

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

Report to Auckland Council
Hearing topic 032
Schedule of historic heritage
July 2016

Report to Auckland Council - Hearing topic 032 Schedule of historic heritage

Contents

1.	Hearing topic overview	3
1.1.	Topic description	3
1.2.	Summary of the Panel's recommended changes to the Proposed Auckland Unitary Plan.....	3
1.3.	Overview	4
1.4.	Scope.....	6
1.5.	Documents relied on	6
2.	Heritage New Zealand submission	7
2.1.	Statement of issue and Panel recommendation and reasons	7
3.	Housing New Zealand submission	15
3.1.	Statement of issue and Panel recommendation and reasons	15
4.	Cornwall Park Trust Board submission.....	18
4.1.	Statement of issue and Panel recommendation and reasons	18
5.	The Roman Catholic Bishop of the Diocese of Auckland submission	19
5.1.	Statement of issue and Panel recommendation and reasons	19
6.	Smith and Caughey Limited	21
6.1.	Statement of issue and Panel recommendation and reasons	21
6.2.	Khartoum Place Suffragette Memorial	23
6.3.	MOTAT, 805 Great North Road.....	23
6.4.	Former convent, 454 Great North Road, Grey Lynn	24
6.5.	St Ann's Residence, 43 Arney Road, Remuera	24
6.6.	116 Balmoral Road, Balmoral.....	25
6.7.	Marivare Reserve memorial arch, Epsom.....	26
6.8.	Bakehouse, 26-28 Princes Street, Onehunga Mall	26
6.9.	23 and 27 Tui Brae, Beachlands	26
6.10.	55 Kolmar Road, Papatoetoe	27
6.11.	Birkenhead bus depot, 2-22 Verrans Corner	28
6.12.	Oakley Hospital Main Building, 1 Carrington Road, Mt Albert	28
6.13.	8 Minnehaha Avenue, Milford.....	29
6.14.	Bomb Point, Hobsonville	29
6.15.	46 Quebec Road, Milford.....	30
6.16.	St John's Church, Drury	31

6.17. Karangahape Road Business Character area	32
6.18. Woodward Road – proposed historic heritage area	33
7. Consequential changes.....	33
7.1. Changes to other parts of the plan	33
7.2. Changes to provisions in this topic	33
8. Reference documents	33
8.1. General topic documents.....	34
8.2. Specific evidence	34

1. Hearing topic overview

1.1. Topic description

Topic 032 addresses the regional coastal plan/district plan provisions of the Proposed Auckland Unitary Plan relating to:

Topic	PAUP reference	IHP reference
032 Historic heritage schedules	Appendix 9.1 Schedule of Historic Heritage Places and introductory text	Schedule 14.1 Schedule of Historic Heritage
	Appendix 9.2 Historic Heritage area statements of significance	Schedule 14.2 Historic Heritage Areas- Maps and statements of significance
	Appendix 9.3 Historic Heritage Place maps	Schedule 14.3 Historic Heritage Place maps

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

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

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

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

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

- i. Changes to the introductory text in Appendix 9.1 Schedule of Historic Heritage Places to improve their usability (now Schedule 14.1).
- ii. Combining Appendix 9.2 Historic Heritage area statements of significance and Appendix 9.3 Historic Heritage Place maps so that users can find all the relevant information in one place (now Schedule 14.2).
- iii. Additions, deletions and amendments to individually scheduled historic heritage places, including the historic heritage areas. These amendments are set out in the Appendix 9.1 and 9.2 as amended and shown on the planning maps on the GIS viewer as amended extents of place where applicable. The Council's closing comments version of the schedules was used as the base for these additions, deletions and amendments.

- iv. A number of additions and alterations to the schedule resulted from the evidence of Heritage New Zealand Pouhere Taonga and many of these align the Heritage New Zealand list with the schedules.

1.3. Overview

The notified Schedule of Historic Heritage Places contained more than 2000 individual items and 19 historic heritage areas that were accompanied by statements of significance and maps (Appendices 9.1, 9.2 and 9.3).

There were a large number of submissions on the schedule however by the time of the hearing there were less than 60 places on the schedule that were in contention. In opening legal submissions, legal counsel for the Council remarked “there is generally a high level of support for the Schedule as proposed to be amended by the Council” (paragraph 1.7).

This high level of agreement was due in part to the resolution of many matters as a result of mediation, direct discussions and informal discussions that took place prior to the hearing. During the hearing, other matters were resolved and agreements reached between the Council and submitters or between submitters, for example following consultation, Heritage New Zealand withdrew its submission point seeking Category A status for the Auckland Baptist Tabernacle (FS1619).

There was also a substantial level of agreement with the criteria for identifying historic heritage places of outstanding or considerable significance, the methodology for scheduling these places and the Plan provisions (see the Panel’s Report to Auckland Council on Hearing topic 010 and Topic 031).

Given this high level of agreement, this report addresses the matters that remained in contention at the conclusion of the hearing.

In making recommendations on site specific matters the Panel has relied on the Council’s updated schedules and maps in accordance with its position at the time of its closing statement.

This information has been used as the basis for making recommendations by the Panel in terms of the principles set out below.

- i. **Where there is agreement** between the Council and a submitter the Panel has accepted the Council’s recommendation without change on the basis that it reflects the agreement reached.
- ii. **Where matters are disputed**; if the Council has provided expert evidence, but a submitter or further submitter has not done so, then the Panel accepts the recommendation of the Council’s witnesses, except where:
 - a. the Panel has questioned Council’s experts and is not satisfied that the evidence supports the approach proposed; or
 - b. written evidence provided in support of a submission includes substantive expert evidence to the extent that enables an alternative assessment to be undertaken, and the Panel prefers the submitter’s evidence to the Council’s.
- iii. **Where matters are disputed at hearing** the Panel has made a recommendation based on the merits of the evidence (including any mediation

or other pre-hearing process), and the consideration of the matters addressed at the hearing.

- iv. **Where additions to a schedule are proposed** and the Council did not provide evidence in support of an addition, the Panel has been satisfied;
 - a. that the landowner was advised of the proposal and has had an opportunity to express their opinion, and
 - b. the expert evidence provided enabled the Panel to conclude that it met the relevant criteria for inclusion.
- v. **Where additions to a schedule** have been proposed and the Panel considers that they have merit to be considered for inclusion, but the matters in (a) and (b) above have not been able to be met, then the Panel has recommended that these be considered for inclusion through a future plan change process.

Procedural Minute 6 sets out the Panel's directions with respect to submissions that seek specific changes to modify, add or delete site specific provisions. The approach set out in this report underpins these principles and their application to submissions.

As stated above, any submitter seeking additions to the Schedule must satisfy the Panel that the requirements of this direction have been satisfied. Heritage New Zealand (371, FS3345), a statutory body with responsibilities for historic heritage protection, sought a number of additions to the Schedule. Most of these additions were items already included in the Heritage New Zealand List. Their inclusion in the Schedule was requested to ensure alignment of the two registers and to trigger consideration of Heritage New Zealand as an affected party if an application for resource consent was made involving a place on the Schedule that is also on the Heritage New Zealand List. The Panel is satisfied that Heritage New Zealand has met the requirements of Procedural Minute 6 (legal submissions for Heritage New Zealand, paragraphs 10-15) and accordingly, recommends that all of the additional places requested are included in the Schedule (see evidence in chief, Robin Byron). The inclusion of the Farmer's tearooms was the only addition sought that was contested at the hearing. For the reasons set out in the section 2.1.11 below, the Panel considers that the tearooms should be added to the Schedule on the merits.

A number of submitters sought additions to the schedules but had not complied with Procedural Minute 6: Remuera Heritage (5347, FS2235), Parnell Heritage (3770, FS2910), Devonport Heritage (3263), Civic Trust Auckland (6444) and Alan Bray (7222). With the exception of Auckland Civic Trust, none of these submitters presented expert evidence evaluating the extent to which their nominated sites satisfied the criteria for scheduling. Accordingly, the Panel does not support the addition of any of these places to the schedule because the landowners were not made aware of the requests and there was insufficient evidence supporting the recommendations. The Panel anticipates that the Council will consider these nominations when planning its future workload. In particular, Parnell Heritage made a good case that the industrial buildings in The Strand and vicinity have historic heritage merits and should be evaluated as a matter of priority.

Under the Housing Accords and Special Housing Areas Act 2013, Wesley now has operative zoning. As part of that approval, the W H Smith Memorial Chapel, 801 Paerata Road, Pukekohe was identified as an historic heritage place. Accordingly, it has been added to the schedule as a Category B place [ID02733].

1.4. Scope

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

Matters considered by the Panel to be beyond the scope of submissions are:

- i. 23 and 27 Tui Brae, Beachlands – out of scope deletion (see section 6.9 below);
- ii. Fisher and Paykel Home, 42 St Stephen's Avenue - reduction in extent of place (legal submissions, Council, paragraph 10.4).
- iii. Smith and Caughey Limited, Queen/Elliott Streets, City Centre – correction to extent of place (see section 6.1 below).

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

1.5. Documents relied on

Documents relied on by the Panel in making its recommendations are listed below in Section 8 Reference documents.

2. Heritage New Zealand submission

2.1. Statement of issue and Panel recommendation and reasons

2.1.1. St Jude's Church and Hall, Avondale

The issue is whether the Hall co-located with the St Jude's Church, Avondale [ID01860] should be included within the extent of place as proposed by Heritage New Zealand (371-343)

The General Trust Board of the Anglican Diocese of Auckland opposes further restrictions being imposed on their property without consultation and contend there is not enough information relating to these two sites to make changes to the schedule (summary statement, Ms Clare Covington paragraphs 14 - 17). For Heritage New Zealand, Mr Duncan McKenzie said that he had written to the General Trust Board telling them that there had been a submission lodged and inviting them to participate in the further submission process if they supported or opposed the original submission (evidence in rebuttal, paragraphs 3.1 – 3.5). Mediation was also available during the process. The Panel accepts that Heritage New Zealand complied with the directive in Procedural Minute 6 and that the General Trust Board was informed as required. It was open to the General Trust Board as to how it wished to respond, if at all.

Neither the Council nor the General Trust Board provided expert heritage or planning evidence on this issue.

The Panel agrees with Ms Robin Byron, heritage architect for Heritage New Zealand, that the Hall is an important inclusion within the extent of place for St Jude's Church for the reasons set out at paragraphs 3.40 – 3.44 of her evidence in chief. Accordingly, the extent of place is amended to correspond with the area identified in the Heritage New Zealand List.

2.1.2. St Augustine's Church and Hall, Devonport

The issue is whether the interior of the Hall co-located with St Augustine's Church, Devonport [ID01166] should be protected in the schedule as proposed by Heritage New Zealand (371-312).

