



Proposed Plan Change 82

Amendments to Schedule 14 Historic
Heritage Schedule, Statements and Maps to
the Auckland Unitary Plan (Operative in part)

**SECTION 32
EVALUATION REPORT**

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**) for proposed Plan Change 82 (**PPC82**) to the Auckland Unitary Plan (Operative in Part) 2016 (**Unitary Plan**).

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.

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

- the 'proposal' means PPC82,
- the 'objectives' means the purpose of the PPC82, and
- the 'provisions' means the policies and rules or other methods that implement or give effect to the objectives of the proposal.

The Unitary Plan contains existing objectives, policies, and rules or other methods for the purpose of managing historic heritage places¹. PPC82 is not changing any of these provisions. This evaluation report relates only to the amendment 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.

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 PPC82 and during hearings.

1.2 Purpose of the plan change

PPC82 introduces changes to 99 historic heritage places that area already included in Schedule 14. The changes proposed are:

- the amendment of 93 Category A* historic heritage places to update the category status and other information in Schedule 14.1 Schedule of Historic Heritage (**Schedule 14.1**) and the planning maps for these places, as appropriate,
- the amendment of one Category B historic heritage place (ID 02510 Munro homestead and stables), to update information in Schedule 14.1 and the planning maps for this place,
- the deletion of the Schedule 14.1 entry for ID 02686 Red Bluff/Castor Bay Battery recreation hut (former), to merge this place with ID 01060 Castor Bay Battery complex,

¹ B5 Ngā rawa tuku iho me te āhua - Historic heritage and special character and D17 Historic Heritage Overlay

- the deletion of the Schedule 14.1 entries for ID 01152 Fountain, ID 01154 Memorial to J.P. Mays and H. Frankham and ID 01168 Nothing Happened plaque and amendment of the entry for ID 01150 Hydrographic Survey Station and mast, to merge these places (renamed as ID 01150 Windsor Reserve commemorative landscape), and
- the deletion of the Schedule 14.1 entries for 14 historic heritage places as their re-evaluation determined the place did not meet the required criteria and thresholds for scheduling.

All the historic heritage places that are subject to PPC82 are already identified in Schedule 14.1 and subject to the Unitary Plan Historic Heritage Overlay. The amendments proposed will ensure that the historic heritage places are correctly identified in the Unitary Plan and their significant historic heritage values are protected from inappropriate subdivision, use and development.

PPC82 primarily amends the category status of the identified Category A* historic heritage places. Each place has been re-evaluated to consider its historic heritage values in accordance with the criteria and thresholds set out in the Regional Policy Statement (**RPS**) section of the Unitary Plan². In addition to identifying the category, the re-evaluation of each historic heritage place recommends other changes to Schedule 14.1 to reflect the values of each place, including heritage values, primary feature and/or exclusions. The plan change proposes to update information for these places in line with the recommendations outlined in the re-evaluations. PPC82 also includes changes to correct errors, where known.

For ten Category A* places³ and four Category B places⁴ included in PPC82, the re-evaluation of the place concluded that the place does not meet the criteria and thresholds outlined in the RPS to be eligible for inclusion in Schedule 14.1. PPC82 proposes to delete these historic heritage places from the Historic Heritage Overlay (from Schedule 14.1 and the planning maps). An additional five entries in Schedule 14.1 are proposed to be deleted,⁵ as these places are proposed to be merged (see section 6.3 for more information).

1.3 Background

The Unitary Plan contains objectives, policies and rules to identify significant historic heritage places and protect them from inappropriate subdivision, use, and development, to allow such places to be used appropriately, and to encourage their protection, management and conservation. 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.

² Chapter B5 Ngā rawa tuku iho me te āhua – Historic heritage and special character

³ IDs 00854, 00906, 00932, 01108, 01147, 01157, 01160, 01161, 01162 and 01163

⁴ IDs 00075, 00106, 00189 and 02267

⁵ IDs 01150, 01152, 01154 and 01168 are proposed to be merged into one place named Windsor Reserve commemorative landscape, and ID 02686 is proposed to be merged with ID 01060 Castor Bay battery complex.

Schedule 14.1 of the Unitary Plan contains approximately 2,500 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. Most of the legacy plans contained schedules identifying significant historic heritage, including buildings, objects, features, sites, places and archaeological sites. Each legacy plan contained differing criteria and, in some cases, categories of historic heritage place, and the plans contained a range of provisions (objectives, policies and rules) to manage the places. The approach taken to the management of historic heritage in legacy plans, including the category of places, was not consistent across the region.

1.3.1 Category A*

The Unitary Plan identifies four categories of historic heritage place: Category A, Category A*, Category B and historic heritage areas. Category A* places are described in the Unitary Plan as the most significant scheduled historic heritage places from legacy plans where the total or substantial demolition or destruction was a discretionary or non-complying activity (rather than a prohibited activity). The Unitary Plan states that Category A* is an interim category until a comprehensive re-evaluation of these places is undertaken and their category status is addressed through a plan change process⁶.

Schedule 14.1 identifies the category for each place and identifies 186 Category A* historic heritage places.

The Unitary Plan does not provide instructions on how the re-evaluation of Category A* places should occur. Nor does it prescribe a timeframe or methodology for re-evaluation. The approach taken is to re-evaluate Category A* historic heritage places in accordance with the policies in the Unitary Plan Regional Policy Statement (**RPS**). Policies in the RPS outline the process to identify and evaluate historic heritage places, including the criteria and significance thresholds for the inclusion of historic heritage places in Schedule 14.1⁷.

1.3.2 Other amendments

The amendment of historic heritage places that are not Category A* within PPC82 arose where research or information about the historic heritage place highlighted that the Unitary Plan contained an error or out-of-date information about the place.

2 The proposed plan change

PPC82 amends and deletes historic heritage places that are already identified in Schedule 14.1 of the Unitary Plan. The changes proposed are to Chapter L Schedules, Schedule 14.1 and Schedule 14.3 Historic Heritage Place maps (**Schedule 14.3**), and to the Historic Heritage Overlay Extent of Place (**extent of place**) shown in the planning maps.

⁶ D17.1, Background

⁷ RPS, Policy B5.2.2

The plan change documents for PPC82 show:

- proposed amendments to Schedule 14.1 (see **Attachment A**),
- proposed amendments to Schedule 14.3 (see **Attachment B**), and
- proposed amendments to the Historic Heritage Overlay Extent of Place (shown in the planning maps) (see **Attachment C**).

An index is included as **Attachment D**. The index does not form part of the plan change but provides information in the form of a list of the historic heritage places subject to PPC82 and identifies if an amendment is proposed to Schedule 14.1, Schedule 14.3 and/or to the planning maps for each place. The re-evaluation report for each Category A* place in PPC82 does not form part of the plan change. However, these reports can be viewed on Council's website along with the plan change documents.

