by name, location, and shown spatially on the planning maps. Most places included in PC81 are within Policy 3 Walkable Catchments, as these areas were prioritised as part the Council response to the NPS-UD and incorporation of the MDRS into the Unitary Plan.

The section 32 report for the IPI discusses the Historic Heritage Overlay as a qualifying matter and concludes that the values of scheduled historic heritage places subject to the Historic Heritage Overlay are significant and it is appropriate to continue to manage these values.

The section 32 report for the IPI also identifies that in relation to the Walkable Catchments and the MDRS, the provisions of the Historic Heritage Overlay do not manage building height, height in relation to boundary, setbacks, building coverage, outdoor living space, outlook space, windows to street or landscaped area. However, subdivision is managed within the overlay and consent is required for demolition, relocation and new buildings and structures, which affects the enablement of density within Policy 3 areas and the ability to implement the MDRS standard for up to three residential units per site in relevant residential zones. The rules for subdivision, demolition, relocation and new buildings and structures apply everywhere the overlay is located, in both residential and non-residential zones, so these rules also impact on the application of Policy 3.

The land that is subject to the Historic Heritage Overlay represents an extremely small proportion of Auckland's total land area; less than 2.4% of land area and less than 1% of parcels.

The places included in this plan change represent an insignificant increase to the area of land subject to the Historic Heritage Overlay. The extent to which development capacity for each site is constrained by the Historic Heritage Overlay depends on the historic heritage values present. It also depends on factors such as the location of the primary feature and whether the extent of place includes the entire site. The ability to add additional height and density within the Historic Heritage Overlay is assessed against the historic heritage values of each individual place as part of the resource consent application. This is discussed further in section 9 of this evaluation report.

#### **5.2.4 Section 86**

When determining the date on which a plan change takes effect the Act provides in section 86B(1) that a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified, except in certain circumstances. Section 86B(3) of the Act provides for a rule in a proposed plan to have immediate legal effect in certain circumstances, including if a rule protects historic heritage.<sup>11</sup>

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<sup>11</sup> RMA s86B(3)(d)

Schedule 14 is a rule in the Unitary Plan that protects historic heritage. As the plan change proposes to add historic heritage places in Schedule 14 to appropriately manage and protect them, in accordance with section 86B(3)(d) of the Act, PC81 will have immediate legal effect.

## **6 National and local planning context**

### **6.1 National Policy Statements**

National policy statements are instruments issued under section 52(2) of the Act and state objectives and policies for matters of national significance. The Unitary Plan is required to give effect to any national policy statement<sup>12</sup>. Those national policy statements that are relevant to the proposed plan change are discussed below.

#### **6.1.1 National Policy Statement on Urban Development (NPS-UD)**

The NPS-UD applies to all local authorities that have all or part of an urban environment within their district or region and planning decisions by any local authority that affect an urban environment. Tāmaki Makaurau Auckland is identified as a Tier 1 urban environment in the NPS-UD. The NPS-UD recognises the national significance of:

- having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future<sup>13</sup>, and
- providing sufficient development capacity to meet the different needs of people and communities<sup>14</sup>.

Specific policies in the NPS-UD direct Council, as a Tier 1 local authority, to change the Unitary Plan to enable intensification (building heights and density) in specific locations (including the City Centre zone, Metropolitan Centre zones and near Rapid Transit Network stops). The IPI plan change will be notified in August 2022 to enable these changes. PC81 is a companion plan change to the IPI to ensure appropriate protection, use and development or qualifying matters, which includes historic heritage, particularly in those locations where greater intensification is enabled.

As noted in section 5.2.3 of this evaluation report, the IPI considers the effect of scheduled historic heritage on achieving those parts of the NPD-UD directing the Council to enable sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.

The Historic Heritage Overlay represents a very small proportion of Auckland's total land area. The enabling purpose of a well-functioning urban environment is achieved by protecting and managing historic heritage now and for future generations. This plan change does not compromise the ability of the Unitary Plan to give effect to objectives and policies in the NPD-UD, which will be achieved through the IPI.

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<sup>12</sup> RMA s67(3) and s75(3)

<sup>13</sup> Objective 1 and Policy 1

<sup>14</sup> Policy 2

### 6.1.2 National Policy Statement on Freshwater Management (NPS-FM)

The NPS-FM seeks that natural and physical resources are managed in a way that prioritises first, the health and well-being of water bodies and freshwater ecosystems, second, the health needs of people, and third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future. There are no provisions in the NPS-FM referring directly to historic heritage.

Two of the places included in PC81 include an extent of place located on freshwater rivers or tributaries:

- Portland Cement Company dam at Sandspit Road, Warkworth, is primarily located on an unnamed tributary of the Mahurangi River, and
- Pūhoi Township Historic Heritage Area includes part of the Pūhoi River and an unnamed tributary.

The Unitary Plan includes provisions relating to existing structures within streams, with maintenance and minor modification provided for as a permitted activity, subject to compliance with permitted activity standards. Any significant modification of the structure would likely require a resource consent, the consideration of which is required to have regard to the provisions of the NPS-FM.

Specific objectives and policies which seek to avoid the loss of the extent and values of rivers, and maintain and improve the passage of desirable fish, have been directly inserted into the Unitary Plan as specified by the NPS-FM. A comprehensive plan change to implement the additional requirements of the document will be prepared in 2024. This comprehensive plan change could potentially amend the Unitary Plan provisions which apply to existing structures in streams, to satisfy other requirements of the NPS-FM (including the setting of environmental flows and limits) and achieve the prioritisation of the health and well-being of water bodies and freshwater ecosystems. These considerations are also relevant for the seventeen other dams included in Scheduled 14.1.