The General Trust Board of the Anglican Diocese of Auckland opposes further restrictions being imposed on their property without consultation and contend there is not enough information relating to these two sites to make changes to the schedule (summary statement, Ms Clare Covington paragraphs 14-17).

Neither the Council nor the General Trust Board of the Anglican Diocese of Auckland provided expert heritage or planning evidence on this issue.

The Panel agrees with Ms Robin Byron, heritage architect for Heritage New Zealand, that the interior of the Hall has intact original features. The building is associated with Edward Bartley, a notable architect. For the reasons set out at paragraphs 3.45 – 3.49 of her evidence in chief, the Panel supports the protection of the Hall's interior. Accordingly, the list of exclusions as notified is amended by deleting reference to the interiors of the Hall.

2.1.3. St Brides Church, Mauku

Heritage New Zealand (371-144) seeks to upgrade St Brides Church [ID01504] from Category B to Category A and protection of the interiors.

Having considered the evidence in chief of Ms Byron, the Panel confirms the change from Category B to A status and deletes reference to the interiors from the exclusions. In other words, the interiors are to be protected because of their exceptional significance as described in the conservation plan prepared by David Pearson, heritage architect, 2013.

2.1.4. St Mary's (Convent) Chapel, 9-17 New Street, St Mary's Bay

Heritage New Zealand sought protection of the interiors of this chapel.

The McAuley Trust opposed this request but did not present any evidence on the matter.

The Panel agrees that the interior of this chapel should be protected (by removing interiors from the exclusions column) for the reasons set out in the evidence in chief of Robin Byron (paragraphs 3.167-3.174). For the avoidance of doubt, the Panel confirms that this protection applies to the architectural elements of the interior such as roof trusses and not to the historic artefacts, furniture or stalls. The church must be able to conduct services according to its own precepts and customs therefore these items are exclusions.

2.1.5. Remuera Railway Station

The issue is whether the station and signal box [ID01684] should be Category B as notified or Category A as proposed by Heritage New Zealand (371-244).

Kiwirail opposed this request.

Neither Kiwirail nor the Council provided expert planning or heritage evidence on this request.

The Panel agrees with the reasons for Category A status set out in the evidence of Ms Robin Byron, heritage architect for Heritage New Zealand (evidence in chief, paragraphs 3.50 – 3.53). In particular, the Panel agrees with the statement in paragraph 3.53:

Given its integrity, it's now rarity, having an integral and original relationship with its signal box, and being the best of Auckland's historic suburban stations, it warrants elevation from a B to A in its heritage categorisation.

Accordingly, the Panel supports the scheduling of the 'Remuera Railway Station and Signal Box' as Category A and adopts the extent of place and description proposed by Heritage New Zealand.

2.1.6. Civic Administration Building, 1 Greys Avenue

Heritage New Zealand continues to seek the addition of the Civic Administration Building to the schedule as a Category A item (371-179).

The Council disagrees and seeks Category B status.

There was agreement between the heritage experts, Megan Walker for the Council and Robin Byron for Heritage New Zealand, that this place merits a Category A scheduling. Two other heritage assessments confirmed this status (Salmond Reed Architects 2012; Archifact 2014).

The planning witnesses disagree as to the appropriate category. Their disagreement concerns (amongst other things) the thresholds for demolition and how these may affect re-cladding of the building and other remediation works. This matter was partly resolved in subsequent discussions. The Panel notes that amendments to the Historic Heritage provisions have resulted in 'demolition' being calculated on 'volume or footprint whichever is the greater'. Compared to the notified provisions, this is more enabling of remediation works notwithstanding retention of prohibited activity status for demolition of the primary features of a Category A place in excess of 70% by volume or footprint whichever is the greater. Accurate description of the primary features assists interpretation of the demolition rules.

The Panel agrees that the Civic Administration Building merits inclusion in the schedule as a Category A place due to its outstanding historic heritage significance. Category A status is an appropriate level of scheduling because this building is one of the country's 20 most important modern buildings (evidence in chief, Robin Byron, paragraph 1.4, page 32). The Panel considers that this is an appropriate way to protect a place of this merit. Further, the Panel considers that the activity status for demolition and modifications is reasonably enabling and agrees with Duncan McKenzie for Heritage New Zealand that if total demolition is the path then that deserves to be thoroughly tested (evidence in chief, paragraph 6.20). For these reasons, the Civic Administration Building is added to the schedule as a Category A place as sought by Heritage New Zealand. The connecting bridge to the Aotea Centre is provided for in the exclusions.

2.1.7. McDonald's, Queen Street, City Centre

Heritage New Zealand seeks to amend the schedule ID 02039 'Auckland Savings Bank Building - Head Office (former)', 256-260 Queen Street, [Auckland Central], from Category B to Category A.

McDonald's Restaurants (NZ) Limited (FS2925) contends that the building should remain as a Category B place.

Auckland Council did not call evidence on this matter.

Ms Byron for Heritage New Zealand and Mr David Pearson for McDonalds (NZ) Ltd do not differ markedly in their descriptions of the historic heritage values of this building. However, there is disagreement as to whether the building has outstanding significance (Category A) or considerable significance (Category B).

Adaptive use of this building has occurred since the restaurant was established in 1977 and Ms Byron acknowledges the responsible way in which McDonald's sought to maintain the values associated with the place through a recent upgrade (evidence in rebuttal, paragraph 3.18). The Panel notes that satisfactory historic heritage outcomes have been achieved while the building was scheduled as a Category B place.

The Panel prefers the evidence of Mr David Pearson, heritage architect for McDonald's, who has recently completed a heritage assessment of the building. Mr Pearson concluded (evidence in chief, paragraphs 3.7 and 3.8):

In summary, the Queen Street façade, the former banking chamber, the spiral stairs and the boardroom were considered in our heritage assessment to have high heritage values. The remaining internal spaces and the Lorne Street elevation were assessed as having moderate heritage values or some significance.

With the amount of change that has occurred internally, I consider that a Category B rating is appropriate. I believe that the building is of “considerable” rather than “exceptional” overall significance to the Auckland area or greater geographic area. There is nothing in our heritage assessment that leads me to conclude that an upgrade to a Category A rating is warranted. I therefore consider that Category B status is appropriate for the building.

The planning evaluation of Mr Norwell, a planning witness for McDonald's, concluded that (evidence in chief, paragraph 4.13):

The scheduling of the McDonald's building as a Category B place, coupled with the PAUP rules relating to Category B places, in my opinion, strikes an appropriate balance of development and use, with protection of historic heritage.

In light of the outcomes achieved to date, the Panel agrees with the evidence of Mr Norwell and Mr Pearson and therefore supports retention of this building as a Category B place.

2.1.8. Onehunga Wharf

Heritage New Zealand seeks to add 'Onehunga Wharf', 55 Onehunga Harbour Road, Onehunga, to the schedule as Category B (371-168).

Ports of Auckland Limited (5137, FS2139) opposed this request because of its implications for the current use and potential future development of this wharf.

Based on the heritage evidence of Megan Walker for the Council (evidence in chief, paragraphs 7.3–7.6) and Ms Byron, heritage architect for Heritage New Zealand (evidence in chief, paragraph 3.78–3.83) the Panel considers that the Onehunga Wharf meets the threshold for considerable significance (historical, social and context) and therefore scheduling as a Category B place. In coming to this view, the Panel placed greater weight on its long and continuous use as a working wharf than did Mr Wild, heritage architect for Ports of Auckland Limited. The Panel also placed greater weight on the relationship of the wharf to the development of Onehunga, a significant alternative settlement to Auckland in the nineteenth century.

The Panel supports the exclusions as agreed between Mr Alistair Kirk for Ports of Auckland Limited (evidence in chief, paragraph 3.10) and Heritage New Zealand. These enable the wharf to continue operating which is a desirable outcome for both the company and historic heritage protection.

Auckland Council expressed its concern that scheduling the wharves will impact on the activities that would otherwise be permitted such as the provision of public amenities and on meeting health and safety requirements (closing remarks, paragraph 9.97).

The Panel considers that Category B status is enabling of adaptive use and therefore does not agree with the Council's concerns. In the future, if the wharf is developed for another purpose then it is open to the Council to propose a plan change to that end.

For these reasons, Onehunga Wharf is added to the schedule of historic heritage places as a Category B place, subject to the agreed exclusions.

2.1.9. Queen's Wharf and Rainbow Warrior site

These two matters are addressed here for convenience.

Heritage New Zealand seeks to add 'Queens Wharf' [Register number 9500 on the Heritage New Zealand List] to the schedule as a Category A place (including interiors of buildings).

Ports of Auckland Limited (5137, FS2139) opposed this request because it is a critical part of the working Port and because scheduling involves compliance with the historic heritage provisions of the coastal section of the Plan.

Based on the evidence of Megan Walker for the Council and Adam Wild for Ports of Auckland Limited, the Panel considers that Queen's Wharf satisfies the criteria for inclusion as a Category B place. In coming to this conclusion, the Panel took into account the evidence of Robin Byron and Mr Duncan McKenzie for Heritage New Zealand concerning the ongoing use of the wharf for its primary function. Mr McKenzie's disagreed with Ms Rachel Dimery, planning witness for Auckland Council, who considered that scheduling the wharf may result in a significant loss of opportunity for redevelopment. In his opinion, 'it is a well-used public open space, and its retention would not appear to conflict with transport or growth objectives.' To the extent that the coastal environment has a natural character, retention of the wharf would not detract from that. In the Panel's view, Queen's Wharf is already operating as a functional part of the Port and as a public open space while historic heritage is successfully being managed.

For these reasons, the Panel supports inclusion of Queen's Wharf as a Category B place because it meets the threshold for considerable significance (historical, social, knowledge, technology, physical attributes and context). The Panel supports the exclusions as agreed between Mr Alistair Kirk for Ports of Auckland Limited (evidence in chief, paragraph 2.7) and Heritage New Zealand. For clarity, the interiors of buildings are not exclusions.

Ports of Auckland Limited sought deletion of the Rainbow Warrior bombing site [ID02112] from the schedule.

The Panel agrees with Adam Wild's heritage assessment that the place has no particular value given the changes that have taken place to the seabed and Marsden Wharf and accordingly it is removed from the schedule (evidence in chief, paragraphs 4.1 – 4.11).

2.1.10. Greenlane Hospital – Costley Block and Building 5

Heritage New Zealand (371-245, 371-321, 371-340) modified its position prior to the hearing having reached agreement with the Auckland District Health Board as to the extents of scheduling on the site, and retention of Building 5 as a category B place (evidence in chief, Robin Byron, paragraph 3.2). These matters were also agreed by the Council.

Heritage New Zealand continued to seek elevation of the Costley Block [ID01687] from B to A and that the interiors should be included in both the Costley Block and Building 5 scheduling only to include the entry and associated staircases. In Ms Byron's opinion, both buildings are eminently suited for adaptive re-use because of the open space wards affording greater flexibility (paragraph 3.10).