3 Reasons for the proposed plan change

An evaluation under section 32 of the Act must examine the extent to which the objectives of PPC82 are the most appropriate way to achieve the purpose of the Act.⁸ The objective of PPC82, or the purpose of the plan change, is to amend and delete historic heritage places that are already included in Schedule 14.1 of the Unitary Plan and, in some cases, update information in the Unitary Plan maps for these places.

The 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 identified as an issue of regional significance in the RPS⁹. 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 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 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,

⁸ RMA s32(1)(a)

⁹ B1.4 Issues of regional significance

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 identification of information for each column in Schedule 14.1 for a historic heritage place requires correct and up-to-date information. It is reasonable to expect that the information held by Council on places may increase or change over time. PPC82 responds to these changes in information and understanding.

The amendments in PPC82 will enable the provisions of the Unitary Plan to apply appropriately to the historic heritage places included in the plan change, based on their values. The amendments will also ensure that places in Schedule 14.1 that do not meet the Unitary Plan criteria and thresholds for inclusion are not subject to the provisions of the Historic Heritage Overlay. PPC82 is considered to be the most appropriate way to achieve the purpose of the Act, as outlined in the analysis below.

3.1 Development of options

In the preparation of PPC82, the following options have been identified:

Option 1 – do nothing/retain the status quo

Option 2 – amendments, including deletions, to Schedule 14.1 historic heritage places during the next Unitary Plan review

Option 3 – a plan change to amend and update Schedule 14.1 for selected historic heritage places, including the deletion of places from Schedule 14.1, where appropriate.

3.2 Evaluation of options

See following table for a summary of analysis under section 32(2) of the Act.

Options	Efficiency and effectiveness of provisions in achieving the objectives ¹⁰	Benefits	Costs
<p>Option 1 Do nothing/retain status quo</p>	<p>Will not achieve the objective of PPC82, being to amend and update information about selected historic heritage places within Schedule 14.1 and ensure the information in the schedule for these places is correct.</p> <p>Not efficient to owners of the historic heritage places included in the plan change. The use and development allowed by the Unitary Plan for each of these places may not be appropriate because the category of each place may not align with its values.</p> <p>Not efficient or effective due to increased time and money required to assess resource consent applications for historic heritage places. This will occur when the information about them is incorrect and/or outdated, or when the values of the place do not meet the Unitary Plan criteria and thresholds for scheduling.</p>	<p>No cost to Council to undertake a public plan change; an economic benefit.</p>	<p>Historic heritage places may not be appropriately managed and protected where information does not align with each place's historic heritage values. This has the potential to cause the loss of significant historic heritage values through inappropriate subdivision, use, and development.</p> <p>Costs may be imposed on owners of historic heritage places where outdated information in Schedule 14.1 may impose an additional and unnecessary consenting burden. An example is when the historic heritage values of a place do not warrant the scheduling of the place.</p> <p>Incorrect category status, known errors and inaccuracies in Schedule 14.1 and the planning maps may affect the integrity of the Historic Heritage Overlay and the Unitary Plan. This can cause a reputational cost to Council.</p>
<p>Option 2 – Amend category status of A* places in Unitary Plan review</p>	<p>The Unitary Plan is not due for review until at least 2026.</p> <p>Will not achieve the objective of PPC82, being to amend and update information about selected historic heritage places within Schedule 14.1 and ensure the information in the schedule for these places is correct and is appropriate to the historic heritage values of these places.</p> <p>Not effective in managing the values of Category A* historic heritage places, as these values have not been re-evaluated and the level of significance of the places has not been confirmed under the Unitary Plan provisions.</p> <p>Not efficient to owners of the historic heritage places identified for inclusion in the plan change, as the use</p>	<p>No cost at present to Council to undertake a public plan change; an economic benefit.</p>	<p>Historic heritage places may not be appropriately managed and protected where information about each place does not align with its historic heritage values. This has the potential to cause the loss of significant historic heritage values through inappropriate subdivision, use, and development.</p> <p>Costs may be imposed on owners of historic heritage places where outdated information in Schedule 14.1 may impose an additional and unnecessary consenting burden. An example is when the historic heritage values of a place do not warrant the scheduling of the place.</p> <p>Incorrect category status, known errors and inaccuracies in Schedule 14.1 and the planning maps</p>

¹⁰ RMA s32(1)(b)(ii)

Options	Efficiency and effectiveness of provisions in achieving the objectives ¹⁰	Benefits	Costs
	<p>and development allowed by the Unitary Plan for each place may not be appropriate because the category of each place may not align with its values.</p> <p>Not efficient or effective due to increased time and money required to assess resource consent applications for historic heritage places when the information about them is incorrect and/or outdated.</p>		<p>may affect the integrity of the Historic Heritage Overlay and the Unitary Plan. This can cause a reputational cost to Council.</p>
<p>Option 3 – Plan change</p>	<p>The amendment of historic heritage places in Schedule 14.1 to update information to reflect their historic heritage values, and to correct errors, means the places as well as their values and significance are clearly identified. This will ensure these places are protected and managed appropriately through the provisions of the Historic Heritage Overlay.</p> <p>For the Historic Heritage Overlay to be efficient and effective, Schedule 14.1 and the planning maps must use correct and up-to-date information.</p>	<p>Will give greater certainty to owners of historic heritage places, as the information for each place will align with its values and significance. This will ensure the regulatory controls relating to each place are applied based on correct and up-to-date information.</p> <p>Historic heritage places that have been identified as not meeting the Unitary Plan criteria and thresholds for protection will not be managed through the Historic Heritage Overlay. This means benefits to owners and Council through not having to apply the regulatory process to these places which are not significant historic heritage places.</p> <p>Social and cultural benefits from the recognition, protection, and appropriate management of significant historic heritage places.</p> <p>No economic growth or employment benefits anticipated.</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 amendments to the place.</p> <p>There may be perceived opportunity costs, through particular properties being subject to greater management and protection through the updating of their category status in Schedule 14.1 and planning maps.</p>

3.3 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 PPC82 for the plan change to proceed. Each historic heritage place included in the proposed plan change has been subject to a re-evaluation according to the criteria and thresholds set out in the RPS.

3.4 Reasons for the preferred option

The Unitary Plan states that Category A* is an interim category and places identified as Category A* require their category status to be addressed through a plan change process. To ensure Category A* historic heritage places are identified correctly and managed appropriately, amendments to Schedule 14.1 and the planning maps to change the category status and identified heritage values are required. The amendment of other historic heritage places in Schedule 14.1 and the planning maps to ensure information is up-to-date and correct also ensures that the management of these places is appropriate to its values.

The deletion of historic heritage places that do not meet the criteria and thresholds in the RPS for scheduling is appropriate as these places do not contain significant historic heritage value to be managed by the objectives, policies and rules in the Unitary Plan.

If these amendments are not undertaken, the management of the historic heritage places in PPC82 may not be appropriate to their particular heritage values. Therefore, the 'do nothing' approach is not considered to be an appropriate option.