Scheduling of these two places will elevate the consideration of historic heritage values alongside the freshwater values of the rivers and tributaries.

## 6.2 National Environmental Standards

There are currently eight operative National Environmental Standards (**NES**) in force as regulations<sup>15</sup>, but none of these relate to the management and protection of historic heritage.

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<sup>15</sup> NES for Plantation Forestry; NES for Air Quality; NES for Sources of Drinking Water; NES for Telecommunications Facilities; NES for Electricity Generation Activities; NES for Assessing and Managing Contaminants in Soil to Protect Human Health, NES for Freshwater and NES for Marine Aquaculture

### 6.3 National Planning Standards

The key purpose of the National Planning Standards (**Standards**) is to improve consistency in plan and policy statement structure, format and content so they are easier to prepare, understand, compare, and comply with.

The first set of Standards came into force on 3 May 2019. Unitary councils have ten years to adopt the Standards, unless a full plan review is undertaken within this timeframe (in this case the new plan must meet the Standards when it is notified for submissions).

The Standards contain direction for the inclusion of historical and cultural heritage values in plans. The Standards also include guidance on the spatial mapping of overlays, standard formatting, identification of appendices and schedules, and mapping standards.

The historic heritage provisions of the Unitary Plan already significantly conform to the Standards, except some small differences relating to standard formatting. However, as PC81 is not altering the existing objectives, policies and rules or other methods that manage the places within the Historic Heritage Overlay, it is not appropriate for the plan change to make amendments to those parts of the Unitary Plan to implement the Standards.

### 6.4 Heritage New Zealand Pouhere Taonga Act 2014

Heritage NZ is the principal agency operating under the HNZPTA. Heritage NZ maintains the NZHL/RK<sup>16</sup> for the purposes of providing information to the public and landowners, and to promote and assist in the protection of these places. The NZHL/RK is primarily an advocacy tool and the inclusion of a place on the NZHL/RK does not in itself protect the place.

Protection of some heritage places is also achieved through the regulatory provisions of the HNZPTA. Part 3 of the HNZPTA requires any person wishing to undertake work that may damage, modify or destroy an archaeological site to obtain an authority from Heritage NZ for that work.

Six properties affected by the proposed plan change are listed on the NZHL/RK:

- 2, 24 and 29 St Benedicts Street, Newtown (Upper Symonds Street Historic Area, NZHL/RK number 7367),
- 5 and 7 Salesyard Road is the Puhoi Hotel and Stables (NZHL/RK number 497, a Category 2 place),
- 77 Puhoi Road is the Church of St Peter's and St Paul's (NZHL/RK number 83, a Category 1 place).

Numbers 5 and 7 Salesyard Road and 77 Puhoi Road are within the proposed Puhoi Township Historic Heritage Area.

Heritage NZ maintains a list of heritage places for the purposes of providing information to the public and landowners, and to promote and assist in the protection of these places. The listing of a place in the NZHL/RK does not automatically mean the same place is eligible for inclusion on the Unitary Plan historic heritage schedule, or that a Category 1 NZHL/RK listed place

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<sup>16</sup> NZHL/RK includes historic places, historic areas, waahi tapu and waahi tapu areas

should be included as a Category A place in the Unitary Plan. This is because the inclusion of a place in Schedule 14.1 subjects that place to a regulatory management regime under the Act and the Unitary Plan. It is therefore necessary to consider the broader implications that including a place in Schedule 14.1 will have in terms of Part 2 of the Act. The listing of a place on the NZHL/RK does not result in any regulatory mechanism applying to that place from the Act, although obligations and requirements may apply through the HNZPTA.

## **6.5 Hauraki Gulf Marine Park Act 2000**

The Hauraki Gulf Marine Park Act 2000 (**HGMPA**) was established to promote the integrated management and the protection and enhancement of the Hauraki Gulf, its islands, and its catchments. In order to achieve the purpose of the HGMPA, all persons exercising powers or carrying out functions for the Hauraki Gulf under any Act specified in Schedule 1 must, in addition to any other requirement specified in those Acts for the exercise of that power or the carrying out of that function, have particular regard to the provisions of sections 7 and 8.

Section 7 of the HGMPA recognises the national significance of the Hauraki Gulf. Section 8 of the HGMPA seeks to protect and enhance the Hauraki Gulf's resources, including its historic resources.

The Hauraki Gulf Marine Park includes all the coast and coastal marine area from Mangawhai in the north and to an area beyond the Auckland region in the south. The catchment area of the park extends inland to the first ridgeline. Some of the historic heritage places proposed to be included in PC81 are therefore within the boundaries of the HGMPA area.

The addition of the historic heritage places within the Hauraki Gulf Island Marine Park Act area has particular regard to sections 7 and 8 of the HGMPA as it will assist in the protection and enhancement of these places and is therefore compatible with the HGMPA.

## **6.6 Reserves Act 1997**

The purpose of the Reserves Act is for the Department of Conservation (**DOC**) or local authorities (where DOC has delegated responsibility), to administer land for its preservation and management for the benefit and enjoyment of the public. These areas of reserve land possess various values and features, including those that are historic in nature.

Three of the places proposed to be added to Schedule 14.1 are located within reserves or on land zoned open space zoned managed by Council.<sup>17</sup> The plan change supports the historic values of these reserves/open space and has the potential to enhance the benefit and enjoyment of the public of these places, due to the places and their values being identified correctly.