The Auckland District Health Board disputed the Category A listing for the Costley Block and inclusion of the interiors of both buildings.

The Council did not provide expert planning or heritage evidence on this matter.

David Pearson, heritage architect, carried out a heritage assessment of the Costley Block for the landowner (evidence in chief, Attachment B, page 61). His statement of significance shows that the building demonstrates elements of all relevant assessment criteria except

Knowledge. However he has not identified whether these criteria are satisfied to a considerable or outstanding degree. Mr Pearson says (paragraph 6.7):

With respect to the Costley Block, the Auckland District Health Board recognises that the building has significant heritage value and is committed to its long-term retention. Although the exterior is relatively original, the interior was always relatively plain (sic) and has been modified. A Category B rating for the Costley Block is considered appropriate.

While this statement acknowledges the 'significant heritage value' of the building, his overall conclusion is that the building is Category B. In reaching this conclusion, Mr Pearson appears to have taken into account the scope for adaptive re-use given the activity status for works on historic heritage places. Craig McGarr, planning witness for the Auckland District Health Board supports Category B because it enables adaptive re-use (evidence in chief, paragraph 6.5).

The Panel agrees with Ms Byron that the Costley Block should be a Category A place in the schedule because of its outstanding significance summarised as follows (evidence in chief, paragraph 3.7):

The foundational nature of the Costley Block, Home for the Aged Poor, on the site of what was to evolve into the future Greenlane Hospital, located in a restorative environment of open space and fresh air and away from the temptations of city life, and the important direct connection with Edward Costley, make it of outstandingly (sic) significance which in the view of HNZPT merits its elevation from its current category B listing to a category A.

With respect to the entries and staircases of both buildings, the Panel does not consider these should be protected in the schedule. In the Panel's view, which is based on Mr Pearson's assessment, the interior entry and staircase of the Costley Building is not of 'outstanding' significance. Similarly, the entry and staircase of Building 5 is not of 'considerable' significance.

Accordingly, the Panel has changed the Costley Building to Category A, which aligns with its classification on the Heritage New Zealand List, excluding all interiors. Building 5 is confirmed as Category B with exclusions provided for the interiors, recent additions, lift tower and vegetation.

2.1.11. Farmer's Building and tea rooms (Heritage Building)

The issue is whether to add the 'Farmers Building (former)', 35 Hobson Street and 72-80 Wyndham Street and Gorst Lane, Central City, to the schedule as Category B (excluding interior except the upper floor tearooms) as sought by Heritage New Zealand (371-171).

Totem No1 Ltd (FS3841) did not oppose the addition of the Farmer's Building as a Category B place (legal submissions, paragraph 1.5) but did oppose the scheduling of the tea rooms (the only interior element sought to be protected).

The Council did not provide expert planning or heritage evidence on this matter.

For Heritage New Zealand, Ms Byron identified the tea rooms as a place of outstanding significance which warrants protection by inclusion on the schedule. In response to questions from the Panel on adaptive use, Duncan McKenzie, planning witness for Heritage

New Zealand, said that offices are a compatible use of this space whereas apartments are less so because fire separation is required (oral evidence). Ms Byron said that as long as the changes are reversible, then adaptive use of the former tea rooms is acceptable. A ballroom is an example of one such compatible use.

For Totem No 1 Ltd, David Pearson, heritage architect, said that 'there is presently insufficient information to determine whether the Ballroom is of sufficient heritage value to warrant being scheduled' (evidence in rebuttal, paragraph 5.2). It appeared to the Panel that Ms Byron was relying on photographic evidence in coming to the conclusion that the 'room is relatively intact' (evidence in chief, paragraph 3.124). Mr Pearson had carried out a visual inspection but did not have documentary evidence enabling an assessment of the extent to which the tea rooms are intact. Therefore the extent to which the building fabric has been replaced or restored during earlier renovations remains unclear.

Notwithstanding this uncertainty, the Panel considers that the 'tea rooms' meet the criteria for scheduling as a Category B place for its physical attributes because it was designed by Roy Lippincott, a notable architect (Byron, paragraph 3.123). It also has social significance (Byron, paragraph 3.119) to a wider geographic area, historical value (Byron, paragraph 3.125) and aesthetic value (Byron, paragraph 3.123).

Mr Hamish Firth, planning witness for Totem No 1 Ltd, addressed the competing objectives of enabling development with the City Centre and protecting historic heritage places. He said (evidence in rebuttal, paragraph 8.4):

Given the very moderate level (if any) of heritage values that the Ballroom potentially retains, and the significant implications for Totem if the Ballroom is scheduled, I consider that HNZ's relief would impose disproportionate private costs to achieve limited, if any, public benefit. I further consider that the scheduling sought by HNZ would inappropriately, and unduly, restrict Totem's opportunities and flexibility in re-developing the Ballroom.

The Panel has considered the private costs of scheduling and concluded that the wide range of uses permitted in the City Centre zone, the availability of adaptive uses such as offices and the Restricted Discretionary activity status of modifications to a scheduled place do not impose unreasonable restrictions on the landowner.

For these reasons, the Panel supports protection of the 'tea rooms' in the schedule as part of the overall Category B status of the Farmer's Building (former). Accordingly, the 'tea rooms' are identified as an exception to the general exclusion of interiors.

2.1.12. Espano Flats, 20 Poynton Terrace, City Centre

Heritage New Zealand sought the addition to the schedule of the Espano Flats as a Category B place (371-377). Tom Rodwell and Colleen Davis (FS2587) supported this request. They confirmed that Heritage New Zealand had written to every apartment owner and that the matter was raised at an annual general meeting of the Body Corporate. Salmon Reed Architects are leading the implementation of the long-term maintenance plan.

The Panel is satisfied that the requirements of Procedural Minute 6 have been met. On the basis of Ms Byron's opinion (evidence in chief, paragraphs 3.153 – 3.156) which is supported by Mr Rodwell and Ms Davis, the Panel agrees to include the Espano Flats as a Category B place (A, F, G, H). The interiors are identified in the column for exclusions.

2.1.13. Onehunga Mall Historic Heritage Area

Heritage New Zealand supported retention of the Onehunga Mall Historic Heritage area whereas Auckland Council proposed its removal from the schedule.

As explained by Duncan McKenzie for Heritage New Zealand (evidence in chief, section 9), Heritage New Zealand did not directly submit in support of this provision and therefore his evidence may be out of scope. The Panel confirms this.

In reliance on the evidence in chief of Richard Bollard for the Council, the Panel has removed the Onehunga Mall Historic Heritage area from the schedule.

2.1.14. Symonds Street cemetery

The Panel recommends including the Jewish cemetery in the new Karangahape Road Historic Heritage area (see 6.17 below for a full discussion).

2.1.15. Matters of agreement

By the time of the hearing, a number of outstanding matters had been resolved between Heritage New Zealand and various submitters. The Panel accepts these agreements and records them here for completeness.

- i. Levy Building, 20 Customs Street East; added to the Schedule as Category B. Refer planning evidence in chief for Vijay Lala for Britomart Group Company, paragraph 19 (FS 2908).
- ii. Tiritiri Matangi Lighthouse, Coppermine Engine House, Kawau Smelting House, North Head, and Fort Takapuna.; all changed from Category B to A by agreement with Department of Conservation.
- iii. Auckland Baptist Tabernacle (FS1619). Heritage New Zealand withdrew its submission so the place remains Category B.
- iv. Bean Rock Lighthouse; changed from Category B to A by agreement with Ports of Auckland Ltd.
- v. Chelsea Sugar Refinery. Heritage New Zealand has withdrawn its submission points requesting the interiors of buildings be included in the scheduling, except in relation to the Cistern House. It has also withdrawn its submission point seeking to match the existing extent of place to the Heritage New Zealand list. The parties agreed that the New Zealand Sugar Company Limited will retain two cistern tanks; the two cistern tanks will not be retained in situ; and that these may be relocated within the refinery (legal submissions, NZ Sugar, paragraphs 10 – 12).
- vi. St Benedict's Church, Newton – change from Category B to A by agreement with Roman Catholic Diocese (evidence in chief, Robin Byron, paragraph 3.92).
- vii. St John the Baptist, Parnell – change from Category B to A, protect interiors and defined extent of place – all by agreement with Roman Catholic Diocese (evidence in chief, Robin Byron, paragraph 3.103).

3. Housing New Zealand submission

3.1. Statement of issue and Panel recommendation and reasons

3.1.1. 9A-9F Kerr Street, Devonport

This complex of 3 state house duplexes is Category B [ID01206]. Housing New Zealand accepted that the buildings should be scheduled (evidence in chief, Amelia Linzey, paragraph 80). However, at the hearing there was some uncertainty as to Housing New Zealand's preferred extent of place.

For the Council, Ms Freeman reviewed and endorsed the heritage inventory prepared by the former North Shore City Council (evidence in chief, paragraph 6.4). Mr Pearson, heritage architect for Housing New Zealand did not carry out an evaluation but agreed that the complex may satisfy the criteria as Category B. The Panel therefore accepts that this complex is Category B based on the evidence of Ms Freeman and the extent of place is retained as notified. The three duplexes are to be identified as the primary feature.

3.1.2. Wesley School memorial, 54 McCullough Avenue

The Corporation made a primary submission (839-9595) seeking to remove a site at 52, 56 and 58 McCullough Ave from the Historic Heritage Schedule. The scheduled site relates to the memorial to Wesley school [ID01206] which sits in the road reserve adjacent to the Corporation's property. The notified extent of place of the site blocks the vehicle access way of the three of the Corporation's sites (52, 56, 58 McCullough Avenue; see evidence in chief, Amelia Linzey, paragraph 85).

The Panel confirms that the memorial warrants scheduling and has retained the notified extent of place. The driveways, and their repair and maintenance, are added as exclusions.

3.1.3. 2/48 Nikau Road

The Corporation sought removal of 2/48 Nikau Road from the Nikau Road and Awa Street historic heritage area [ID02565] on the grounds that this is a contemporary dwelling with no heritage value, and is identified as a non-contributing site within the area (legal submissions, paragraph 40). The rear property at 1/48 Nikau Road was removed from the historic heritage area by agreement.

Ms Jane Mathews, heritage expert for the Council, said that the front house at 2/48 Nikau Road, while not a railway workers' house, is located in between two railway workers' houses. In her opinion, it is appropriate to consider any future redevelopment of this property in relationship to the adjacent railway workers' houses (evidence in rebuttal, paragraph 4.2). The Panel agrees with Ms Mathews, having considered all of the evidence and in particular, the photographs. Accordingly, the dwelling at 2/48 Nikau Road remains within the historic heritage area as a non-contributing building.

3.1.4. 38 Lippiatt Road

In the Lippiatt Road historic heritage area [ID02564], the Corporation sought removal of the site at 38 Lippiatt Road because this building is not a Pegler Brothers bungalow and does not contribute to the identified heritage values of the area (legal submissions, paragraph 42).