The evaluation of options in section 3.2 of this report 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 amend individual historic heritage places within Schedule 14.1 to update their category status, if required, and to correct and update other information as appropriate. This includes the deletion of places that do not meet the RPS criteria and thresholds for scheduling and the merging of several places.

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.

4 Resource Management Framework

4.1 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).

PPC82 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 Tāmaki Makaurau Auckland’s significant historic heritage resources.

The amendment of historic heritage places to ensure the information in Schedule 14.1 and the planning maps aligns with the values of each place will provide for the use, development, and protection of these physical resources. It will ensure these places are managed in a way 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 Tāmaki Makaurau Auckland. The appropriate management of scheduled historic heritage places relies on up-to-date information to correctly identify historic heritage places within the Historic Heritage Overlay.

4.2 Other relevant sections of the Act

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 PPC82 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.

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 New Zealand Heritage List/Rārangi Kōrero (**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.

4.3 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 statement¹¹. Those national policy statements that are relevant to the proposed plan change are discussed below.

New Zealand Coastal Policy Statement (NZCPS)

Of the historic heritage places proposed to be amended through PPC82, 11 are located within the coastal marine area¹². Other places are located within the wider coastal environment.

Objective 6 of the NZCPS is relevant to historic heritage. This objective seeks to enable people and communities to provide for their social, economic and cultural wellbeing and their health and safety, through subdivision, use and development, recognising that historic heritage in the coastal environment is extensive but not fully known, and is vulnerable to loss or damage from inappropriate subdivision, use and development.

A number of policies in the NZCPS relate to historic heritage in the coastal environment. Policy 17 specially relates to the identification and protection of historic heritage in the coastal environment from inappropriate subdivision, use and development.

PPC82 gives effect to the NZCPS as it will help protect historic heritage in the coastal environment from inappropriate subdivision, use, and development by ensuring the information contained in the Unitary Plan for the historic heritage places that are subject to this plan change is correct, up-to-date, and reflects the historic heritage values of the places.

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 applies to the 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, and
- providing sufficient development capacity to meet the different needs of people and communities.

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

¹¹ RMA s67(3) and s75(3)

¹² The following historic heritage places in PPC82 are located within or partly within the Coastal Marine Area: ID 00906, Clement Wragge Gardens complex; ID 00927, Northcote Point Sea Wall, including sea wall at "The Gold Hole"; ID 00930, Birkenhead and Northcote Gas Company wharf; ID 01060, Castor Bay Battery complex; ID 01072 Merksworth Castle; ID 01103, Takapuna Boating Club and saltwater swimming pool; ID 01147, Shell path; ID 01150 Hydrographic Survey Station and mast; ID 01153, Tainui Landing Monument; ID 01158, Watson Memorial Clock; ID 01160, Original Devonport Wharf site

City Centre zone, Metropolitan Centre zones and near Rapid Transit Network stops). Part 4 of the NPS UD provides timeframes for implication to give effect to the NPS UD.

The Environment Court¹³ has ruled that in relation to plan changes being considered ahead of implementing intensification policies, effect is only required to be given to those Objectives and Policies in the NPS UD that are “planning decisions”. This is Objectives 2, 5, and 7, and Policies 1 and 6.

Objective 2 seeks that planning decisions improve housing affordability by supporting competitive land and development markets and objective 5 directs that planning decisions relating to urban environments take into account the principles of the Treaty of Waitangi. Objective 7 seeks that local authorities use robust and frequently updated information about their urban environments to inform planning decisions.

Policy 1 seeks that planning decisions contribute to well-functioning urban environments. Policy 6 directs decision makers to have particular regard to a range of matters when making planning decisions that affect urban environments, including planned urban built form, the benefits of urban development that are consistent with well-functioning urban environments, and the likely and future effects of climate change.

The historic heritage places that are included in PPC82 are already identified in Schedule 14 of the Unitary Plan by name, location, and shown spatially on the planning maps. The amendment of the category of these places does not affect the ability of the Unitary Plan to give effect to Objectives 2, 5, and 7, and Policies 1 and 6 in the NPS UD.

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.

All of the places subject to PPC82 are already included in Schedule 14.1. None of the places included in PPC82 include large bodies of fresh water, such as lakes or rivers, or identified natural wetlands. The NPS FM is not considered directly relevant to the historic heritage places included in this plan change.

4.4 National Environmental Standards

There are currently eight National Environmental Standards (**NES**) in force as regulations¹⁴, but none of these are relevant to the management and protection of historic heritage or this plan change.

¹³ Eden – Epsom Residential Protection Society Inc v Auckland Council [2021] NZEnvC 082

¹⁴ 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

4.5 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 minor differences relating to standard formatting. However, as PPC82 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.

4.6 Other Acts

Heritage New Zealand Pouhere Taonga Act 2014

Heritage New Zealand Pouhere Taonga (**Heritage NZ**) is the principal agency operating under the Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPTA**). The purpose of the HNZPTA is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand. Heritage NZ maintains the NZHL/RK¹⁵ 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.

Seven places proposed to be amended in PPC82 are included in the NZHL/RK¹⁶. Amending these places is compatible with the NZHL/RK and the HNZPTA, as the amendments sought in PPC82 will ensure that the values and significance of these historic heritage places are correctly identified in the Unitary Plan, which will assist in their protection, preservation and conservation.

¹⁵ The NZHL/RK includes historic places, historic areas, waahi tapu and waahi tapu areas

¹⁶ The following places in PPC82 are also included in the NZHL/RK: ID 01050, Frank Sargeson's Cottage; ID 01054, Pumphouse; ID 01123, Post Office (former); ID 01124, Bank of New Zealand (former); ID 01132, Victoria Theatre; ID 01143, Earnscliffe; ID 01149, E.W. Alison Memorial and clock; ID 01158, Watson Memorial Clock

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 Tāmaki Makaurau Auckland region in the south. The catchment area of the park extends inland to the first ridgeline. A number of historic heritage places proposed to be included in PPC82 are therefore within the park's boundaries.

The amendment of historic heritage places within the Hauraki Gulf Island Marine Park in PPC82 has particular regard to sections 7 and 8 of the HGMPA. The plan change will assist in the protection and enhancement of these places and is therefore compatible with the HGMPA.

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. Areas of reserve land possess various values and features, including those that are historic in nature.

Some of the historic heritage places subject to PPC82 are located within reserves gazetted under the Reserves Act managed by Council. Some of the land zoned open space is held in freehold title but managed in a similar way to gazetted land. The proposed amendment of historic heritage places within these reserves/open spaces supports the historic values of the reserves/open spaces 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.

4.7 The Auckland Plan

The Auckland Plan includes the following direction 'Ensure Auckland's natural environment and cultural heritage is valued and cared for'¹⁷. The Auckland Plan states that opportunities to protect and enhance these values (including cultural heritage values) must be actively sought through short and long-term decisions.

PPC82 will assist with the protection and enhancement of Tāmaki Makaurau Auckland's historic heritage and will help value and care for this heritage. The plan change will update 99

¹⁷ Auckland Plan, Direction 1

historic heritage places that are already included in Schedule 14.1 to ensure their values and significance are correctly identified in the Unitary Plan.