## **6.7 The Auckland Plan 2050**

Recognition of the value of Auckland's cultural heritage and the importance of its protection is a core component of the Environment and Cultural outcome that 'Aucklanders preserve,

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<sup>17</sup> Wilsons Portland Cement Company dam, Pūhoi Township Historic Heritage Area and Lawry Settlement Workers' Housing Historic Heritage Area

protect and care for the natural environment as our shared cultural heritage, for its intrinsic value and for the benefit of present and future generations. 'Natural environment', as defined by the Auckland Plan, is part of Auckland's shared cultural heritage<sup>18</sup>. Cultural heritage includes:

- Tangible culture such as buildings, monuments, landscapes, books, works of art and artifacts
- Intangible culture such as folklore, traditions, language, and knowledge
- Natural heritage including culturally significant landscapes and biodiversity.

The Auckland Plan 2050 includes the following direction 'Ensure Auckland's natural environment and cultural heritage is valued and cared for'<sup>19</sup>. The Auckland Plan states that council must actively seek opportunities to protect and enhance these values (including cultural heritage values) through our short and long-term decisions.

PC81 will assist with the protection and conservation of Auckland's historic heritage for the benefit and enjoyment of present and future generations.

## **6.8 The Auckland Unitary Plan**

When preparing or changing a district plan, Council must give effect to any RPS and have regard to any proposed RPS<sup>20</sup>. The RPS identifies a number of issues of regional significance, including:

### **6.8.1 B2: Tāhuhu whakaruruhau ā-taone – Urban growth and form**

Chapter B2 sets out the objectives and policies for growth and form in the region. The chapter states that a quality built environment is one which enhances opportunities for peoples' well-being by ensuring that new buildings respond to the existing built and natural environment in ways that promote the plan's objectives and maintain and enhance the amenity values of an area. Relevant objectives and policies provide direction on urban growth and form, a quality built environment, residential growth, and commercial and industrial growth.

PC81 aligns with these objectives as it does not unnecessarily constrain urban growth or impact on land capacity. As noted earlier, most historic heritage places proposed for inclusion in PC81 have an underlying zone that provides capacity for increased growth and density. This is particularly the case for proposed historic heritage places located within Business zoned land or walkable catchments.

PC81 aligns with the objectives and policies of B2, including Objective B2.3.1 and Policy B2.3.2(1). While some of the historic heritage places proposed to be included in PC81 have an underlying zone that provides capacity for growth and density, the plan change does not necessarily constrain urban growth or impact on land capacity. As discussed earlier, land that

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<sup>18</sup> Cultural Heritage is the term used to describe the ways of living developed by a community and passed on from generation to generation.

<sup>19</sup> Auckland Plan, Environment and Cultural Heritage: Direction 1

<sup>20</sup> RMA s74(2) and s75(3)

is subject to the Historic Heritage Overlay represents an extremely small proportion of Auckland's total land area.

The inclusion of a place in Schedule 14.1, and the associated application of the Historic Heritage Overlay, has the potential to affect the development of a place. For example, subdivision of a historic heritage place is a discretionary activity in all parts of the overlay (except for non-contributing sites in an historic heritage area), and new buildings or structures are a discretionary or restricted discretionary activities. However, it is important to recognise that maximum development potential under the provisions of the Unitary Plan is affected by a range of factors, not just the Historic Heritage Overlay. The underlying zoning of a property, any relevant precinct, other overlays, and areas where any qualifying matter under the NPS-UD applies (e.g., Volcanic Viewshafts and Height Sensitive Areas, Special Character Areas, Significant Ecological Areas), or other Unitary Plan provisions that apply to a property may result in additional objectives, policies and rules to apply that may also affect the development potential of a property. This is discussed further in section 9 of this evaluation report.

By protecting specific places, PC81 recognises their significant historic heritage values and applies a management regime that requires consideration of those values when development, including subdivision, is proposed.

### **6.8.2 B3 Ngā pūnaha hanganga, kawekawe me ngā pūngao – Infrastructure, transport and energy**

Chapter B3 emphasises the importance of infrastructure, transport and energy to the Auckland region, and sets out objectives and policies to recognise this importance. Development, operation, maintenance and upgrading of infrastructure is enabled while managing the adverse effects on the quality of the environment and, in particular, natural and physical resources that have been scheduled in the Unitary Plan, including historic heritage<sup>21</sup>. This is supported by Policy 3.2.2(6) that enables development, operation, maintenance and upgrades to infrastructure, whilst ensuring that adverse effects are avoided, where practicable, or otherwise remedied or mitigated.

Some of the places include an extent of place over the road, which is part of Auckland's infrastructure. Auckland Transport, who manage the road corridor, advised they had no concerns with the plan change (refer to section 8.6 of this evaluation report). On this basis, it is reasonable to conclude the plan change does not impact on the effective, efficient and safe transport system.<sup>22</sup>

### **6.8.3 B5 Ngā rawa tuku iho me te āhua – Historic heritage and special character**

Chapter B5 sets out the objectives and policies for historic heritage and special character. The chapter states that significant historic heritage places should be identified and protected from inappropriate subdivision, use and development. The chapter also supports the use of historic heritage places, where this use will support the retention of, or will not detract from, the historic heritage values of the place. These two objectives are as below:

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<sup>21</sup> B3.2.1 Objective 3(a)

<sup>22</sup> B3.3.1 Objective (1) and Policy B3.3.2



- (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). The objective of PC81 aligns with these objectives and policies as the plan change seeks to identify and protect historic heritage places by adding them to Schedule 14.1 of the Unitary Plan, and to remove those places that do not meet the threshold for inclusion in Schedule 14.1.