This property was shown as a non-contributing building in the map relating to this historic heritage area.

There was agreement between the heritage experts that this building is not a Pegler Brothers bungalow but they differed as to whether it should be retained as a non-contributing building. Mr Pearson's assessment shows that it is from a different era and therefore does not qualify for inclusion (evidence in chief, Attachment 14). Ms Linzey's planning opinion is that inclusion will limit the Corporation's ability to develop its land to provide for the needs of its tenants (evidence in chief, paragraph 4.9).

Ms Mathews said that the area as a whole contains a cohesive 1930s character with bungalow type housing and that the historic heritage area reflects both historic heritage and amenity values as a result of its historic development (evidence in rebuttal, paragraphs 5.1 and 5.2).

The Panel agrees with the Council that this area is cohesive and considers that because 38 Lippiatt Road is a front side, any new development has the potential to adversely affect its historic heritage and amenity values. It is appropriate therefore to retain 38 Lippiatt Road within the historic heritage area as a non-contributing building. It is a Controlled Activity to demolish 30% or more of a non-contributing building and new buildings are Restricted Discretionary in historic heritage areas. These activity statuses enable the Corporation to undertake development or redevelopment of the site as long as the proposal does not detract from the values being protected.

3.1.5. 177, 179, 181 Lake Road, Devonport

The Corporation seeks the removal of these Category B properties from the schedule [ID01222] because the Council has not demonstrated that these sites are of considerable historic significance.

When the schedule was compiled, these houses were rolled over from the Auckland Council District Plan: Operative North Shore section without further evaluation. The Council did not call evidence supporting its position that they remain on the schedule.

For the Corporation, Mr Pearson concluded that the houses have some significance under three of the criteria cited in the Proposed Unitary Plan by which places can be assessed as having heritage value. However he did not consider that they are of considerable overall significance to a locality or greater geographic area. There are various other examples of houses of this design in the Auckland area, including groups of two and three e.g., Vercoe Street, Mt Roskill (evidence in chief, Attachment 8). In answer to questions, Mr Pearson said that these houses are based on a typical plan and that houses built to this plan type are of no value to the Corporation especially because their interiors are unsuitable for modern living. In his opinion, there is no need to schedule an example of this plan type.

The economic evidence of Mr Heath and Mr Osborne identified the economic costs of scheduling these sites which are located in the Residential – Mixed Housing Urban Zone.

The Panel agrees with the Corporation that these houses do not meet the criteria for scheduling as Category B based on the uncontested evidence of Mr Pearson. There is a high opportunity cost in protecting these sites given this is an ideal location for intensification. For these reasons, the Panel has removed these properties from the schedule.

3.1.6. 44 Symonds Street, City Centre

The key issue is whether the Symonds Street flats should remain on the schedule as a Category A historic heritage place.

The flats are boarded up and have been unoccupied for several years due to their deteriorating condition.

Both Ms Freeman, heritage specialist for the Council, and Mr Pearson, heritage architect for the Corporation, agree that the Symonds Street flats meet the criteria for scheduling as Category A because they have outstanding historic heritage significance. Mr Pearson considered there was a case for partial scheduling with the block facing Symonds Street being retained because of its contribution to the character of Symonds Street (Attachment 25, paragraph 4). The rear block would not be scheduled enabling its demolition and replacement. Ms Freeman considered this proposal and in her opinion, it is an 'inappropriate and unacceptable outcome for a heritage place that is contrary to good practice heritage management' (evidence in rebuttal, paragraph 6.11). In her view, 'retention of half the building is preferable to none of it however the values of the street-facing portion would be so severely diminished that the flats would no longer meet the threshold as a Category A place' (paragraph 6.13).

The opinions of the planning witnesses also differed. Ms Rowe for the Council considered that inclusion in the schedule does not place undue burden on the ability to use and develop this site 'particularly given its national heritage significance, and its place in the broader state housing portfolio' (evidence in rebuttal, paragraph 6.31). Based on Ms Freeman's evidence, Ms Rowe did not support the proposed reduction in scheduling (paragraph 6.32). For the Corporation, Ms Linzey was of the opinion 'that the scheduling unreasonably compromises the appropriate use of the site by the Corporation' (evidence in chief, paragraph 70). Partial scheduling could be an appropriate outcome in her view (paragraph 73).

For the Corporation, Mr Heath and Mr Osborne assessed these two scenarios in terms of their development potential for housing. The existing buildings have 45 flats. Redevelopment of the whole site may yield an additional 150-180 dwelling units (evidence in chief, paragraph 4.6). Retaining the front block and partially redeveloping the rear land may yield 80-100 additional units (paragraph 4.7).

Copies of the following reports were attached to legal submissions:

- i. Concrete Condition Assessment, Opus International Consultants Ltd, 2013
- ii. Structural Condition Report for 44 Symonds Street, 20 May 2011, CPG New Zealand Ltd

Mr Pearson responded to questions about the condition of the building, including its internal state. He confirmed that renovation would result in a life expectancy of 30 years.

In response to questions from the Panel, Mr Brendan Liggett explained the Corporation's approach to its portfolio and estimated that bringing the concrete construction of the Symonds Street flats up to standard would likely cost \$23m (see also legal submissions for the Corporation, paragraph 12). Upgrading the units internally would be an additional cost.

The Corporation's legal submissions canvassed the issue of 'reasonable use' under section 85 of the Resource Management Act 1991 (paragraphs 20 – 31).

In terms of cost benefit, the Panel has compared the option of retaining the buildings to the alternatives, which include total or partial demolition. Retaining the buildings on the schedule assuming an upgrade is done, will cost at least \$23m and provide 45 units for about 30 years. By comparison, total demolition enables a wide array of more intensive residential, business and/or educational uses in one or more buildings that will have a life of at least 50 years. Partial demolition similarly enables more intensive residential or other City Centre uses of both the front block and any new building to the rear. In the Panel's view, it is clear that the benefits of these two alternatives outweigh the costs and removal of the flats from the schedule better promotes the purpose of sustainable management of natural and physical resources and gives effect to the Regional Policy Statement's objectives for urban growth.

4. Cornwall Park Trust Board submission

4.1. Statement of issue and Panel recommendation and reasons

The Cornwall Park Trust Board (5790) sought a reduction in the extents of place for all five scheduled historic heritage places located within Cornwall Park (planning evidence in chief, Mark Vinall).

The Cornwall Park Precinct was considered in Topic 080 and the resulting provisions take into account the historic heritage overlay.

4.1.1. One Tree Hill/Maungakiekie

The Panel agrees with the Council that the extent of place for One Tree Hill/Maungakiekie [ID01585] should be reduced by excluding the area east of Pohutukawa Drive. This area was included by error in the notified Proposed Auckland Unitary Plan (evidence in chief, Robert Brassey, paragraph 3.23). For the reasons set out in Mr Brassey's evidence (paragraphs 3.10 – 3.22), the Panel supports the Council's reduced extent of place. In particular, the Panel notes that farming and other activities are enabled within the extent of place (see Topic 031 Historic Heritage).

4.1.2. Statue and fountain

The Panel agrees with the Council that the extent of place for the statue and fountain [ID01629] includes the semi-circular open space contained by Manukau Road and Campbell Crescent. The statue and fountain are viewed by pedestrians and road users 'in the round' from these streets and it is appropriate to manage this setting.

4.1.3. Acacia Cottage

Acacia Cottage [ID01628] is a Category A place. The house has been relocated twice and has occupied its current position for the last 60 years. The Panel accepts that as the original home of Sir John Logan Campbell, it retains a strong association with Cornwall Park (evidence in chief, Robert Brassey, paragraph 3.30). The Council's planning and heritage witnesses consider that the extent of place can be reduced, especially as the building is not located within this original setting (closing remarks, paragraph 46).

The Panel agrees that the extent of place should be reduced. In the Panel's view, the Council's extent of place is suitable because it includes sufficient area to maintain the

setting. Accordingly, the Panel supports the extent of place depicted in Attachment 5 of the closing remarks.

Because Acacia Cottage has been relocated in the past the Panel agrees with the Council that discretionary activity status for relocation within Cornwall Park as provided for in Schedule 14.1 is appropriate.

4.1.4. Huia Lodge

Huia Lodge [ID01688] is on its original site. The Panel disagrees with Mr Brassey that the extent of place is not excessive (evidence in chief, paragraph 3.40). In the Council's closing, it is noted that Council witnesses consider that the extent of place goes too far up the hill (paragraph 9.47). The Panel agrees with this statement and also considers that inclusion of the entire grove of trees to the north is not necessary to ensure that activities do not adversely impact on the historic heritage values of this place. As above, in light of the activity status for various works affecting historic heritage places and the numerous levels of management that apply, the extent of place has been modified by pulling it back from the hill, grove of trees and Acacia Cottage as shown on the Planning maps.

4.1.5. Te Mauri

The Council agreed to reduce the extent of place for Te Mauri [ID01630] as proposed by Cornwall Park Trust Board (closing remarks, paragraph 9.48). The Panel also agrees. Accordingly, the extent of place shown in the attachments to the Trust Board's legal submissions is confirmed.

Because Te Mauri has been relocated in the past the Panel agrees with the Council that discretionary activity status for relocation within Cornwall Park as provided for in Schedule 14.1 is appropriate.

5. The Roman Catholic Bishop of the Diocese of Auckland submission

5.1. Statement of Issue and Panel recommendation and reasons

5.1.1. St Michael's, 6 Beatrice Road, Remuera

The Roman Catholic Bishop of the Diocese of Auckland (5256) opposed the inclusion of St Michael's Church, presbytery and old school building in the schedule [ID 01609]. He also opposed Remuera Heritage's request to include Kings Lawn to the west of the building within the extent of place and Heritage New Zealand's request to change the classification of the church to a Category A place. The Roman Catholic Bishop did not oppose the scheduling of St Michael's Church and the presbytery as a Category B place as shown in the Auckland District Plan: Operative Auckland Isthmus Section.

During the hearing process, the Council responded by identifying the church as a primary feature but Council witnesses continued to support inclusion of the old school building within the extent of place. In the Council's closing version of the schedule, the interiors of the

presbytery and school building are non-primary features. The gymnasium, hard court and pool were excluded from the extent of place by agreement.

As noted by Ms Heike Lutz, architect and building conservation consultant for the Roman Catholic Bishop, there is agreement with the Council that St Michael's Church is a Category B place (hearing summary, paragraph 24) and the presbytery is included in the extent of place (legal submissions, paragraph 18). Disagreement about the inclusion of the old school building within the extent of place remains.