4.8 The Auckland Unitary Plan

When preparing or changing a district plan, Council must give effect to any RPS and have regard to any proposed RPS¹⁸. The RPS identifies a number of issues of regional significance, including:

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

Chapter B5 contains two objectives:

- (1) *Significant historic heritage places are identified and protected from inappropriate subdivision, use and development.*
- (2) *Significant historic heritage places are used appropriately and their protection, management and conservation are encouraged, including retention, maintenance and adaptation.*

These objectives are supported by policies B5.2.2 (1) to (9). The purpose of PPC82 aligns with these objectives and policies as it seeks to ensure historic heritage places are identified in Schedule 14.1 according to their significance and values. The identification of significant historic heritage places using correct and up-to-date information will assist these places to be protected from inappropriate subdivision, use and development, and also enable these places to be used appropriately.

B6 Mana Whenua

This chapter contains issues of significance to Māori and iwi authorities in the Tāmaki Makaurau Auckland region, including the protection of Mana Whenua cultural heritage. Relevant objectives relating to this issue include:

- (1) *The tangible and intangible values of Mana Whenua cultural heritage are identified, protected and enhanced.*
- (2) *The relationship of Mana Whenua and their cultural heritage is provided for.*
- (4) *The knowledge base of Mana Whenua cultural heritage in Auckland continues to be developed, primarily through partnerships between Mana Whenua and the Auckland Council, giving priority to areas where there is a higher level of threat to the loss or degradation of Mana Whenua cultural heritage.*

Chapter B5 includes policies directing how to identify and evaluate a place with historic heritage value, and sets out criteria to be considered including:

- (c) *Mana Whenua: the place has a strong or special association with, or is held in high esteem by, Mana Whenua for its symbolic, spiritual, commemorative, traditional or other cultural value.*

There are several ways that Māori values relating to historic heritage may be reflected in the Unitary Plan. If a place has at least considerable Mana Whenua values in accordance with criterion (c) above, it is identified in Schedule 14.1 by the addition of this criterion in the

¹⁸ RMA s74(2) and s75(3)

'Heritage Values' column. Schedule 14.1 also contains a column to identify whether a place is of interest or significance to Mana Whenua. In addition, or alternatively, historic heritage places may be scheduled and protected for their significance to Mana Whenua in Schedule 12 Sites and Places of Significance to Mana Whenua Schedule in the Unitary Plan.

The views of Mana Whenua have been sought to gather information on Mana Whenua values to assist with the evaluation of each historic heritage place in PPC82. Information about this can be found in section 5.2 below.

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.

Eleven historic heritage places in PPC82 are located in the coastal marine area¹⁹, with other places in the proposed plan change located within the wider coastal environment. The purpose of the plan change aligns with B8 as it seeks to correctly identify the significance and historic heritage values of these places and therefore assist in ensuring any subdivision, use and development of historic heritage places is appropriate to each place.

5 Development of the Proposed Plan Change

5.1 Methodology

Background

The Unitary Plan includes significant historic heritage places that have been evaluated and meet the heritage significance criteria and thresholds outlined in the RPS. The evaluation criteria for historic heritage places contained in the Unitary Plan are historical, social, Mana Whenua, knowledge, technology, physical attributes, aesthetic, and context²⁰. Places are included in Schedule 14.1 if:

- (a) the place has considerable or outstanding value in relation to one or more of the evaluation criteria in Policy B5.2.2 (1); and*
- (b) the place has considerable or outstanding overall significance to the locality or greater geographic area²¹.*

As already outlined, Category A* is one of the categories of historic heritage place in Schedule 14 and Category A* place is an interim category. These places require a comprehensive re-

¹⁹ The following historic heritage places in PPC82 are located within or partly within the Coastal Marine Area: ID 00906, Clement Wragge Gardens complex; ID 00927, Northcote Point Sea Wall, including sea wall at "The Gold Hole"; ID 00930, Birkenhead & Northcote Gas Company wharf; ID 01060, Castor Bay Battery complex; ID 01103, Takapuna Boating Club and saltwater swimming pool; ID 01144, O'Neills Point Cemetery; ID 01147, Shell path; ID 01153, Tainui Landing Monument; ID 01158, Watson Memorial Clock; ID 01160, Original Devonport Wharf site

²⁰ RPS Policy B5.2.2(1)

²¹ RPS Policy B5.2.2(3)

evaluation of these places is undertaken and their category status is addressed through a plan change process²².

Approach and staging

There are 186 Category A* places currently identified in Schedule 14.1. Council is approaching the re-evaluation of Category A* places systematically, focusing on one or more local board areas at a time. This approach facilitates engagement with Mana Whenua, local boards, landowners, and other interested parties and allows for the majority of each area's A* places to be re-evaluated and progressed to plan change at the same time.

PPC82 includes most of the Category A* places in the Devonport-Takapuna Local Board area and all Category A* places in Henderson-Massey, Kaipātiki, Whau. There is also a Category A* place from each of Howick and Waitākere Ranges local boards. Several historic heritage places in the Devonport-Takapuna Local Board area have not been re-evaluated as part of this plan change because they are subject to other review projects (e.g., 01148 Takarunga Pā R11_109) and/or have one or more layers of complexity (e.g., Category A* places within the Chelsea Sugar Factory). These places will be re-evaluated in the future.

Re-evaluation of Category A* places

The Council's Methodology for Evaluating Historic Heritage Significance (**Methodology**) guides the process of evaluating the significance of historic heritage places against the Unitary Plan criteria to determine if a place meets the thresholds for inclusion in Schedule 14.1. The Methodology has been used as a guide to re-evaluate each Category A* place in the plan change to determine its level of significance.

The re-evaluation of each Category A* place sets out the planning background, the history, and a physical description of the place. Each place was the subject of a site visit, either from the public realm or, where appropriate and possible, a visit from within the site. The re-evaluation for each place provides recommendations on the category and other amendments necessary to refine the management of the place based on its identified heritage values, and changes to correct any errors identified in Schedule 14.1 and the planning maps.

Other amendments

There are seven historic heritage places in PPC82 that are not Category A* places. These places have been included in the plan change because new information about each place has resulted in the need to update information in Schedule 14.1 and the planning maps, where appropriate. In some cases, the place has been identified to no longer meet the criteria and thresholds for scheduling (e.g., Major Bremner's Cottage, which has been destroyed by fire) and in other cases, changes to the place require changes to the Unitary Plan to accurately reflect the values of the place (e.g., Munro homestead and stables, which has had land within the extent of place subdivided to create new lots).

²² D17.1 Background

5.2 Engagement and 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.

5.2.1 Minister for the Environment and Minister of Conservation

Letters were sent on 3 June 2021 to the Minister for the Environment, Minister of Conservation and the Department of Conservation's Tāmaki Makaurau Auckland office to inform the organisations about the proposed plan change. No responses have been received to date.