#### **6.8.4 B6 Mana Whenua**

The objectives and policies in B6.3 Recognising Mana Whenua values are relevant to PC81. Mana Whenua were informed proposal to include places in Schedule 141.1 at the Mana Whenua forum on the NPS-UD on 19 May 2022. A draft of the plan change, along with the draft s32 evaluation report, was provided to iwi authorities on 8 June 2022. The responses received do not impact on the objectives and policies in B6.3 (refer to section 8.2 of this evaluation report).

#### **6.8.5 B8 Toitū te taiwhenua – Coastal environment**

This chapter contains objectives and policies relating to the natural character of the coastal environment; subdivision, use and development of the coastal environment; public access and open space; and managing the Hauraki Gulf. Objectives and policies relevant to PC81 include:

- Objective B8.5.1, which seeks that the management of the Hauraki Gulf gives effect to Sections 7 and 8 of the HGMPA (refer to analysis in Section 6.5 above),
- Policy B8.3.2(2)(b), which seeks the avoidance of urban activities in areas with natural and physical resources that have been scheduled in the Unitary Plan for historic heritage, amongst other values.

While none of the proposed historic heritage places are directly located within the coastal environment, in the wider context they are located within the Hauraki Gulf catchment boundaries as defined by the HGMPA. The objective of the plan change aligns with the coastal provisions of the Unitary Plan in that it seeks to identify places and ensure that any subdivision, use and development of the place is appropriate to the values of those places.

## **7 Development of the Proposed Plan Change**

### **7.1 Methodology**

Each historic heritage place included in PC81 has been evaluated for its historic heritage significance in accordance with the Council's Methodology for Evaluating Historic Heritage Significance (**Methodology**). The evaluations were undertaken between 2020 and 2022.

The Methodology is a non-regulatory method of achieving the objectives and policies of the Unitary Plan. It provides guidance on the process of evaluating the significance of historic

heritage places against the factors set out in the RPS. The Methodology outlines the process of evaluating historic heritage significance, which is based on the following steps in the RPS:

1. identify and evaluate heritage values against the historic heritage significance factors set out in Policy B.5.2.2(1) of the Unitary Plan, being (a) historical, (b) social, (c) Mana whenua, (d) knowledge, (e) technological, (f) physical attributes, (g) aesthetic, and (h) context
2. prepare a statement of significance
3. state whether the place meets the threshold for scheduling as a historic heritage place (Category A or Category B), or an
4. recommend whether the place should be scheduled and, if so, define the extent of the area recommended for scheduling.

The historic heritage places and areas proposed to be included in PC81 have been recommended for scheduling as they have been evaluated as having considerable or outstanding value in relation to one or more the RPS evaluation factors. In addition, they also have considerable or outstanding overall significance to their locality or a greater geographic area (Policy B5.2.2.(3)).

PC81 proposes to add one Category A place, six Category B places and four historic heritage areas to Schedule 14.1. Policy B5.2.2.(4) outlines the classification of historic heritage places into categories:

- **Category A:** historic heritage places that are of outstanding significance well beyond their immediate environs.
- **Category A\*:** historic heritage places identified in previous district plans which are yet to be evaluated and assessed for their significance.
- **Category B:** historic heritage places that are of considerable significance to a locality or beyond.
- **Historic heritage areas:** groupings of interrelated but not necessarily contiguous historic heritage places or feature that collectively meet the criteria for inclusion in Schedule 14.1 Schedule of Historic Heritage in Category A or B and may include both contributing and non-contributing places or features, places individually scheduled as Category A or B, and notable trees.

Policy B5.2.2.(2) of the RPS requires the location and physical extent of each historic heritage place to be identified (known as the 'extent of place'). The extent of place is the area that contains the historic heritage values of the place. Where appropriate, this may include any area that is relevant to an understanding of the function, meaning and relationships of the historic heritage values of the place.

The known heritage values, the primary feature(s), and the exclusions from protection of each historic heritage place, are identified in the historic heritage evaluation and this information is shown in Schedule 14.1 (RPS Policy B5.2.2(5)).

Each evaluation was peer reviewed to ensure consistent application of the RPS Policies B5.2.2(1) – (5) and the Methodology amongst different authors.

## 8 Consultation

In accordance with clause 3 of Schedule 1 of the Act, during the preparation of a proposed policy statement or plan, the local authority shall consult with:

- a) *the Minister for the Environment; and*
- b) *those other Ministers of the Crown who may be affected by the policy statement or plan; and*
- c) *local authorities who may be so affected; and*
- d) *the tangata whenua of the area who may be so affected, through iwi authorities; and*
- e) *any customary marine title group in the area.*

A local authority may consult anyone else during the preparation of a proposed policy statement or plan.

### 8.1 Minister for the Environment

A letter was sent on 26 May 2022 to the Minister for the Environment about the proposed plan change. To date, no response has been received from the Minister for the Environment. The Minister of Conservation is not affected by PC81 as it does not include places in the coastal marine area or in reserves managed by the Minister.