At the hearing, there was discussion about the co-location of churches, presbyteries and schools. In the Council's closing remarks, Ms Freeman provided data showing that of 142 scheduled places of worship, 89 are part of a co-located group of facilities. Four of these co-located facilities include a school (paragraphs 9.11 and 9.12). Mr McManus, planning witness for the Roman Catholic Bishop, said there are 55 Catholic parishes within the Auckland Council area and nearly half of those parishes have a school, church and presbytery co-located. St Michael's is not at all unusual in this respect. The Panel found this information useful for context.

Having considered the heritage assessment prepared by Ms Lutz, the Panel finds that the old school building has moderate historic heritage values insofar as it is associated with Bishop Liston, has some social significance and is an example of Thomas Mahoney's work (evidence in chief, paragraphs 74 – 76). However, the school does not have considerable significance beyond the local area and therefore does not satisfy the criteria for scheduling. With respect to its inclusion in the extent of place, the Panel agrees with Ms Lutz that the old school building sits behind the church at a much lower level than the street and therefore cannot be seen from the public realm (hearing summary, paragraph 24). Taking this into account and also its function as part of the school, the Panel considers that it is not necessary to include the old school building in the extent of place because any work done to it is unlikely to adversely affect the historic heritage values of the church.

In addition, the Panel agrees with Mr Ian McManus, planning witness for the Roman Catholic Bishop, that there is little land available within the school to enable its expansion (evidence in chief, paragraph 17.6). The school is well-located to serve an area that is likely to intensify and therefore a wider planning consideration indicates that more intensive and efficient use of the site should be enabled. Ongoing management of these co-located facilities sustains their religious association while enabling the school to respond to demographic pressure and social needs (evidence in chief, McManus, paragraph 1.9).

For these reasons, the Panel does not support the inclusion of the old school building or Kings Lawn within the extent of place. The extent of place includes the church, presbytery and the driveway to the west of the church. Based on the heritage assessment of Ms Lutz, the Panel considers that St Michael's church should be confirmed as a Category B place.

5.1.2. St Patrick's Presbytery, 131 Seddon Street, Pukekohe

The Roman Catholic Bishop of the Diocese of Auckland (5256) opposed the scheduling of the presbytery as a Category B place [ID01517].

The Panel agrees with Ms Lutz, architect and building consultant for the Roman Catholic Bishop, that given the overall moderate significance of the presbytery and the alterations that have been undertaken over time, the building does not warrant scheduling (evidence in chief, paragraph 109). The Panel reaches this conclusion based on Ms Lutz's heritage

assessment and the reasons set out in paragraphs 98 – 108. Accordingly, the presbytery is removed from the schedule.

5.1.3. St Joseph's primary school, 29 High Street, Otahuhu

The Roman Catholic Bishop of the Diocese of Auckland (5256) opposed the scheduling of the school building as a Category B place [ID02568].

The Panel agrees with Ms Lutz, architect and building consultant for the Roman Catholic Bishop, that the authenticity of the building has been reduced to such an extent that it does not warrant scheduling (hearing summary, paragraph 20). Paragraphs 55 – 64 of her evidence in chief establish that there is little original fabric left and that the main value is intangible due to the continuous provision of education in this area by the Catholic church since 1848. Accordingly, St Joseph's primary school is removed from the schedule.

5.1.4. St Mary's Catholic Church, Onewa Road, Northcote

The Roman Catholic Bishop of the Diocese of Auckland opposed the scheduling of St Mary's church as a Category B place [ID00985].

The Panel agrees with Ms Lutz, architect and building consultant for the Roman Catholic Bishop, that St Mary's church does not meet the criteria for scheduling as a Category B place for the reasons set out in her evidence in chief (paragraphs 36 – 51). In particular, the Panel agrees that the changes needed to the interior of the building in order for it to be fit for modern liturgical purposes will further detract from the original value of the building. Its historical and architectural significance has already been diminished by changes over time. Given there are better examples of modern churches on the schedule and protection will hinder the further development of the historically larger complex, St Mary's church is removed from the schedule.

6. Smith and Caughey Limited

6.1. Statement of issue and Panel recommendation and reasons

Civic Trust Auckland (6444) sought to add the Queen Street half of the Smith and Caughey department store [ID01952] and the Civic Tavern to the historic heritage schedule. This was opposed by Smith and Caughey Limited (FS2108).

Representatives of the two parties met on at least two occasions to discuss the issues executive summary, Allan Matson for Civic Trust Auckland, paragraphs 3 – 6).

The Council did not take a position on this matter. However Ms Deborah Rowe, planning witness for the Council, proposed an out of scope amendment correcting the details of the schedule with respect to ID01952. The wrong part of the building was identified and the amendments address this error as identified by Smith and Caughey Ltd. The Panel agrees with these out of scope amendments (evidence in chief, paragraph 3.6):

a) Amend the place name and/or description column for UID 01952:

Smith and Caughey (Mahoney Building). This schedule recognises the continued use of the exiting Elliot Street vehicular access location to the site.

b) Delete the following text from the exclusions column for UID 01952:

Includes Facade and exterior form and bulk within 10m of Elliot Street frontage (This schedule recognises the continued use of the existing Elliot Street vehicular access locations to the site)

c) Insert the following text to the exclusions column for UID 01952:

Interiors above the ground floor

d) Amend the GIS planning maps so that the extent of place for UID 01952 includes the area within 10m of the exterior of the building facing Elliot Street

For the Civic Trust Auckland, Allan Matson referred to the evaluations carried out by the former Auckland City Council which he relied on to his support this submission. The Panel agrees with Smith and Caughey Ltd that these assessments are dated and fall short of the evidential standard required to justify additions to the historic heritage schedules (legal submissions, paragraph 6.2).

The Panel prefers the joint statement of evidence of Jeremy Salmond and Adam Wild, heritage architects for the further submitter because it is based on a recent and comprehensive heritage assessment of the whole block.

With respect to the Civic Tavern, the Panel agrees with these witnesses that (joint statement, paragraphs 7.1 and 7.2):

7.1 The Civic Tavern (Figure 5), also by Edward Mahoney, while of considerable age (1874) has been so severely altered over time that it survives largely as a shell of the original building

7.2 In this respect its significance as one of an important remnant group of early corner tavern buildings in Auckland has been severely diminished by the scale and nature of change over time, and its value as an historic artefact is correspondingly reduced.

For these reasons, the Civic Tavern does not satisfy the criteria for scheduling and the Panel does not support its inclusion on the schedule.

The Panel agrees with the heritage assessment of the Queen Street buildings (joint statement, paragraphs 8.2 and 8.3) and therefore these buildings and the Lippincott façade are not included in the schedule because they do not cross the threshold.

In light of the helpful evidence of Ms Helen Ferner, structural engineer advising Smith and Caughey, on seismic strengthening and its implications for redevelopment and the Plan's objectives for the City Centre, the Panel agrees with Mr Havill (planning evidence in chief, paragraph 8.7) that:

Due to the insufficient heritage values present, and the negative implications on re-use of the land of further scheduling, it is my opinion that the relief sought by the Civic Trust gives rise to significantly disproportionate private costs and limited public benefits. Overall therefore it is my view that the scheduling as requested by the Civic Trust is not the most appropriate means of achieving the purpose of the Resource Management Act 1991 in terms of section 32.

In the Panel's view, ongoing use as a department store is the optimal historic heritage outcome for this property. This outcome should be enabled by scheduling only those parts of

the building that satisfy the Plan's criteria which in turns enables the evolution of the buildings and use over time.

Accordingly, the Panel supports the scheduling of the Lippincott Building and the front portion of the buildings facing Elliott Street to the limit delineated on the extent of place as agreed with the Council.

6.2. Khartoum Place Suffragette Memorial

The issues in contention are the extent of place and the category of protection (B or A?).

The National Council of Women of New Zealand Incorporated seeks to retain the extent of place as notified whereas the Council proposes to reduce the extent of place to the lower part of Khartoum Place and the steps up to the upper level and upper pool.

The submitter also seeks to change the classification from B to A on the grounds that the Suffrage Memorial has more than just social value. It merits protection for its outstanding significance based on the following criteria: historical (A), knowledge (D), physical attributes (F), aesthetic (G) and context (H). The Council's heritage witness considers that the Suffrage Memorial qualifies as a Category B place for its social value (B) i.e., it no longer qualifies due to its context (H).

The Panel explored a number of matters with the submitters and the Council's witnesses including the status of Khartoum Place as a legal road and its implications for protection of the Memorial. The submitters contended there was no scope for the Council to seek a reduction in the extent of place or deletion of the context (H) criterion from the schedule because no submissions requested these changes.

For the reasons set out in the legal submissions and in the submitter's evidence, the Panel considers that the Suffrage Memorial should be scheduled as a Category A place based on the following criteria: historical (A), social value (B), physical attributes (F), knowledge (D), aesthetic (G) and context (H). In particular, the Panel has given weight to the historical and knowledge criteria because the Memorial has the ability to convey information to future generations about an important aspect of international and national history. This modest recognition of women's suffrage warrants similar protection to that afforded to World War 1 memorials in the schedule, many of which are Category A and have multiple values (legal submissions, paragraph 17).

The extent of place is retained as notified to encompass the full extent of Khartoum Place. As noted, recent upgrading of Khartoum Place better integrates the Memorial with the upper levels (legal submissions, paragraph 26). However to avoid unnecessary resource consent applications, the mural and stairs are identified as primary features and the upper level of Khartoum Place is identified as an exclusion.

6.3. MOTAT, 805 Great North Road

A number of matters were resolved prior to the hearing however some issues concerning the approach to the Pumphouse [ID01678], Tram Shelter [ID01672] and Engineer's House [ID01679] remain in contention.

MOTAT is bound by the Museum of Transport and Technology Act 2000 to have regard to the heritage buildings on its site. It is also a unique destination demonstrating the development of technology through the ages and the three buildings are integral to that

function. Its role as a major recreational facility is enabled by the MOTAT Precinct (see Topic 076 Major Recreational Facilities).

The Panel agrees with the submitter's extent of place for the Pumphouse (see Attachment G to the planning evidence in chief of Helen Hamilton) for the reasons set out in the evidence of Mr Adam Wild, heritage architect (evidence in chief, paragraphs 5.3 and 5.9). The Council's version of the extent of place does not afford any additional protection to the historic heritage values of the Pumphouse. Rather, it attempts to maintain views of the Pumphouse from the road. This area of land is better unencumbered so it can be used for temporary displays and other activities relevant to MOTAT's purpose.

Reduced extents of place for the Engineer's House and Tram Shelter were agreed (Attachments C and E, evidence in chief, Ms Hamilton). The Panel accepts this agreement and endorses Ms Hamilton's amendments to the schedule proposed for the Tram Shelter (Attachment B). No diagrams are considered necessary to explain the primary features given the reduced extent of place and changes made to the historic heritage provisions in Topic 031.