5.2.2 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 also relate to iwi authorities:

Section 32(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.

In May and June 2021, letters were sent to iwi authorities in Tāmaki Makaurau Auckland to inform them of the review of Category A* places. Iwi authorities were invited to provide feedback on the re-evaluations, including any information about the significance of any of the places to iwi and hapū. Responses were received from two iwi authorities: Ngāti Manuhiri and Ngāi Tai ki Tāmaki.

Ngāti Manuhiri expressed their interest in the proposed plan change and requested that Council continue to communicate with them on it. Ngāi Tai ki Tāmaki were interested in a particular Category A* place, being ID 01164 Te Puna Springs site. Meetings were held with representatives of Ngāi Tai ki Tamaki in July and October 2021 to discuss this place.

In accordance with Schedule 1 clause 4A, copies of the draft plan change, and draft section 32 report were sent to all iwi authorities of the Tāmaki Makaurau Auckland region on 8 September 2021. Iwi authorities were invited to provide comment or feedback. The letter accompanying this information highlighted the fact that some of the historic heritage places proposed to be included in the plan change may be of Māori interest or significance. No responses have been received to date.

Copies of the draft plan change, and draft section 32 report for the seven further amendments and deletions that were intended to form part of PPC81 but are included in PPC82 were provided to all iwi authorities of the Auckland region on 8 June 2022. Iwi authorities were also invited to a series of hui about the IPI plan change and complementary plan changes in May and 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.

5.2.3 Landowners and occupiers

On 3 June 2021, the owners and occupiers of 91 of the Category A* historic heritage places included PPC82 were sent a letter about the Category A* review. The letter provided information about the project, including a copy of the Category A* draft re-evaluation report of their place, and provided information about the proposed plan change. Owners and occupiers were invited to provide feedback on the re-evaluation reports and/or contact Council staff if they had any questions about the project or proposed plan change. A number of owners and

occupiers responded, and some amendments were made to the re-evaluation reports of particular places. In some cases, responses received from landowners has resulted in ongoing communication between Council staff and particular owners/occupiers.

Letters were sent to the owners and occupiers of Residence at 147 Sturges Road, Henderson (ID 00075), St Andrew's Sunday School Hall (former) at 40 Rankin Avenue, New Lynn (ID 00189) and Our Lady Star of the Sea Church and graveyard at 28 Picton Street, Howick (ID 01372) on 18 May 2022 (these amendments and deletions were intended to form part of PPC81 but are now included in PPC82). A response was received from the owner of 40 Rankin Avenue supporting the removal of the place from the schedule as they consider there are no remaining historic heritage values associated with this place.

Council heritage staff have engaged with the owner of Donner House and studios, 50 Kohu Road, Titirangi (ID 00252) about the Category A* review of the place. Feedback from the owner on the draft re-evaluation report has been incorporated.

5.2.4 Local Boards

Members of the Devonport-Takapuna, Kaipātiki and Whau local boards were first informed of the Category A* review project in a memo sent in 2020. A memo was sent to Henderson-Massey Local Board members early in 2021, when it was decided to also re-evaluate the Category A* places in that local board area.

Council staff attended local board workshops about the A* plan change with the following boards: Devonport-Takapuna (June 2020), Henderson-Massey (April 2021) and Kaipātiki (March 2022).

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. The A* plan change was reported to the relevant local boards in the first quarter of 2022, to seek the views of the boards. A report to local boards' June 2022 business meetings updated the boards on proposed supporting plan changes to accompany the NPS UD, including PC81 and PC82. The following feedback was provided.

Devonport-Takapuna Local Board

The Devonport-Takapuna Local Board supported officer recommendations for the proposed plan change except the board sought a Category A status (rather than Category B) for ten places²³ and did not support the deletion of ID 01147 Shell path (supported a Category A status for this place)²⁴.

The Board provided information to support their views. Council heritage staff reviewed the information provided but did not find any new information that altered the re-evaluation report for each place or warranted a Category A status for any place.

²³ ID 01054 Pumphouse; ID 01062 War Memorial gates and coronation oak trees; ID 01146 Memorial Drive; ID 01121 Devonport Post Office (former)/Devonport Borough Council building (former); ID 01122 May's Building; ID 01123 Post Office (former); ID 01124 Bank of New Zealand (former); ID 01134 Devonia Building; ID 01136 Alison's Building; ID 00143 Earnscliffe

²⁴ Resolution DT/2022/45

Henderson-Massey Local Board

The Henderson-Massey Local Board supported the proposed plan change²⁵.

Howick Local Board

The Howick Local Board noted that significant heritage elements across Auckland must be included as qualifying matters so they are protected and maintained to keep the historic thread of Auckland's development over time 'alive' and accessible to all people²⁶.

Kaipātiki Local Board

The Kaipātiki Local Board provided the following feedback on the proposed plan change at their business meeting on 20 April 2022²⁷. Of the 29 historic heritage places within Kaipātiki in PC82, the board supported the Category A status for four place, supported the Category B status for four places, and supported the deletion of one place.

For 19 Category A* places where the board did not support the proposed category, they requested that 'Cat A should be retained'. None of these places has a Category A status, all are identified in the Unitary Plan as Category A*, being the interim category that requires re-evaluation.

The feedback from the board included information about some places where the category is contested and for other places the board suggested that more research was needed. Each Category A* place that is included in PC82 has been re-evaluated to determine whether it meets the criteria and thresholds for scheduling in the RPS. The re-evaluation process includes research about the place and this is reflected in the historical summary and physical description section of each re-evaluation report. Council heritage staff reviewed the information provided by the Kaipātiki Local Board but did not find any new information that altered the re-evaluation report for each place or warranted a Category A status for any place.

The Kaipātiki Local Board also provided the following feedback on the plan change:

- object the method of assessment between the Auckland Council and the Heritage NZ Register, which are different, and request that Council's assessment aligns with Heritage NZ;
- express significant concern that places changing from Category A* to Category B will be subject to a rule in the Unitary Plan that allows an application to demolish 30-70% of the place as a discretionary activity;
- request that currently unscheduled historic heritage places that meet the criteria for scheduling be evaluated for inclusion in the historic heritage schedule as part of a future plan change.

As already mentioned, 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 should be included as a Category A place in the Unitary Plan. This is

²⁵ Resolution HM/2022/9

²⁶ Resolution HW/2022/82

²⁷ Resolution KT/2022/73

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.

The concern raised by the board relating to the Unitary Plan rules allowing a resource consent application to demolish between 30 and 70% of the primary feature of Category B historic heritage place as a discretionary activity is acknowledged. While such an application may be sought, the objectives and policies in the Historic Heritage Overlay make it clear that the total or substantial demolition of the primary feature of a Category B place is to be avoided, unless:

- the demolition is required to allow for significant public benefit that could not otherwise be achieved, and
- the significant public benefit outweighs the retention of the feature, or parts of the feature, or the place, or
- the demolition is necessary to remove a significant amount of damaged heritage fabric to ensure the conservation of the scheduled historic heritage place.