### 8.2 Iwi authorities

In accordance with clause 3B of Schedule 1 of the Act, for the purposes of clause 3(1)(d), a local authority is to be treated as having consulted with iwi authorities in relation to those whose details are entered in the record kept under section 35A, if the local authority—

- (a) considers ways in which it may foster the development of their capacity to respond to an invitation to consult; and*
- (b) establishes and maintains processes to provide opportunities for those iwi authorities to consult it; and*
- (c) consults with those iwi authorities; and*
- (d) enables those iwi authorities to identify resource management issues of concern to them; and*
- (e) indicates how those issues have been or are to be addressed.*

In addition to the above, the following sections apply in relation to iwi authorities:

Section 32(4A):

*(4A) If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—*

- (a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and*
- (b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.*

## Schedule 1

### 4A Further pre-notification requirements concerning iwi authorities

(1) Before notifying a proposed policy statement or plan, a local authority must—

(a) provide a copy of the relevant draft proposed policy statement or plan to the iwi authorities consulted under clause 3(1)(d); and

(b) have particular regard to any advice received on a draft proposed policy statement or plan from those iwi authorities.

(2) When a local authority provides a copy of the relevant draft proposed policy statement or plan in accordance with subclause (1), it must allow adequate time and opportunity for the iwi authorities to consider the draft and provide advice on it.

Iwi authorities were invited to a series of hui about the IPI and complementary plan changes in May and June 2022.

In accordance with Schedule 1 clause 4A, copies of the draft plan change, and draft section 32 report were provided to all iwi authorities of the Auckland region on 8 June 2022.

Feedback from Te Ahiwaru Trust Board requested the amendment of the category of three scheduled historic heritage places at Ihumatoa to provide greater protection to these sites. It is not clear which places are referred to, as there are more than three scheduled places in the Ihumatoa area. None of these historic heritage places are part of this plan change (or part of PC81). Council heritage staff will clarify this feedback with Te Ahiwaru Trust Board to understand their request, and any potential amendment as part of a future programme of work.

### 8.3 Local Boards

The views of local boards were sought through their business meetings in June 2022, as part of a report seeking local board views for complementary plan changes associated with the response to the NPS-UD but that were not being notified as part of the IPI plan change. Decision makers on plan changes to the Unitary Plan must consider local board views on the plan change if the relevant local boards choose to provide their views.

PC81 includes historic heritage places within the Albert-Eden, Ōrākei, Rodney, Waitemātā and Whau local boards. These local boards gave the following feedback on the proposal to add places to Schedule 14.

- Albert-Eden – supported the addition of Hartsholme at 8 Allendale Road, Mount Albert to Schedule 14 (AE/2022/108).
- Ōrākei – do not support the inclusion of Leicester Hall at 20 Findlay Street or Cawley Street Reserve at 3 and 5 Cawley Street within the proposed Lawry Settlement Workers' Housing Historic Heritage Area but support the remaining houses within the settlement to be added to Schedule 14 (OR/2022/82).
- Rodney – support the proposed historic heritage places to be added to Schedule 14 for the Rodney Local Board area (RD/2022/89).

- Waitemātā - support the proposed changes to Schedule 14, particularly scheduling all the properties in the board area that are proposed (being Parkfield Terrace Historic Heritage Area, the former Sisters of St Francis Convent, the former Auckland Masonic Temple and the former Gladstone Brewery) (WTM/2022/116).
- Whau – applaud the addition of Ceramic House and 3 Totara Avenue, New Lynn to Schedule 14 (WH/2022/72).

Other local boards provided general support for the proposed plan change to amend Schedule 14. Some specific feedback was provided, including requests to add or amend additional historic heritage places that are not related to this plan change.

PC81 has been amended following feedback from Ōrākei Local Board to remove the land at 3 and 5 Cawley Street from the Lawry Settlement Workers' Housing Historic Heritage Area. While these sites were part of the original subdivision pattern, the original buildings were removed circa 1998 and the land is managed as open space, despite its residential zoning. The heritage expert who prepared the evaluation for Lawry Settlement Workers' Housing Historic Heritage Area remains of the view that Leicester Hall, built in 1922 as the Ellerslie Fire Station, is a contributing feature and should be included with the Historic Heritage Extent. A designation applies to this land, providing for community use (hall). Scheduling this place does not affect the on-going use the land for this purpose. This is discussed further in section 9.3 of this evaluation report.

Local boards have a further opportunity to provide views once they are notified, and submissions have been received. Boards will be given a copy of the summary of decisions requested, following the submission period. Any views provided by local boards will be considered alongside submissions as part of the hearing and decisions process on the plan changes.

#### **8.4 Auckland Council elected members – Planning Committee**

The Planning committee on 1 July 2021, endorsed the following approach in response to the intensification provisions of the NPS-UD:

a)

- viii) where significant historic heritage values are identified within the Special Character Areas Overlay, develop a plan change for places or areas to be added to the Auckland Unitary Plan historic heritage schedule.<sup>23</sup>*

As part of the data collection for the Special Character Area Surveys undertaken by Council staff in 2021, places that had potential historic heritage were flagged for further consideration. Priority was given to those place or areas where the Special Character Area Overlay is proposed to be removed as a result of site-specific survey work undertaken to support potential qualifying matters in the IPI.

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<sup>23</sup> Planning Committee resolution PLA/2021/80

The Planning Committee considered the plan change at its meeting on 4 August 2022 and resolved to approve PC81 for notification.

## **8.5 Heritage Advisory Panel**

A report is going to the 22 August 2022 meeting of the Heritage Advisory Panel, to inform them about the proposed plan change.