6.4. Former convent, 454 Great North Road, Grey Lynn

The Rentyn and Colleen Turner Family Trust (4703) own this former convent [ID01674] and operate it as a boarding-house. The Trust seeks its removal from the schedule whereas the Council maintains that it should be retained as Category B.

Mr Turner described their concerns including lack of pedestrian access to the rear of the building which makes it impossible to comply with the fire egress requirements of the Building Code. A solution is dependent on the cooperation of the adjoining landowner, the Roman Catholic Diocese of Auckland, and this is not forthcoming (statement, paragraph 2.7; confirmed in Joint Witness statement, paragraph 7.24). In his opinion, lack of vehicle access to the rear limits alternative uses to the current boarding house. In addition, seismic strengthening is costly. Removal of the building will allow more efficient use of the land (submission (i)).

All parties agree that the building has considerable significance as a historic heritage place. The Panel also agrees based on the assessment provided by the Council which was not contested. However the Panel was not convinced by the Council's planning and heritage evidence that there are economically viable uses of the building. Neither Mr Turner nor the Council called any evidence in this regard however Mr Turner has been endeavouring to sell the building for some years without success. Lack of access to the rear constrains options and the Council's suggestion that a tunnel could be built underneath the convent was not proven. Given the Residential – Terrace Housing and Apartment Building zoning which enables intensification in this prime location, the Panel agrees with the submitter that removal of scheduling will enable more efficient use of this site. Accordingly, the convent is removed from the schedule.

6.5. St Ann's Residence, 43 Arney Road, Remuera

St Ann's Residence is a Category B place [ID02485]. The only matter in dispute is the extent of place (Walter J Strevens, 5688). Whereas the submitter's planning witness proposes limiting the extent of place to the footprint of the building and a small curtilage (evidence in chief, John Childs, page 5), the Council's heritage and planning witnesses propose to include the house and the garden to the east. All witnesses agree to removal of the rear

(southern) portion of the site from the extent of place (evidence in rebuttal, Richard Bollard, page 7).

The key issue is the implications of the extent of place for future subdivision and development of this large lot (3062m²) which is zoned Residential - Single House.

Mr Childs considers that 'scheduling of buildings on a site of this size is very much a balancing act of retaining the important heritage features on the site and allowing some further development' (paragraph 4.10). Accordingly, he proposes a scheduled area of some 1025m² whereas the Council proposes an area of some 2000m². The minimum site area for subdivision is 600m² in the Residential - Single House zone.

The heritage expert for the Council, Mr Bollard, considers that the area to the east of the house 'is integral to the function, meaning and relationships of the place and should remain within the extent of place' (paragraph 5.2). Ms Tania Richmond, the Council's planning witness, considers that excluding 1053m² from the extent of place (which retains the eastern garden area) enables a reasonable level of development. She noted that subdivision within a historic heritage place is a discretionary activity.

The Panel heard evidence from Mr Strevens describing the work that has been done to improve this building while retaining its heritage values and to create the formal garden. He has agreed to his home being included in the schedule as Category B.

The Panel considers that this is a large site capable of a range of subdivision or development options and that a substantial extent of place would frustrate the realisation of its potential. Given the stewardship shown to date and the likelihood that any subdivision in this location would not seek to maximise yield due to land prices, the Panel agrees with the submitter's proposed extent of place. Accordingly, the extent of place is amended as shown on the plan attached to the evidence of Mr Childs (page 5).

6.6. 116 Balmoral Road, Balmoral

Misa Properties Ltd opposes the scheduling of this villa and its setting [ID02582].

The Council's heritage witness, Ms Carolyn O'Neill, considers that the significance of the place is the collective value of the villa, the walls, gate and its setting. In her opinion, relocating the villa would result in loss of the visual, physical and functional relationship with its immediate setting (summarised from the Council's legal submissions, paragraphs 9.2 and 9.3).

However, the submitter has resource consent to demolish the villa and part of the rock wall which is valid until 27th September 2018. If implemented, the historic heritage values of the property are lost.

The development potential of this property is a relevant matter in terms of section 5 of the Resource Management Act 1991. The Panel heard evidence in Topic 081 Zoning and Precincts about the options for subdivision demonstrating that relocation of the villa is necessary to achieve an efficient outcome.

As a result of its decisions in Topic 081 Rezoning and Precincts, this property is in the Residential – Single House zone and is subject to the Special Character Overlay.

In the Panel's view, the benefits of intensification which are enabled by removing the property from the schedule better promotes the purpose of sustainable management of natural and physical resources.

6.7. Marivare Reserve memorial arch, Epsom

Mavis and Louis Fenelon sought the addition of the Epsom War Memorial Arch to the schedule (5208) and presented compelling evidence in support of this request. In its closing remarks, the Council agreed (as owner) to its inclusion (see footnote, page 9). The Panel agrees that this memorial arch merits protection as a Category B item and accordingly it is added to the schedule [ID 02732].

6.8. Bakehouse, 26-28 Princes Street, Onehunga Mall

Mr Harry Wong (9358) opposes the scheduling of the Bakehouse [ID 02605] as Category B because he disagrees with the Council's evaluation of its historic heritage significance. On architectural advice, he said that the building has a history of flooding that has not been addressed by the Council and it would be expensive to bring up to code when seismic strengthening. Mr Wong considers that scheduling interferes with the redevelopment of the site in accordance with the Council's own aspirations for residential intensification (evidence, pages 6-9).

The Council maintains its position that the former Farrell Bakehouse at 28 Princes Street should be included in the schedule as a Category B place. Ms Richmond considers 'that a reasonable balance has been achieved with regards to providing for intensification/development opportunities whilst protecting a significant contribution to the historic heritage of Onehunga' (evidence in rebuttal, paragraph 10.8).

The Panel agrees with the submitter that this property is suitable for redevelopment in accordance with the Business – Mixed Use zoning given its location near the Onehunga Mall and public transport. Taking into account the cost of seismic upgrading and the flooding problems, the owner faces considerable costs if it is retained as a standalone building or as part of a site redevelopment. The Panel was not convinced that the building meets the criteria for scheduling because it no longer displays evidence of being a bakery and due to the changes that have occurred to its context including the removal of two nearby buildings from the schedule. For these reasons, the Panel does not support scheduling of this building. In coming to this view, the Panel has given greater weight to the benefits of intensification in and around Onehunga thus giving effect to the urban growth objectives of the Regional Policy Statement.

6.9. 23 and 27 Tui Brae, Beachlands

This historic heritage place was carried forward from the Auckland District Plan: Operative Manukau Section as Category B [ID01290]. It has not been evaluated for significance by the Council in terms of the criteria in the Regional Policy Statement.

As stated in the archaeological evidence of Dr Clough for Pine Harbour Holdings Limited (6992), the site is a 'small settlement site comprising a spread of midden, a storage pit and probably the site of a whare. There are many similar sites recorded locally and within the region' (evidence in chief, paragraph 3). Dr Clough undertook a significance evaluation in accordance with the Regional Policy Statement in the Proposed Auckland Unitary Plan and concluded that the site 'is not of sufficient significance to meet the thresholds required for scheduling' and therefore he did not support its inclusion in Appendix 9.1 (paragraph 4). He

said that Mana Whenua (Ngai Tai) had been consulted and confirmed that with appropriate mitigation, they would accept the removal of this archaeological site from the property in the course of development. Furthermore, the site was covenanted under the Historic Places Act 1993 (now replaced by the Heritage New Zealand Pouhere Taonga Act 2014) in 2004 (paragraph 20). In his opinion, 'removal of the site from the overlay will not result in significant adverse effects on historic heritage as the effects can be appropriately mitigated through archaeological investigation to realise the knowledge potential of the site and cultural mitigation proposed by Ngai Tai' (paragraph 7).

The Panel agrees with the submitter that ID01290 should be removed from the Schedule because it does not satisfy the significance criteria and there is sufficient protection afforded by the existing covenant and other methods.

Pine Harbour Holdings Limited sought an out of scope amendment. Dr Clough explained that the submission relates only to the portion of the scheduled site on 23 Tui Brae however he saw no reason why the scheduled extent of place cannot be removed from both properties (paragraph 8). The Panel considers that both properties should be removed from the schedule in light of the covenant, the need to obtain an authority to modify an archaeological site and the accidental discovery rules in the Plan. There is sufficient protection afforded by these methods to ensure that the values of the site will be recognised during any subsequent development. Accordingly, partially in response to the submission and partially as an out of scope amendment, ID01290 is removed from Appendix 9.1.

6.10. 55 Kolmar Road, Papatoetoe

The Ghansyam Trust (4877) opposes the inclusion of Tawera House [ID01479] as a Category B place because the villa does not have considerable historical merit and consequently, it is insufficient to rely solely on its physical attributes as justification for scheduling.

Tawera House is one of many properties owned by the Trust and it has aspirations for redevelopment of the whole complex to provide for the needs of the Indian community. In Topic 081 Zoning and Precincts, the Panel heard detailed evidence on the Trust's current community service and plans for the future.

The Panel was not convinced by the Council's evidence that the place has considerable local historical significance based on the social history of Mr and Mrs John Bryant, its first occupants. As stated by Mr Vern Warren, planning witness for the Trust, 'while the Bryant's were active church members and John Bryant had a brief local political career, I cannot agree that this amounts to 'considerable' historical significance under this criterion' (evidence in chief, paragraph 6). Mr Warren acknowledged that the villa met the criterion for physical attributes (paragraph 18).

The protection of this villa as an historic heritage place must be considered in light of the Trust's role in promoting the social, economic and cultural wellbeing of the Indian community. In the Panel's view, this place does not have considerable significance as a historic heritage place and furthermore, its retention may be an impediment to the Trust's ability to fulfil its role as a cultural centre for the Indian community. The scheduling of Tawera House is not supported.

6.11. Birkenhead bus depot, 2-22 Verrans Corner

The issue is whether the Birkenhead bus depot [ID02661] should be retained as a Category B item subject to exclusions for interiors and portions of the building constructed after 1955.

The Panel agrees with the historic heritage assessment of Mr Adam Wild, heritage architect for Birkenhead Transport Company (FS3541) that this building does not cross the 'overall considerable' threshold to warrant recognition as a Category B place for the reasons set out in his evidence in chief (paragraphs 2.2 – 2.10). In particular, the Panel considers that there are limited features of historic heritage value on a site that is difficult for its primary use as a bus depot. Notwithstanding the Council's proposed exclusions, scheduling limits adaptation of the building to accommodate changing transport needs such as the addition of double-decker and bendy buses to the North Shore services. As stated by Mr Brian Putt, planning witness for the Company, there are other more appropriate methods of managing the design and appearance of the street elevations than scheduling given their contribution to the amenity values of the area (evidence in chief, paragraph 6). For these reasons, the Panel does not support the scheduling of the Birkenhead bus depot as a Category B place.