The Kaipātiki Local Board's request that unscheduled historic heritage places within their area be evaluated for including in the historic heritage schedule as part of a future plan change is acknowledged. Since the Unitary Plan became operative in part, Council has progressed two plan changes to add historic heritage places to Schedule 14 and PC81, which proposed to add an additional 11 places to the schedule, will be notified on 18 August. Future plan changes for the same purpose are likely, although there are none planned at this stage.

Waitākere Ranges Local Board

The Waitākere Ranges Local Board supported the intent to make historic heritage a qualifying matter although noted that none of the additional historic heritage sites proposed for scheduling are in the Waitākere Ranges area (the one historic heritage place within this local board area, Donner House, is already scheduled)²⁸.

Whau Local Board

The Whau Local Board supported the proposed plan change and welcomed the proposed Category A status for the Garden Bros & Parker / Ambrico downdraught kiln²⁹.

After the plan change has been notified and submissions received, a report will be prepared for each of the relevant local boards. The report will provide summary information about the plan change and any submissions received and will provide the mechanism for the relevant local boards to resolve and provide their views on PPC82.

²⁸ Resolution WTK/2022/79

²⁹ Resolution WH/2022/7

5.2.5 Auckland Council elected members – Planning Committee

A plan change to amend 91 Category A* historic heritage places was approved for notification by the Planning Committee at its 30 September 2021 meeting³⁰. Amendments have been made to that plan change, which is now known as PPC82. PPC82 proposed amendments to a further seven historic heritage places. These amendments were considered by the Planning Committee at its meeting on 4 August 2022 and the Planning Committee resolved to approve PPC82 for notification.

5.2.6 Heritage Advisory Panel

The Heritage Advisory Panel was advised of the review of Category A* places and proposed plan change at its 2 November 2020 meeting. No feedback was received at that stage.

5.2.7 Auckland Council group

In June 2021, emails were sent to the following Auckland Council groups or organisations: Parks, Community Facilities, Community Services, Auckland Transport and Eke Panuku about the review of Category A* places. Historic heritage places in the ownership and management of these organisations were identified.

On 2 July 2021, Auckland Transport advised via email that they had no issues with the proposed plan change in its current form. A further email was sent to Auckland Transport on 6 July 2021, advising of an additional place being included in PPC82 where the extent of place extended over the road reserve (Takapuna springs site, 62 King Edward Parade, Devonport (ID 01164)). No comment has been received in relation to that place. On 20 May 2022, Auckland Transport were advised of proposed additions, amendments and deletions to Schedule 14.1 intended to form part of PPC81. The amendments and deletions are now included in PPC82. On 1 July 2022, Auckland Transport advised they had no issue with the additions to Schedule 14.1. No comment was made on the amendments or deletions.

Prior to the preparation of the plan change, Council Heritage Unit staff had liaised with Eke Panuku in relation to Falls Hotel, 22 Alderman Drive, Henderson (ID 00127), as Eke Panuku were seeking consent for a subdivision/boundary adjustment between the property the hotel is situated on and an adjoining carpark. Eke Panuku staff sought the amendment of the extent of place to align with the proposed boundary between the two lots. Heritage Unit staff supported this request, and this is reflected in the recommendations for the Falls Hotel in the re-evaluation report and in the detail of this plan change.

In response to the June 2021 email, Eke Panuku sought a further amendment to the extent of place for the hotel (moving the extent of place slightly to the south) to accommodate the Oratia Link cycleway. However, at the time the memo was written, there were two options for the proposed cycleway, one being through Falls Park, adjacent to the Falls Hotel, and the other being through the nearby West Wave site. If the cycleway was to go through Falls Park, the memo advised that it was possible the existing path through the park would be upgraded and widened to bring it up to a shared pathway standard.

³⁰ Planning Committee resolution PLA/2021/116

Eke Panuku's request to further amend the extent of place for Falls Hotel was considered. Staff advised the information was insufficient to make any further changes at the time, as the cycleway proposal was in draft, and the final route was yet determined. In addition, the rules of the Historic Heritage Overlay allow for maintenance and repair of footpaths, cycling and walking tracks as a permitted activity, subject to standards, so depending on the works required to the path, resource consent may not be required.

5.2.8 Heritage New Zealand

An email was sent to Heritage NZ on 3 June 2021 to advise them about the proposed plan change and provide a list of historic heritage places proposed to be included in the plan change. Heritage NZ staff in Tāmaki Makaurau Auckland were first informed of the upcoming re-evaluation of Category A* places in late 2020.

In July 2021, Heritage NZ responded to advise they were interested in the plan change and sought copies of the A* re-evaluation reports. In August, Heritage NZ sought that the re-evaluation report for ID 01059 Golder House be amended to identify the place as a Category A place, given that the place had recently been added to the NZHL/RK as a Category I place. The Golder House re-evaluation report was reviewed in light of the further information provided by Heritage NZ. Golder House is proposed to be amended to Category A in PPC82.

Heritage NZ provided feedback on the proposed plan change in October 2021. The feedback generally supports the proposed plan change. Heritage NZ opposes the exclusion of the interiors of some places, particularly where they are publicly accessible or in Council ownership. Heritage NZ considers there is a lack of discussion and/or assessment in relation to the values of the interior of buildings in order that their exclusion may be justified.

Council's Methodology for evaluating historic heritage significance provides guidance on the inclusion of interior spaces in scheduled places. Whether a place is publicly accessible or in Council ownership is not a consideration. Instead, the Methodology emphasises that the interiors of a building should be considered for inclusion based on its historic heritage value. Where an interior has not able to have been viewed (either via a site visit or using recent photographs), it is not proposed for inclusion in PC82.

Heritage NZ also had concerns that certain elements listed as exclusions within the extent of place for specific historic heritage places or features that are outside the proposed extent of place may have heritage values in their own right. This was noted but no evidence was provided that gave rise to further amendments to evaluations supporting the plan change.

An amendment to one place, Rockcliff at 6A King Edward Parade, Devonport (ID 01107), was made in response to the feedback from Heritage NZ. This place is proposed to be a Category A place in PPC82 as a result of additional information provided by Heritage NZ.

Some errors in the evaluations were highlighted by Heritage NZ and these have been corrected.

In June 2022, Heritage NZ advised Council they supported the proposed addition of places to Schedule 14.1 (that are included in PC81), including the amendments proposed to Our Lady Star of the Sea Church and Cemetery, 28 Picton Street, Howick (ID 01372).

5.2.9 Heritage groups

Council Heritage staff have engaged with some heritage groups in the Devonport-Takapuna, Kaipātiki, Henderson-Massey and Whau local board areas about the re-evaluation of Category A* historic heritage places. Council staff contacted some groups, including Devonport Heritage and Birkenhead Historical Society, about the project and these groups provided information to assist Council staff in the re-evaluation of specific places.