## **8.6 Auckland Transport**

On 20 May 2022, an email was sent to Auckland Transport about the proposed plan change and identified places where portions of the road reserve area are within the proposed extent of place. Auckland Transport responded on 1 July 2022, advising they had no issue with the inclusion of the places within Schedule 14. Auckland Transport will be advised of when the plan change is notified for submissions.

## **8.7 Auckland Council group**

On 6 June 2022, an email was sent to the Parks team about the proposal to add places to the Schedule 14.1 in management of the Parks team. No date, no feedback has been received.

## **8.8 Landowners**

Landowners were sent letters on 19 May 2022, informing them of the historic heritage evaluations and the eligibility status of their places to be included in Schedule 14.1. Landowners were advised of the proposed plan change, including proposed notification in August 2022 and provided with a Frequently Asked Questions sheet on historic heritage places and areas (as applicable). They were also advised submissions could be made once the plan change was notified. A copy of the evaluation was also available to be provided, where requested.

As of 13 July 2022, fourteen landowners have contacted Council. Copies of the evaluations were provided where requested. Most landowners had questions on the implications of the scheduling on maintenance of their property and potential development plans, and how to make a submission once the plan change is notified. Several sought information on the difference between the Special Character Overlay currently applying to their property and the Historic Heritage Overlay. Others wanted to know the process for nomination or wished to correct details concerning ownership and the place name.

## **8.9 Heritage NZ**

A letter was sent on 26 May 2022 to Heritage NZ advising the organisation about PC81.

Heritage NZ provided feedback on the proposed plan change on 27 June 2022. The feedback supports the proposed plan change, including those places that are in the NZHL/RK.

Specific feedback on the D Arkell Bottling Store (former) at 29 St Benedicts Street referred to its rarity as a place type in a regional (and possibly wider) context, which may merit its consideration for a higher status than Category B. Heritage NZ considers this place also adds

considerably to understandings of nineteenth-century urban industrial activity in relation to neighbourhood layouts being situated in immediate proximity to contemporary religious and residential properties, as well as other important industrial complexes such as Winstone's Stables (NZHL/RK 7425, a Category 1 place). The heritage expert who prepared the evaluation for D Arkell Bottling Store (former) maintains the place meets threshold as a Category B. Should Heritage NZ provide information to support the place being scheduled as a Category A as part of a submission, this will be reviewed, along with any other submissions received.

Heritage NZ confirmed their interest in reviewing information and submitting to the plan change once notified.

## **8.10 Heritage groups**

Council Heritage staff have had general discussions with some heritage groups about adding places to Schedule 14.1. These groups include Devonport Heritage, Remuera Heritage, The Herne Bay Residents Association, and The Character Coalition. Discussions have been general in nature and feedback was not sought on specific places included in this place change. The exception being the Jervois Road Streamline Moderne/Art Deco Block, which was nominated by The Herne Bay Residents Association, and who provided an evaluation in support of the scheduling of this historic heritage area.

## **9 Evaluation of provisions**

This part of the report evaluates the provisions contained within PC81. The evaluation that follows relates to the key themes arising from the plan change.

### **9.1 Effect of scheduling**

The inclusion of a historic heritage place in Schedule 14.1 means the provisions of the Historic Heritage Overlay apply to that place.

As outlined above, 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 14.1 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. Exclusions are identified for each historic heritage place, if appropriate, and listed in Schedule 14.1. Activities affecting features identified as exclusions are permitted or controlled.

The intent of the Unitary Plan is to ensure that unnecessary consent activity is not generated, while protecting historic heritage places from inappropriate subdivision, use and development. The scheduling of historic heritage places is a method by which more than minor works to a scheduled place will require resource consent. The requirement for consent ensures that the heritage values and significance of a place will be considered by both landowners and decision makers.

## 9.2 Reasonable use

All places included in PC81 have been evaluated as having sufficient historic heritage value and significance to warrant ongoing protection and appropriate management under the Unitary Plan.

The majority of the historic heritage places are in private ownership and properties within the historic heritage areas are largely in private ownership other than those in the road corridor managed by Auckland Transport. The scheduling of a place/area in the Unitary Plan imposes restrictions on the use of the land. These restrictions can cause tension between the need to protect significant historic heritage and the public benefits of this, and the ability of landowners, both private and public, to use their land.

The Act recognises that a rule or other provision can have an effect on how landowners use their land. Section 85 of the Act allows landowners to challenge a provision on the basis that it would render the land incapable of reasonable use<sup>24</sup> and that it would place an unfair or unreasonable burden on the landowner.<sup>25</sup> Section 85 states that 'reasonable use:

*includes the use or potential use of land for any activity whose actual or potential effects on any aspect of the environment or any person other than the applicant would not be significant.*<sup>26</sup>

The Unitary Plan recognises that continued use of scheduled places is integral to their survival. The Unitary Plan provisions seek to recognise and provide for the reasonable use of historic heritage places. As discussed above, a flexible management regime is used, based on the values and significance of the place, and whether the proposed use and/or development will assist with the ongoing management and protection of the place. The RPS seeks to provide for the occupation, use, seismic strengthening, development, restoration and adaption of historic heritage places, where this will support the retention of, and will not detract from, the historic heritage values of the place.<sup>27</sup> This policy is supported by Objective D17.3(3) of the Historic Heritage Overlay.

Policies in Chapter D17 also support the use and development of scheduled historic heritage places, where it does not detract from the heritage values of the place and will not have significant adverse effects.<sup>28</sup> Policy D17.3(5) provides mechanisms to support use, development and adaptation appropriate to scheduled historic heritage places. These mechanisms include grants and other incentives, reducing or waiving consent application cost, providing transferable development rights (in certain areas), and the provision of expert advice.