6.12. Oakley Hospital Main Building, 1 Carrington Road, Mt Albert

The issues outstanding between the Council and Unitec (2742) are the identification of the linking building and the service block behind the 1881 Herapath building as part of the primary feature, and the proposed extent of place [ID01618].

Waitemata District Health Board supported retention of Oakley Hospital as a Category A building (4467).

The parties agree that the former hospital building warrants scheduling as a Category A place. However, the elements of the building that should be included as primary features and the extent of place were in contention. The main reason for contention is that Unitec wishes to develop its campus and seeks adaptive uses for the hospital. Mr Duthie, planning witness for Unitec, confirmed that the core part of the building can be successfully upgraded, conserved and adapted for residential or office uses, while retaining the most critical heritage elements (hearing summary, paragraph 2.20). Notwithstanding the concerns expressed by various witnesses for Unitec that inclusion of the linking building and the toilet block as part of the primary feature would inhibit adaptive use, the Panel took from this statement that the real issue is 'how' this adaptive use should be implemented in light of the known historic heritage values of the hospital. It is too soon to remove the linking building and toilet wing from the schedule given the stage of Unitec's proposals and the likely duration of their campus redevelopment.

The Panel considered the evidence of Graeme Burgess for the Council and David Pearson for Unitec, both heritage architects, and also took into account previous work done by Jeremy Salmond, also a heritage architect. In the Panel's view, the building linking the 1900-1903 Male Wing is an integral part of the hospital and should be retained as a primary feature for the reasons set out in the evidence in rebuttal of Mr Burgess (paragraphs 3.7 - 3.13).

With respect to the toilet wing, the Panel agrees with Mr Burgess that (evidence in rebuttal, paragraph 3.15):

The toilet wing on the south side of the 1881 Herapath designed wing is the most intact service block from that period on this very early section of the building. Service areas are a core component of the historic fabric and story of this place. In my opinion this section of the building contributes significantly to the understanding of the place and its history.

The Panel agrees with Mr Burgess that the 'whole of the building is greater than the sum of its parts'.

For the above reasons, the linking building and the toilet wing are included as part of the primary feature of Oakley Hospital.

The Panel notes that the 'footprint' of the primary feature of the Oakley Hospital building is defined by a plan included in Schedule 14.3 and there is a special rule relating to demolition in D10.4.1 Activity Table (refer Topic 031 Historic Heritage).

The extent of place has been reduced in the vicinity of the carpark.

6.13. 8 Minnehaha Avenue, Milford

This property contains the Thorne Estate Dairy [ID01056] and also five pohutukawa trees that are scheduled as 'notable trees' in Appendix 3.4 [ID1238] in the Proposed Auckland Unitary Plan. In Topic 025 Notable Trees, the Council agreed to remove two of these pohutukawa trees from the schedule of notable trees because they are leaning on the historic heritage building and thereby placing it at risk.

A supplementary issue arose as to whether the pohutukawa trees were also protected by Chapter J2 and Appendix 9.1 because they are within the 'extent of place' of the Dairy. NM Growth Limited (6889) sought clarification that trees that are not notable are not subject to the Historic Heritage Overlay.

Extensive evidence was heard in this topic and in Topic 025 Notable trees describing the risk posed to the Dairy if the trees are retained.

The Panel agrees with Ms Rowe, planning witness for the Council, that '... the removal of Tree 1 and Tree 2 are the only options available to alleviate the stated risk that the trees are posing to the Thorne Estate Dairy' (supplementary rebuttal evidence, paragraph 3.1, dated 17 September 2015). In her opinion, despite the trees having clear heritage value, it is appropriate to identify the trees as features in the exclusions column of Schedule 9.1. This will remove any administrative uncertainty. In light of the place-based approach to historic heritage protection, the Panel considers that this is an appropriate way to resolve this matter. Accordingly, the Panel has amended the 'exclusions' column in Appendix 9.1 as follows:

Interior of dairy and interior and exterior of residence and the two pohutukawa trees that each have one limb resting on the roof of the Thorne Estate Dairy as at 30 September 2013. (These two Pohutukawa trees are to be deemed 'free standing' for the purposes of the Plan rules.)

6.14. Bomb Point, Hobsonville

Bomb Point [ID02603] is located within the Hobsonville Point development. The Hobsonville Land Company seeks both a change in zoning from Public Open Space – Informal Recreation to Residential - Mixed Housing Urban, and removal of this Category B place from the schedule.

The Panel heard evidence on these matters in this topic and in Topic 081 Zoning and Precincts. Both planning witnesses agreed that the appropriateness of scheduling is driven by the zoning (supplementary evidence, Mr Giles Bramwell, paragraph 1.6).

The Hobsonville Land Company has resource consent to alter all thirteen munitions stores by removing their roofs and walls and this consent is valid until 30 September 2018.

During the course of the hearing, Mr Giles Bramwell, a planning witness for the Company, kept the Panel informed on progress between his client and the Council concerning the purchase of Bomb Point. The Panel understands that no agreement has been reached and therefore an open space zoning is not appropriate because this is privately owned land and the landowner has not consented to its retention.

Accordingly, as a result of its decisions in Topic 081 Rezoning and Precincts and taking into account the resource consent, this property has been rezoned as Residential – Mixed Housing Urban Zone because it is suitable for intensification as in integral part of the Hobsonville Point development. In coming to this weighting, the Panel has taken into account the heritage evidence of Mr Robert Brassey for the Council that ‘retaining a representative example of two munitions stores ... would result in a significant reduction in the heritage value of Bomb Point’ (evidence in rebuttal, paragraph 3.11). In his opinion, ‘a representative sample comprising a small number of munitions stores would no longer meet the criteria for inclusion in the schedule’ (paragraph 3.12). Mr Brassy acknowledged that if the authenticity of the sample could be retained, it would be preferable to destroying the entire complex (paragraph 3.13). In the absence of evidence identifying that representative sample and the most appropriate method for its protection, the Panel has been unable to recommend a middle ground.

In the Panel’s view, the benefits of intensification which are enabled by removing the property from the schedule better promotes the purpose of sustainable management of natural and physical resources and gives effect to the Regional Policy Statement’s objectives for urban growth, including a compact urban form.

6.15. 46 Quebec Road, Milford

G Catley (6395) remains opposed to the inclusion of Catley House [ID01087] in the schedule as a Category A building.

The submitters did not dispute the assessment of the building’s historic heritage values however they consider the building is uninhabitable due to its condition which in turn is a function of the construction methods utilised by the Group architects. Further, there is a financial burden imposed on the owners if Catley House is to be ‘repaired’. Mr Price for the submitter and Mr Thorowgood for the Council, both building experts, agreed that the exterior (which is scheduled) would have to be replaced and compliance with the Building Code will alter the exterior design of the building. Mr Price’s opinion is that ‘this is not just repair and maintenance, it’s a rebuild’ (oral evidence). Their cost estimates were in the range of \$500-600,000.

The submitter’s planning witness, Mr Stephen Dietsch, evaluated the objectives and policies of the Regional Policy Statement and concluded (evidence in chief) that:

8.6 The strategic thrust of the RPS is that while heritage buildings are a unique, non-renewable resource which requires protection, they are also required to accommodate urban growth, and this growth must meet the basic human needs of

warmth, dryness and affordability. Not all heritage buildings are scheduled. Houses (including heritage buildings) are to be used 'appropriately'.

8.7 The Catley House does not meet the basic human needs of warmth and dryness, while in my opinion the cost of reconstructing this house to achieve these needs fails the affordability 'test'.

The Council's planning witness, Ms Emma Rush, disagreed with Mr Dietsch that the appropriate use of historic heritage places is linked to their warmth, dryness or affordability (evidence in rebuttal, paragraph 11.15). In her view, the site would not accommodate significant urban growth under the Residential – Mixed Housing Urban Zone (evidence in rebuttal, paragraph 11.16).

Based on the building evidence and Mrs Rutter's description of its interior condition, the Panel considers that the building has ceased to be habitable and cannot be repaired. It would have to be replaced. In the process of reconstruction, its historic heritage values would be destroyed due to compliance requirements and loss of the original building fabric. The Panel agrees with Mr Dietsch that it could no longer be correctly described as a Group house (evidence in chief, paragraph 9.7). The cost of replacement is uncertain due to the uniqueness of the task however, the evidence indicates that it is likely to be equal to or more than the cost of building a new house.

The Panel considers that a warm, dry (and safe) home is fundamental to human wellbeing. The affordability of the home is not necessarily a fundamental matter (as contended by Mr Dietsch) however, where retention of the Category A scheduling compels the owner to only one outcome, this imposes an uncertain financial burden and removes personal choice.

For these reasons, the Panel does not support the retention of the Catley House on the schedule of historic heritage places.

6.16. St John's Church, Drury

The inclusion of St John's Church, hall and cemetery on the schedule as Category B is agreed [ID 707]. However, the extent of place is in dispute. The site has a Business – Light Industrial zoning as does the industrial area to the east.

The General Trust Board of the Anglican Diocese of Auckland accepts the extent of place that applies to the church and the western portion of the site but opposes inclusion of the triangular area to the east.

The Council remains of the view that the triangular portion is necessary to ensure that the area between the church and any future development is properly managed and to protect the heritage values for which the church has been identified.

The General Trust Board's heritage architect, Mr David Pearson, considers that:

the modified extent of place as proposed by the GTB (i.e., excluding the triangle) would still adequately protect the heritage values of the church. Although the church would be reasonably close to the eastern boundary of the extent of place as proposed by the GTB, good views would still be maintained of the church from the south and west (evidence in chief, paragraph 4.5).

The General Trust Board's planner, Ms Covington, considered that the extent of place should identify the 'setting of the place' and disagreed with the Council's expert evidence IHP Report to AC Topic 032 Historic heritage schedules 2016-07-22

that the triangular portion would also provide a 'buffer' and 'breathing room for the building (hearing summary, paragraphs 8 and 10). New buildings may be erected within the extent of place as restricted discretionary activities. Accordingly, in her view, 'if the Council does not intend to prevent new buildings being located in this triangular portion, then the extent of place merely places additional unnecessary heritage design controls for new buildings which do not complement the Light Industrial zoning of the site' (hearing summary, paragraph 9).

The Panel agrees with the submitter that the triangular portion of the Council's revised extent of place is not required to protect the heritage values of the church. The eastern boundary of the extent of place (excluding the triangle) follows a line of trees indicative of past usage and provides sufficient land around the church for access and maintenance. Public views of the church from the road are still maintained. In addition, the Panel agrees with Ms Covington that policy 4 in the Council's closing version of the Regional Policy Statement does not require a buffer area to be included in the setting. Further, the option of utilising the vacant land in accordance with the Business – Light Industrial zoning for income-generating purposes is relevant to the ongoing wellbeing of the congregation and retention of the heritage buildings. For these reasons, the Panel considers that the General Trust Board's proposed extent of place satisfies policy 4.