All heritage groups within the local board areas above were sent an email in June 2021 to inform them about the re-evaluation of Category A* places in their area. Information about the project was provided, including the process and timing of the proposed plan change. Heritage groups were invited to provide feedback on the re-evaluation reports; several responses were received, and the information provided was used to update the reports, where appropriate.

6 Evaluation of provisions

6.1 Overview of the amendments

PPC82 amends information in the Unitary Plan for 99 historic heritage places already identified in the Unitary Plan. Amendments are proposed to Schedule 14.1, Schedule 14.3 and the planning maps.

Schedule 14.1 contains the following columns, which include information about each scheduled historic heritage place:

- ID
- Place Name and/or Description
- Verified Location
- Verified Legal Description
- Category
- Primary Feature
- Heritage Values
- Extent of Place
- Exclusions
- Additional Rules for Archaeological Sites or Features
- Place of Māori Interest or Significance

Schedule 14.3 contains historic heritage place maps for some places where information about the primary feature, exclusions and/or the extent of place needs to be illustrated in further detail.

The planning maps show the extent of place associated with each historic heritage place, being the area subject to the provisions of the Historic Heritage Overlay. The RPS directs that the extent of each significant historic heritage place is identified, as follows:

Define the location and physical extent of a significant historic heritage place, having considered the criteria in Policy B5.2.2 (1) to identify:

(a) the area that contains the historic heritage values of the place; and

(b) where appropriate, any area that is relevant to an understanding of the function, meaning and relationships of the historic heritage values.³¹

The specific amendments to Schedule 14.1, Schedule 14.3 and the planning maps proposed in PPC82 are outlined below.

6.2 Amendments to Schedule 14.1

6.2.1 Amendments to ‘Place Name and/or Description’ column

PPC82 proposes amendments to the names of 49 places. These amendments are to make the name of the place more historically correct, or to correct spelling and grammatical errors.

6.2.2 Amendments to ‘Verified Location’ and ‘Verified Legal Description’ columns

PPC82 proposes amendments to the address (known as the ‘Verified Location’ in Schedule 14.1) for 16 places. Amendments to the ‘Verified Legal Description’ are proposed for 21 places.

Amendments to the address and/or legal description of a historic heritage place are for the following reasons:

- to ensure the address and legal description are correct;
- to ensure the address and legal description align with the extent of place identified within the planning maps, or the amended extent of place proposed in PPC82; and
- to ensure the address and legal description align with the Council’s property information, and therefore this information is searchable within the Council’s systems, for both landowners and Council staff.

Some of the amendments to the Verified Legal Description column are to add the legal description for a place in Schedule 14.1, because the schedule does not currently include one.

6.2.4 Amendments to Category column

PPC82 proposes to amend the ‘Category’ column for nearly all the historic heritage places within the plan change except those places that are proposed to be deleted or merged.

For all places where the category is proposed to be amended, the historic heritage place is Category A* and has been re-evaluated to determine its values and evaluate its significance in relation to the criteria and thresholds set out in the RPS.

The RPS sets out the criteria and thresholds for various categories of historic heritage place:

- Category A places are those that are of outstanding significance well beyond their immediate environs, and

³¹ RPS Policy B5.2.2(2)

- Category B places are those that are of considerable significance to a locality or beyond.³²

Of the Category A* places re-evaluated for PPC82, 21 are proposed to be Category A and 59 are to be Category B. The proposed category of each place is shown in **Attachment A**.

6.2.5 Amendments to ‘Primary Feature’ column

The primary feature forms the fundamental basis for scheduling a historic heritage place³³. Schedule 14.1 includes a column for the identification of the primary feature or features. PPC82 proposes the identification or amendment of primary features for 36 historic heritage places. The re-evaluation of each Category A* place has, in some cases, led to the identification of additional primary features for a place or resulted in a better description of the primary feature(s) of a place.

The identification of a primary feature is a key part of the management approach of the Historic Heritage Overlay. The rules in the overlay are structured to provide a specific, and a more restrictive, activity status for activities affecting the primary feature of a scheduled historic heritage place, compared to activities occurring within the wider extent of place and/or affecting features that are identified as exclusions.³⁴

6.2.6 Amendments to ‘Heritage Values’ column

Schedule 14.1 includes a column to identify the heritage values for each place. These values, which are called ‘criteria’ in the RPS³⁵, are listed in Schedule 14.1 where they have been evaluated to be of a considerable or greater value in relation to a place. The values are referenced with the following letters: (a) historical; (b) social; (c) Mana Whenua; (d) knowledge; (e) technology; (f) physical attributes; (g) aesthetic; and (h) context.

PPC82 proposes amendments to the ‘Heritage Values’ column for most of the historic heritage places within the plan change because the re-evaluation of these places has provided more extensive information with which to identify the values that apply to each place.

6.2.7 Amendments to ‘Extent of Place’ column

Schedule 14.1 includes the ‘Extent of Place’ column, which provides information about where the extent of place for each scheduled historic heritage place can be found. In most cases, this column refers plan users to the planning maps. No changes are proposed to this column in PPC82, except for places proposed to be deleted or merged (see Section 6.3 below).

6.2.8 Amendments to ‘Exclusions’ column

Some historic heritage places have identified exclusions in Schedule 14.1, for example garages or other accessory buildings or the interiors of buildings. Features listed as exclusions do not contribute to, or may detract from, the values for which the historic heritage place has been scheduled³⁶. Activities affecting features identified as exclusions in Schedule 14.1 are

³² RPS B5.2.2(4)

³³ D17.1 Background

³⁴ D17, Table D17.4.1 and Table D17.4.2

³⁵ RPS B5.2.2(1)

³⁶ D17.1 Background

either permitted (if the feature is freestanding or is the interior of a building) or require consent as a controlled activity (if the exclusion is attached to a scheduled feature)³⁷.

PPC82 proposes amendments to exclusions for 41 places, which consist of:

- amendments to add exclusions, where additional features that do not contribute to the heritage values of the place or detract from these values have been identified;
- changes to the wording of existing exclusions, including where the exclusion is incorrect or unclear; and
- the deletion of specific exclusions, including where the proposed amendment of an extent of place no longer covers the identified exclusion, or where the interior has been assessed as having heritage value (and should therefore not be identified as an exclusion).

As with primary features, the identification of exclusions is a key part of the management approach of the Historic Heritage Overlay, as it helps to ensure that the appropriate level of management is applied to any development proposed, in relation to the historic heritage values of each place.

6.2.9 Amendments to ‘Additional Rules for Archaeological Sites or Features’ column

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’ column³⁸. 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.

PPC82 proposes to add ‘Yes’ to the Additional Rules for Archaeological Sites and Features column for nine places. The re-evaluation of these places, several of which are cemeteries, identified that the places contain archaeological sites or features that should be managed by the Historic Heritage Overlay.