The repair and maintenance of scheduled historic heritage places is a permitted activity (subject to standards).

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<sup>24</sup> RMA s85(2)

<sup>25</sup> RMA s85(3)

<sup>26</sup> RMA s85(6)

<sup>27</sup> RPS Objective B4.2.2(9)

<sup>28</sup> Policies D17.3(3) and D17.3(4)



At a place specific level, each place included in PC81 has been considered as part of this evaluation to determine the best method of management, as detailed in Section 4 of this evaluation report. The specifics of what could be considered reasonable use of the individual historic heritage places and the historic heritage area proposed to be included in PC81 have been considered.

Some scheduled places included in PC81 have established uses that are integral to their historic heritage values and significance. In many cases, the original historic use continues, and in other instances the place is now used for a different purpose. In all cases, the question of reasonable use and how the Unitary Plan allows for effective and efficient use of a place needs to be carefully considered. This has been done by the identification of the extent of place and primary feature(s) for each of the historic heritage places and areas, and the use of exclusions and non-contributing sites/features, where appropriate. In some instances, this consideration has resulted in minor changes to Schedule 14.1 and Schedule 14.2 than that recommended by the heritage specialist.

### **9.3 Designations**

One of the properties included in PC81 is subject to a designation. This is at 20 Findlay Street, Ellerslie, which is within the proposed Lawry Settlement Workers' Housing Historic Heritage Area. Designation number 541 is for community facility (hall) and the requiring authority is Auckland Council.<sup>29</sup>

Works undertaken in accordance with a designation are not subject to district plan provisions, including the Historic Heritage Overlay. Scheduling of places can be used to advocate for positive heritage outcomes within the outline plan of works and other designation processes. Including this property within the Historic Heritage Area is consistent with condition 1 of the designation. This condition requires an outline plan of works for any works or development shall include an assessment of effects and appropriate mitigation of impacts in relation to the heritage character of the site.

Scheduling of these places also ensures that if the designation is uplifted or works occur that are not in accordance with the designation, the historic heritage place is subject to the provisions of the district plan.

### **9.4 Category A place**

Only one historic heritage place in the plan change is proposed to be Category A – Ceramic House (former) on Totara Avenue, New Lynn. This Category A place is of outstanding significance well beyond its immediate environs. The evaluation of Ceramic House (former) concluded the place had outstanding regional significance for its historical value, considerable local significance for its social, aesthetic and context values, and considerable regional value for its knowledge, technology and physical attributes.

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<sup>29</sup> Purpose of the designation - *Community facility - for community recreation and gathering, and formal and informal learning including community centres, halls, libraries, childcare and markets. Works include buildings, parking, operation, maintenance and upgrade of land for the aforementioned purposes.*

Category A historic heritage places are subject to a more rigorous management regime, as is fitting for these places of outstanding historic heritage value. The main difference in management of Category A place versus Category B is for demolition and destruction. The demolition or destruction of 70 percent or more of a Category A place, or the relocation of their features beyond the scheduled extent of place, is a prohibited activity, with other demolition and destruction and relocation activities being non-complying (demolition and destruction of 70% or more of a Category B place is a non-complying activity). As with other scheduled historic heritage places, minor works that are not anticipated to detract from the values of the place, such as maintenance and repair, are a permitted activity.

## **9.5 Interiors and exclusions**

Two of the historic heritage places to be included in PC81 have the interior of the buildings included in the scheduling in whole or part. Interiors include the interior layout, spatial arrangement, and significant features and materials. The Methodology provides guidance for determining when to include the interior of a building in the scheduling of a historic heritage place.

It is best practice to regard a historic heritage place as a whole and to avoid itemising its features within the regulatory framework. However, in some circumstances, it may be appropriate to include portions of an interior, particularly if significant features remain but other parts have been modified. This approach is applied to one place, Ceramic House (former), where key interior features, and exclusions, are itemised within the historic heritage evaluation. This section 32 evaluation also resulted in interiors being listed as an exclusion where they had not been viewed by the evaluator. This applies to the second floor of St Benedict's Convent (former).

The methodology acknowledges several reasons why it may not be appropriate to include the interior of a building in Schedule 14.1, particularly if it has not been viewed, or if the interior has been modified to an extent that its contribution to the identified values of the place has been lost. The interiors of all buildings are identified as exclusions in the historic heritage areas.

Many of the historic heritage places proposed to be included in PC81 have been modified over time. This is expected, particularly given the age of some of the places proposed. Modifications to buildings and features of places proposed to be included in PC81 are described in the evaluation for each place, which also describes whether the modifications are complementary to, neutral, do not contribute, or detract from the values of the historic heritage place.

In most cases, modifications identified as non-contributing, or detracting have been recommended by the evaluator to be an exclusion in Schedule 14.1.

## **9.6 Additional archaeological controls**

Scheduled historic heritage places that are archaeological sites or contain archaeological sites or features that contribute to the significance of the place, are identified in Schedule 14.1 by the inclusion of the word 'Yes' in the 'Additional Rules for Archaeological Sites or Features'

column<sup>30</sup>. Places identified in this column are subject to the rules in Table D17.4.2, which manage activities that have the potential to adversely affect archaeological values, such as land disturbance activities.

