



To: Auckland Council

emailed to: unitaryplan@aucklandcouncil.govt.nz

Submission on Auckland Council Plan Change 78

Submitter: Civic Trust Auckland

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1. Civic Trust Auckland (CTA) is a non-profit public interest group formed in 1968 with activities and interests throughout the Auckland region. It is a regular submitter on matters of interest to it, mostly at a local government level but also on national matters where they may affect the Auckland region. The aims of the Trust include the:
 - protection of natural landforms
 - preservation of heritage in all its aspects
 - encouragement of good planning for the city and region.
 2. CTA made submissions on various documents through the formation of Auckland Council as a Unitary Authority including submissions to the Auckland Unitary Plan Independent Hearings Panel.

Scope of CTA submission on Plan Change 78 (PC78)

3. CTA's submission is primarily focussed on heritage and character in so far as they are identified as "qualifying matters" for the purpose of PC78.

Background

4. The Government gazetted the National Policy Statement Urban Development (the NPS-UD) in August 2020, and in December 2021, the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 was passed 'under urgency', bringing forward implementation of the NPS-UD and directing Council to significantly increase intensification, except for where a qualifying matter (QM) might make that inappropriate.

5. In relation to heritage and character, Auckland Council has responded by proposing its existing AUP schedules of Historic Heritage as a prescribed qualifying matter, and Special Character Areas (SCAs) as a nominated qualifying matter, nominated subject to certain provisions under the Act that require further site-specific information.¹

Historic Heritage

6. The Council, correctly in CTA's view, provided for historic heritage as a qualifying matter, as prescribed in RMA s.771(a) and 770(a).
7. The Council limited the extent of its provision for historic heritage in PC78 to the existing AUP Schedules of Historic Heritage, with additions to the schedule proposed in Plan Change 81. CTA considers there may be scope within PC78 to propose additions to the heritage schedules in accordance with RMA s.771(a) and 770(a).

Special Character

8. Council correctly in CTA's view elected to nominate Special Character Areas as a qualifying matter as provided for in RMA s.771(a) and 770(a).
9. Council has not carried forward all the SCAs that were, until notification of PC78, contained in the Auckland Unitary Plan (the AUP-SCAs), but instead has reduced the extent of those SCA overlays.
10. Having nominated SCAs as a qualifying matter, rather than collating information about the existing AUP-SCAs with information known about further sites eligible for inclusion in SCAs, Council created a methodology that conceived the notion of 'high quality' special character and proposed that any site not so be intensified.
11. The methodology to separate out 'high quality' special character is flawed for many reasons, not the least of which is that Council's analysis focuses on individual buildings in the area without adequate assessment of those collective values for which the SCAs were recognised. Furthermore, it adopts arbitrary and unnecessary measures for establishing thresholds.
12. There are many attributes that contribute to 'character' many of which are referred to in Schedule 15 of the AUP. Change in the SCAs has been managed by Council through controls and rules intended "*to retain and manage the special character values of specific residential and business areas identified as having collective and cohesive values, importance, relevance and interest to the communities within the locality and the wider Auckland Region.*"² Reduction of SCAs appears to be at odds with retention of such special character values.

¹ RMA s.77L

² AUP D18 Special Character Areas Overlay. p.1

13. The unique heritage of Auckland’s early timber houses was, as shown below, recognised by Auckland’s previous Mayor Dick Hubbard ³

DICK HUBBARD AUCKLAND

We must preserve our heritage buildings. They are special and give a city character. Not enough attention has been paid to our character buildings and during the campaign I talked of the “about face” situation where currently you need council permission to renovate a villa but no permission to demolish one.

The heritage policies I found at council have been unsatisfactory.

The new council is already taking action. We’re

putting greater emphasis on heritage protection. We will be reviewing and developing heritage protection under the District Plan and developing heritage protection policies. We will explore setting up a heritage fund and look at special character zoning and character overlays under the District Plan. We will be working hard to ensure that Auckland retains its unique position of having the largest number of period wooden villas in the world.