6.2.10 Amendments to ‘Place of Māori Interest or Significance’ column

Schedule 14.1 identifies scheduled historic heritage places that are sites or places of significance to Mana Whenua by the inclusion of ‘Yes’ in the ‘Place of Māori Interest or Significance’ column. Places identified in this way in Schedule 14.1 may also be subject to the provisions of the Sites and Places of Significance to Mana Whenua Overlay³⁹. No changes are proposed to this column, except for places that are proposed to be deleted or merged.

³⁷ Table D17.4.1, Table D17.4.2, and Table D17.4.3

³⁸ D17.1 Background

³⁹ D21 Sites and Places of Significance to Mana Whenua Overlay

6.3 Amendments to delete or merge places

6.3.1 Deletions

The thresholds for including a place in Schedule 14.1 are outlined in the B5.2.2(3) of the RPS, which states:

Include a place with historic heritage value in Schedule 14.1 Schedule of Historic heritage if:

- (a) the place has considerable or outstanding value in relation to one or more of the evaluation criteria in Policy B5.2.2(1); and*
- (b) the place has considerable or outstanding overall significance to the locality or greater geographic area.*

For 14 historic heritage places that were re-evaluated as part of PPC82, the recommendation determined the place did not meet the RPS criteria and thresholds for scheduling⁴⁰. PPC82 therefore proposes to delete these places from Schedule 14.1 and the planning maps. The other place that was evaluated as not meeting the RPS thresholds, the Nothing Happened plaque in Devonport (ID 01168), is proposed to be merged, as discussed below.

The deletion of historic heritage places from Schedule 14.1 and the planning maps will ensure that the Historic Heritage Overlay does not apply to those places and will prevent unnecessary consent activity being generated in relation to these places.

6.3.2 Merged places

The re-evaluation of some individual historic heritage places has resulted in a recommendation to merge some places, where the values of individual places are closely related.

The Category A* Castor Bay Battery complex (ID 01060) and the Category A Red Bluff/Castor Bay Battery recreation hut (former) (ID 02686) are proposed to be merged into one place. The former recreation hut is within and is part of the wider battery complex. As the two historic heritage places currently are identified in Schedule 14.1 under different categories, it has not been considered appropriate to merge these places previously. The re-evaluation of the Castor Bay Battery complex recognises the place is of outstanding significance at a regional and national level, and recommends the place is a Category A. The re-evaluation of this place also recommends the former recreation hut be combined with the wider battery complex. It is therefore proposed that the entry for ID 02868 be deleted from Schedule 14.1 and the planning maps, and the former hut be recognised as a primary feature in Schedule 14.1 for the Castor Bay Battery complex.

Four historic heritage places are proposed to be merged into one place proposed to be called the Windsor Reserve commemorative landscape. The four places, Hydrographic

⁴⁰ The places that are proposed to be deleted are: Gillespie House (former) (ID 00854), Clement Wragge Gardens complex (ID 00906), Lymington Castle (ID 00932), Masonic Tavern (ID 01108), Shell path (ID 01147), Magazine Rock (ID 01157), Original Devonport Wharf site (ID 01160), Execution Site plaque (ID 01161), Boat Building Industry plaque (ID 01162) and D'Urville of the Astrolabe plaque (ID 01163)

Survey Station and mast (ID 01150), Fountain (ID 01152), Memorial to J.P. Mays and H. Frankham (ID 01154) and Nothing Happened plaque (ID 01168) are all located within the Windsor Reserve in Devonport. The fountain and memorial to J.P. Mays and H. Frankham were once two features of the same place but were separated at some stage in the past. The current extents of place for these places are overlapping in some areas. It is therefore recommended these historic heritage features be managed collectively as one historic heritage place.

6.4 Amendments to Schedule 14.3

Schedule 14.3 contains maps for specific historic heritage places where the information contained in Schedule 14.1 and the planning maps is not of sufficient detail to illustrate the values of the place.

PPC82 proposed to add two maps to Schedule 14.3, for St Peter's Rural Training School (former)/St Peter's Māori College (former)/Hato Petēra College (former) in Northcote (ID 00912) and the Esplanade Hotel in Devonport (ID 01120).

Hato Petēra College contains more than 15 buildings and structures, some of which are primary features and others that are identified as exclusions. The map proposed to be added to Schedule 14.3 will show these features.

For the Esplanade Hotel, a map is proposed to be added to Schedule 14.3 to show areas of the ground floor in the interior of the hotel that are identified as exclusions. It is clearer to show this information in a map than try to describe it in words in the exclusions column of Schedule 14.1.

The proposed amendments to Schedule 14.3 can be found in **Attachment B**.

6.5 Amendments to the Planning maps (extent of place)

As outlined above, the planning maps identify the extent of place for each scheduled historic heritage place. This is shown as a purple cross-hatched polygon (Historic Heritage Overlay Extent of Place).⁴¹ The extent of place is the area where the provisions of the Historic Heritage Overlay apply.

Guidance is provided in the Methodology to assist in the identification of an appropriate extent of place. The approach to establishing an extent of place considers information including the location of historical boundaries of the place, the heritage values of the place, how the place is perceived at present and any modified areas that may be appropriate to exclude.

PPC82 proposes amendments to the planning maps for around half the historic heritage places subject to the plan change. Amendments to the extent of place of a historic heritage place are recommended where:

⁴¹ Some scheduled historic heritage places do not have a Historic Heritage Overlay Extent of Place shown in the planning maps. Instead, these places are shown as a Historic Heritage Overlay Place, with a purple dot only.

- the re-evaluation of each place has identified historic heritage values in an area wider than the existing extent of place,
- the re-evaluation has identified that the values are represented in a smaller area, or
- the place only had a dot identifying it in the planning maps and an extent of place has now been identified.

In some cases, it is proposed that the road reserve be removed from the extent of place, where the identified historic heritage values do not extent onto the footpath and/or into the street.

The identification of an extent of place is a key part of the management approach of the Historic Heritage Overlay, as it defines the geographic area that is subject to the provisions of the overlay. The identification of an extent of place for each scheduled historic heritage place according to the values of the place is a key method of ensuring the appropriate management of Tāmaki Makaurau Auckland’s significant historic heritage values.

7 Conclusion

PPC82 seeks to amend Schedule 14.1 for 99 historic heritage places, including the deletion of 14 places and to amend the planning maps for some places. The amendments proposed in PPC82 will identify the category status of each historic heritage place and, where appropriate, update information for each place. The amendments enable the provisions of the Unitary Plan Historic Heritage Overlay to apply appropriately to these historic heritage places, will assist in their protection and management, and will assist them to be used in a manner appropriate to their historic heritage values.

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

1. PPC82 is consistent with the purpose of sustainable management in Section 5 of the Act and the principles within Sections 6, 7, and 8 of the Act, and within Part 2 of the Act.
2. PPC82 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, PPC82 is consistent with the objectives and policies of the 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 amendment of historic heritage places identified in Schedule 14.1, including the deletion of 14 historic heritage places, and merging of some places, 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

Attachment B – Amendments to Schedule 14.3 Historic Heritage Place maps

Attachment C – Amendments to Planning maps

Attachment D – Index