PC81 proposes to add 'Yes' to the Additional Rules for Archaeological Sites and Features column for two places in whole or part. The evaluation of these places identified that the places contain archaeological sites or features that should be managed by the Historic Heritage Overlay. With the agreement of the evaluator, this section 32 evaluation resulted in only those parts of the Pūhoi Township Historic Heritage Area known to contain archaeological features being subject to the Additional Rules for Archaeological Sites and Features column. These are the remnants of the Pūhoi wharf and Pūhoi Road bridge. For clarity, the area subject to the additional rules for archaeology is identified on Map 14.2.18.1 Historic Heritage Area: Pūhoi Township.

## 9.7 Historic Heritage Areas

Four historic heritage areas are proposed in the plan change:

- Pūhoi Township Historic Heritage Area
- Lawry Settlement Workers' Housing Historic Heritage Area
- Parkfield Terrace Historic Heritage Area
- Jervois Road Streamline Moderne/Art Deco Block Historic Heritage Area

The process of evaluating the historic heritage significance of a historic heritage area is the same as for individually scheduled historic heritage places. However, the Methodology provides additional guidance for historic heritage areas, including defining the boundary of the area and identification of exclusions.

The emphasis is on the collective values of the area, rather than the significance of individual places. This is reflected in the management of an historic heritage area where there is generally a less onerous resource consent regime for the demolition of buildings and new buildings than for individually scheduled historic heritage places. In addition, the provisions provide for the development and use of non-contributing sites and features, where these are compatible with the historic heritage values of the area.

Almost all the land included in the Pūhoi township Historic Heritage Area<sup>31</sup>, Lawry Settlement Workers' Housing Historic Heritage Area<sup>32</sup> and Parkfield Terrace Historic Heritage Area<sup>33</sup> has been managed as a Special Character Area Overlay or similar method under the existing Unitary Plan as well as legacy district plans. The Special Character Area Overlay contains provisions to manage the identified character values of the area, which derived from historical patterns of development. For over 10 years, development on land within these three proposed historic heritage areas has therefore been managed to provide for the special character values of the area to be maintained and enhanced.

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<sup>30</sup> D17.1 Background

<sup>31</sup> Special Character Areas Overlay Residential and Business - General Pūhoi

<sup>32</sup> Special Character Areas Overlay Residential and Business - Residential Isthmus A

<sup>33</sup> Special Character Areas Overlay Residential and Business - Residential Isthmus A

The Special Character Area Overlay requires resource consent for demolition, additions, and modification to existing buildings. The Historic Heritage Overlay provisions require resource consent to demolish an existing building, modify an existing building, or to construct a new building. The requirement to obtain resource consent for works in these three proposed historic heritage areas is therefore not an additionally onerous constraint. The range of uses provided for in the underlying zone can continue as the historic heritage area provisions do not control uses.

The extent of the historic heritage overlay for the proposed Pūhoi township Historic Heritage Area includes land not within the Special Character Area Overlay. This land is zoned Open Space – Conservation. This zone applies to open spaces with natural, ecological, landscape, and cultural and historic heritage values. The historic heritage overlay is compatible with this zone.

The Special Character Area Overlay is proposed to not be identified as a Qualifying Matter in the IPI for the areas proposed to be subject to the Pūhoi Township Historic Heritage Area and the Lawry Settlement Workers' Housing Historic Heritage Area.

The land included in the Jervois Road Streamline Moderne/Art Deco Block Historic Heritage Area is zoned Residential - Terrace and Apartment Housing (**THAB**) and Residential Mixed Housing – Urban (under the IPI). Properties identified as 'contributing sites' currently contain a greater level building coverage than provided for under the THAB zone or MDRS and most buildings are two storeys. The historic heritage area provisions do not prevent additional development or change where it does not adversely affect the historic heritage values of the area.

## 10 Conclusion

PC81 seeks to add eleven historic heritage places, including four historic heritage areas, to Schedule 14.1 Historic Heritage Schedule. A change to Schedule 14.2 to include the significance statements for the historic heritage areas is also part of PC81. Amendments are proposed to the planning maps to identify the extent of place of the new historic heritage places and areas.

The purpose of the proposed plan change is to recognise the values of identified historic heritage places by adding them to Schedule 14.1 and ensure the provisions of the Unitary Plan Historic Heritage Overlay apply and therefore assist in managing and protecting them.

The main conclusions of the evaluation under Part 2 and Section 32 of the Act are summarised below:

1. PC81 is consistent with the purpose of sustainable management in Section 5 and the principles within Sections 6, 7, and 8, and within Part 2 of the Act.
2. PC81 assists the Council in carrying out its functions set out in Sections 30 and 31 of the Act.

3. Pursuant to Section 75(3)(c) of the Act, PC81 is consistent with the objectives and policies of the Tāmaki Makaurau Auckland Regional Policy Statement.
4. The evaluation undertaken in accordance with Section 32 concluded:
  - i. The use of the existing objectives of the Unitary Plan would be the most appropriate way to achieve the purpose of the Act.
  - ii. The plan change is the most appropriate means of achieving the objectives identified in section 3 of this report.

**Attachment A – Amendments to Schedule 14.1 Schedule of Historic Heritage, Table 1 Historic Heritage Places**

**Attachment B – Amendments to Schedule 14.1 Schedule of Historic Heritage, Table 2 Historic Heritage Areas**

**Attachment C – Amendments to Schedule 14.2 Historic Heritage Areas - Maps and statements of significance**

**Attachment D – Amendments to Planning maps**

**Attachment E - O – Evaluations**