6.17. Karangahape Road Business Character area

Ms Holloway for The Karangahape Road Business Association (6377) requested that the Karangahape Road precinct (addressed in Topic 050 City Centre) become an historic heritage area. The Association's submission included a copy of the Draft Historic Heritage Area evaluation prepared by the Council (January 2014) and Ms Holloway confirmed that the Association has the support of its members and Samson Corporation, the largest owner of historic heritage buildings in the locality.

Ms Sorrell for the Council confirmed that proposing Karangahape Road as an historic heritage area was a priority matter in preparing the proposed Auckland Unitary Plan however the Council simply ran out of time to do the work (oral evidence).

The Panel explored the differences and similarities between the aims of the precinct and a historic heritage area and concluded that the protection of Karangahape Road's historic heritage is best achieved by its inclusion in a historic heritage area. The Council's 2014 evaluation report provides the necessary evidence to support this conclusion and in accordance with the Panel's Procedural Minute 6, key parties have been involved.

The boundaries of the historic heritage area encompass a larger area than the precinct. For example, the historic heritage area includes more properties that sit beyond the K Rd frontage to acknowledge the historical context of the area and the contributing properties adjacent to the road. In addition, the Symonds Street cemetery is included although it is also individually scheduled.

Heritage New Zealand requested that the Jewish cemetery located at 72 Karangahape Road be added to the schedule. Mr McKenzie, in planning evidence for Heritage New Zealand said that the City Centre zoning is not a good fit for this site and noted there appears to be no other existing zones, including Open Space zones, that would be a good fit either (evidence in chief, Topic 050 City Centre, paragraph 6). In this topic, Mr McKenzie re-affirmed that he considers the Jewish cemetery should be included within the extent of place for the Symonds Street cemetery (evidence in chief, paragraph 6.37). The Panel agrees that this cemetery warrants protection and considers that including this property in an historic

heritage area while retaining the City Centre zoning is an appropriate method for protecting its historic heritage values.

The Panel agrees with the submitter that Karangahape Road should be recognised as an historic heritage area and accordingly has included a statement of significance and extent of place in Schedule 14.2 (ID 02739). A consequential amendment is the substantial culling of the Karangahape Road precinct. This precinct now focuses on a limited number of matters, namely frontage control and an additional matter of discretion for new buildings (see Topic 050 City Centre).

6.18. Woodward Road – proposed historic heritage area

Sir Harold Marshall (295) proposed a new Woodward Road Historic Heritage area and the Council's Heritage Unit undertook to investigate it with a view to inclusion in the Plan. Ms Sorrell for the Council considers that the area may be worthy of scheduling (closing remarks, paragraph 7.4) and the Panel agrees with her opinion based on the evidence presented by Sir Harold. However the Panel's timeframe has not allowed for the necessary processes to be completed. In the circumstances, the Panel recommends that the Council consider initiating a plan change to recognise Woodward Road as an historic heritage area.

7. Consequential changes

7.1. Changes to other parts of the plan

As a result of the Panel's recommendations on this topic, there are consequential changes to other parts of the Plan as listed below.

A consequential amendment is the substantial amendment of the Karangahape Road precinct. This precinct now focuses on a limited number of matters, namely frontage control and an additional matter of discretion for new buildings. The new Karangahape Road Historic Heritage Area is the main method of managing use and development in this neighbourhood.

7.2. Changes to provisions in this topic

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

8. Reference documents

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

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

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

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

8.1. General topic documents

Panel documents

[032-Submission Point Pathway Report - 14 September 2015](#)

[032-Parties and Issues Report -16 September 2015](#)

[032 - Direct Discussion 18 June - Stream 1 Complete Outcome Record](#)

[032 - Direct Discussion 18 June - Stream 2 Complete Outcome Record](#)

[Procedural Minute 6 \(PDF 355KB\)](#)

Auckland Council closing statement

[032 - Hrg - 0 - CLOSING COMMENTS \(27 October 2015\)](#)

[032 - Hrg - 0 - CLOSING COMMENTS - Attachment 8 – Consolidated Amended Schedule - Appendix 9.1 \(3 November 2015\)](#)

8.2. Specific evidence

Auckland Council

[032 - Hrg - 9 - LEGAL SUBMISSIONS \(18 September 2015\)](#)

[032 - Hrg - 9 - LEGAL SUBMISSIONS – Attachment A \(18 September 2015\)](#)

[032 - Hrg - 6 - Auckland Council-owned land - \(Heritage\) - Megan Walker -LATE \(18 August 2015\)](#)

[032 - Hrg - 6 - Auckland Council-owned land - \(Planning\) - Rachel Dimery - LATE \(18 August 2015\)](#)

[032 - Hrg - 7 - Housing New Zealand Corporation - \(Heritage\) - Rebecca Freeman - VERY LATE \(20 August 2015\)](#)

[032 - Hrg - 8 - \(Heritage\) - Rebecca Freeman - REBUTTAL \(11 September 2015\)](#)

[032 - Hrg - 8 - \(Heritage\) - Jane Matthews - REBUTTAL \(11 September 2015\)](#)

[032 - Hrg - 2A - General Matters - \(Planning\) - Deborah Rowe \(16 August 2015\)](#)

[032 - Hrg - 8 - \(Planning\) - Deborah Rowe - REBUTTAL \(11 September 2015\)](#)

[032 - Hrg - 8 - \(Planning\) - Deborah Rowe - SUPPLEMENTARY REBUTTAL \(17 September 2015\)](#)

[032 - Hrg - 8 - \(Heritage\) - Robert Brassey - REBUTTAL \(11 September 2015\)](#)

[032 - Hrg - 8 - \(Heritage\) - Graeme Burgess - REBUTTAL \(11 September 2015\)](#)

[032 - Hrg - 8 - \(Planning\) - Tania Richmond - REBUTTAL \(11 September 2015\)](#)

[032 - Hrg - 8 - \(Planning\) - Emma Rush - REBUTTAL \(11 September 2015\)](#)

Auckland District Health Board

032 - Hrg - (Dave Pearson) – Heritage Architect (30 August 2015)

032 - Hrg - (Craig McGarr) – Planning (30 August 2015)

Birkenhead Transport Limited

032 - Hrg - (Adam Wild) – Heritage Architecture – VERY LATE

032 - Hrg - (Brian Putt) – Planning – VERY LATE

Britomart Group Company

032 - Hrg - (Vijay Lala) – Planning - LATE (1 September 2015)

Civic Trust Auckland

032 - Executive Summary of Evidence (17 August 2015)

Cornwall Park Trust Board

032 - Hrg - LEGAL SUBMISSIONS (21 September 2015)

032 - Hrg - (Mark Vinall) – Planning - LATE (1 September 2015)

G Catley

032 - Hrg - (Steven Dietsch) – Planning (24 August 2015)

General Trust Board of the Anglican Diocese of Auckland

032 - Hrg - (Clare Covington) – Planning – Summary Statement (21 September 2015)

032 - Hrg - (Dave Pearson) – Heritage Architect (30 August 2015)

Ghansyam Trust

032 - Hrg - (Vern Warren) – Planning - LATE (31 August 2015)

Harry Wong

032 - Hrg (27 August 2015)

Hobsonville Land Company

032 - Hrg - (Giles Bramwell) – Planning (28 August 2015)

Housing New Zealand Corporation

032 - Hrg - LEGAL SUBMISSIONS (30 September 2015)

032 - Hrg - (Amelia Linzey) - Planning - LATE (3 September 2015)

032 - Hrg - (David Pearson) - LATE (4 September 2015)

032 - Hrg - (Philip Osborne and Timothy Heath) - Economics - LATE (2 September 2015)

McDonalds Restaurants (NZ) Limited

032 - Hrg - (Matt Norwell) – Planning (30 August 2015)

032 - Hrg - (Dave Pearson) – Heritage Architect (30 August 2015)

Museum of Transport and Technology

[032 - Hrg - \(Helen Hamilton\) – Planning](#) (28 August 2015)

[032 - Hrg - \(Adam Wild\) – Heritage Architecture](#) (28 August 2015)

New Zealand Historic Places Trust (Heritage New Zealand) Pouhere Taonga

[032 - Hrg - LEGAL SUBMISSIONS](#) (28 August 2015)

[050 - Hearing evidence \(Duncan McKenzie\)](#) (17 April 2015)

[032 - Hrg - \(Duncan McKenzie\) – Planning](#) (30 August 2015)

[032 - Hrg - \(Duncan McKenzie\) – Planning - REBUTTAL](#) (11 September 2015)

[032 - Hrg - \(Robin Byron\) – Heritage Architect](#) (28 August 2015)

[032 - Hrg - \(Robin Byron\) – Heritage Architect - REBUTTAL](#) (11 September 2015)

New Zealand Sugar Company Limited

[032 - Hrg - LEGAL SUBMISSIONS](#) (21 September 2015)

Pine Harbour Holdings Limited

[032 - Hrg - \(Dr Rodney Clough\) – Historic Heritage](#) (27 August 2015)

Ports of Auckland Limited

[032 - Hrg - \(Adam Wild\) – Heritage](#) (30 August 2015)

[032 - Hrg - \(Alistair Kirk\) – Corporate](#) (30 August 2015)

Rentyn and Colleen Turner Family Trust

[032 - Hrg](#) (28 August 2015)

Smith and Caughey Limited

[032 - Hrg - \(Jeremy Salmond and Adam Wild\) – Conservation Architects - JOINT HERITAGE STATEMENT](#) (30 August 2015)

[032 - Hrg - \(Stephen Havill\) – Planning](#) (30 August 2015)

[032 - Hrg - \(Helen Ferner\) – Engineering](#) (30 August 2015)

The National Council of Women of New Zealand Incorporated et al

[032 - Hrg - LEGAL SUBMISSIONS](#) (21 September 2015)

[032 - Hrg - Carol Beaumont - JOINT STATEMENT](#) (30 August 2015)

The Roman Catholic Bishop of the Diocese of Auckland

[032 - Hrg - LEGAL SUBMISSIONS](#) (22 September 2015)

[032 - Hrg - \(Heike Lutz\) – Heritage](#) (31 August 2015)

[032 - Hrg - \(Heike Lutz\) – Heritage - Summary Statement](#) (23 September 2015)

[032 - Hrg - \(Iain McManus\) – Planning](#) (31 August 2015)

Totem No 1 Limited

[032 - Hrg - LEGAL SUBMISSIONS](#) (21 September 2015)

[032 - Hrg - \(Heritage\) – David Pearson - REBUTTAL](#) (13 September 2015)

[032 - Hrg - \(Planning\) – Hamish Firth - REBUTTAL](#) (11 September 2015)

Unitec Institute of Technology

[032 - Hrg - \(John Duthie\) – Planning](#) (30 August 2015)

Walter J Strevens

[032 - Hrg - \(John Childs\) – Planning](#) (28 August 2015)