14. Auckland’s current Mayor, Phil Goff, said “We’re hoping that we can provide protection for over 15,000 heritage homes in our Special Character Areas” ⁴, and at a macro level, it can be argued that Auckland’s SCAs qualify to be considered as historic heritage in terms of RMA s6(f), and as such can be considered a qualifying matter in terms of RMA S771(a) and 770(a) for the purposes of PC78.
15. CTA concurs with the sentiments expressed by Jacinda Ardern at the time during the AUP-IHP process when the pre-1944 demolition control was rejected and any protection for Auckland’s estimated 84,000 villas was limited to 21,000.

labour.org.nz/council_must_build_on_heritage_not_destroy_it

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Council must build on heritage, not destroy it

Posted by Jacinda Ardern on July 28, 2016

Auckland Council must move to ensure there are heritage protections in place following recommendations that demolition restrictions be tossed out, Labour’s Arts, Culture and Heritage spokesperson Jacinda Ardern says.

The panel considering the Unitary Plan has recommended removing partial protections for neighbourhoods with houses built before 1944.

“This character overlay was a response to a very real problem – the loss of special character buildings. That need hasn’t suddenly disappeared.

“Certainly we need to ensure we build both up and out in order to meet the huge demand for housing, but there are ways to do that without losing the character of our communities.

“Our heritage should not be an either/or. We’re a young country when it comes to built heritage and we should be doing everything we can to preserve what we have.

“The Council now needs to work with urgency to ensure a solution that safeguards heritage in our communities so that it’s not permanently lost,” Jacinda Ardern says.

LABOUR JACINDA ARDERN
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³ ‘Heritage’ (magazine of NZ Historic Places Trust) Summer 2004

⁴ TVNZ 1 NEWS at Six, 21 May 2022

16. CTA submits that there are streets in SCA's which easily match the quality of some streets scheduled in the AUP as Historic Heritage Areas (HHAs). Parkfield Street in Grafton, as proposed in PC81 is such an example and there are surely others which, as a s.6 matter, Council has considered.
17. It is unclear what has happened to the heritage and character identified by Council through the PAUP process. In terms of further assessment, very little has been formally recognised and protected since then, but CTA contends there is plenty of unscheduled heritage and special character known to Council which should be properly recognised in the appropriate planning instruments.

Other qualifying matters

18. CTA supports Council's decision to nominate Height Sensitive Areas, Local Views, Notable Trees, and Volcanic Viewshafts as qualifying matters.
19. We note the apparent absence of many formally recognised local views, and to that end, proposes the view from Emily Place Reserve in the City Centre, including the glimpse from that reserve to the harbour, be considered for formal recognition as a local view in the AUP. Protecting that view would require some form of incentive be provided to the owner of the building at 1 Anzac Avenue. Views to the harbour from within the City Centre are rare however, and this one from a reserve so close to the epicentre of early colonial settlement in Auckland would likely be valued if identified.
20. CTA supports Council's contention that constraints on Auckland's capacity to provide necessary infrastructure should also be a qualifying matter.

Current position

21. The AUP-SCA overlays were determined through a robust process during the preparation of the Proposed Auckland Unitary Plan (PAUP) and were subject to analysis via submissions and hearings on the PAUP.
22. The failure of proposed Plan Change 78 to include and protect at least the extent of the AUP-SCAs is, in CTA's view:
 1. contrary to the purpose of the Resource Management Act 1991 as set out in Section 5 and Part II.
 2. does not recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development as required by RMA s.6(f),
 3. fails to have particular regard to the matters set out in Section 7 of the Act, and in particular:
 - (b) the efficient use and development of natural and physical resources:

- (c) the maintenance and enhancement of amenity values:
- (f) maintenance and enhancement of the quality of the environment:
- (i) the effects of climate change.

- 23. In so far as Council is implementing amended RMA provisions that give effect to the NPS-UD and MDRS mandated by government, CTA generally supports PC78.
- 24. CTA submits however that Council's assessment process was inadequate and that its methodology for assessing special character is fundamentally flawed

CTA supports PC78 subject to amendments that would:

- 25. Reinstate the SCA's as operative prior to notification of PC78,
- 26. Include in the AUP the policies necessary to achieve the purpose of RMA s.77L and in particular, s.77L(c)(iii) which seeks to accommodate the Government's prescribed intensification in so far as that is possible without unnecessarily destroying Auckland's heritage and character.
- 27. Include in the AUP the local view proposed in paragraph 19 of this submission,
- 28. Include in the AUP the planning policies and financial incentives that could effectively and equitably help facilitate retention of valued elements of our environment, both natural and physical. Consideration should also be given to the implementation of an effective programme of transferrable development rights.

CTA wishes to be heard in support of its submission, would consider presenting jointly with others making similar submissions, and declares that it cannot gain any trade advantage by way of this this submission.

Date of submission: 29 September, 2022

Signature:



Audrey van Ryn
Secretary, Civic Trust Auckland