



Waitakere City Council  
*Te Taiao o Waitakere*

## NOTICE OF MEETING

# HEARINGS BY COMMISSIONER

I hereby give notice that a Meeting of the Hearings Committee will be held on:-

**DATE:**        **Monday,        14 March 2005**                                **TIME:**                        **9.00 am**

**VENUE:**        **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

7 March 2005

Owena Schuster  
**COMMITTEE SECRETARY**

Telephone (09) 836 8000 extn 8864

**MEMBERSHIP:**

Commissioner: Les Simmons

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(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR A MEETING OF A HEARINGS BY COMMISSIONER TO BE HELD IN THE  
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON MONDAY, 14 MARCH 2005 COMMENCING AT 9.00 AM**

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1 **NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY WAITAKERE CITY COUNCIL TO RELOCATE THE HENDERSON RAILWAY STATION BUILDING (A CATEGORY I HERITAGE ITEM) AT RAILWAY LAND, 35 RAILSIDE AVE., (OPP EDEL ST) HENDERSON, TO THE CORBAN ESTATE ARTS CENTRE, AT 2 MT LEBANON LANE, HENDERSON**

**N.B.** This report sets out the advice of Consent Services to the Hearings Committee/Independent Commissioner on the environmental issues raised by the application for resource consent. It is not the decision of the Council. The decision will be made after consideration of the application by the Independent Commissioner.

## **1.0 INTRODUCTION AND RECOMMENDATION**

### **1.1 Nature of the Application**

The applicant seeks Non-Complying Activity consent to remove the Henderson Railway Station, (Former), a Category I Heritage Item under the Waitakere City Council District Plan, Category II listing by the New Zealand Historic Places Trust, from its current location within the Rail Corridor adjacent to Railside Ave, opposite Edsel St, and relocate it to Corban Estate Arts Centre, to what is currently a car parking area to the southeast of the main buildings, and carry out renovations and repairs in its new permanent location in accordance with a Conservation Plan. It will not be used as an official Railway Station on the Western Line adjacent to its proposed new location.

The restoration will be carried out by the buildings owner, the Henderson Heritage Trust, in accordance with a Conservation Plan prepared by Dave Pearson Architects, who will then lease the building to a currently unspecified Community Arts Organization associated with the Corban Estate Arts Precinct, to be utilized for 'Arts purposes'.

A number of Limited Discretionary Activity infringements are created by the move of the building onto Corban Estate, relating to Landscape Treatment, Parking, Natural Hazards, and Corban Estate Special Area rules relating to new buildings.

The specific final use of the building has not yet been confirmed, as the buildings owner, the Henderson Heritage Trust, is unwilling to commit to a formal and binding lease agreement with any tenant, when the outcome of the consent process is currently unknown. Preliminary discussions have been undertaken, and depending on the final confirmed use, may be the subject of a further 'change of use' consent, once a tenant is confirmed, and if this use represents a *change of use*, as defined in the District Plan.

The building is to be removed from its current location to allow for the planned double tracking of the Western Line, integrated Henderson Transport Interchange upgrade, and the associated Waitakere Central project.

### **1.2 Resource Management Issues Raised**

The Resource Management Act 1991 requires that, when considering an application for a resource consent, a consent authority shall have regard to the environmental effects of the proposed activity, together with any relevant objectives, policies and rules of the District Plan.

The most relevant and pertinent matter related to this proposal is the removal of a Category I Heritage Item, namely the Henderson Railway Station (Former) from its site of long association adjacent to the Railway lines in Railside Ave. This matter is controlled by a City Wide Rule relating to Heritage, under which the proposal is considered to be a Non-Complying Activity. Under s104D(1)b, a consent authority may only grant consent to a non-complying activity if it is satisfied that the adverse effects of the activity are minor, or the proposal would not be contrary to the objectives and policies of the District Plan.

The recent Resource Management Amendment Act (2004) elevated the protection of heritage from inappropriate use, subdivision and development to a matter of national importance under Section 6, that must be had regard to by any consent authority carrying out functions under the Act. Section 6 is within Part II, the Purpose and Principles:

*“Part II: Purpose and Principles-*

*Section 6. Matters of national importance—*

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

*(f) the protection of historic heritage from inappropriate subdivision, use, and development.”*

The decision to grant consent must therefore be based on a careful consideration of the Objectives and Policies of the District Plan relating to Heritage, and whether the proposal is in accordance with the Purpose and Principles of the Resource Management Act as set out in Part II, particularly section 6(f), as referred to above.

Regard should also be had to the fact that the site of a historic structure is usually an integral part of its cultural heritage value, and therefore its removal from its site will diminish the heritage value of the building through severance of the important connection between structure and setting. However, the building's setting will continue to be used, and closely associated with railway use, and the building's proposed location is also in close proximity to the Western Line, some 450m from its original location, and the Preliminary Concept Plan for Corban Estate indicates that the proposed Heritage Tram line will be in proximity to the building. As the proposed double tracking is planned to extend to Swanson, the building's proximity to the actual rail line may increase from its current 30m. The building is to be set out 13m from the Rail corridor's boundary with the eastern boundary of Corban Estate.

Regard must also be had to the reasons leading to the decision to remove the heritage item, namely the provision of improved public transport resulting from the double tracking work leading to improved water and air quality, and improved outcomes and justification for existing and future higher density residential development around the already identified transport nodes and town centres, resulting in compact and viable Urban Villages, to deal with the projected population increases without resultant pressure for urban expansion. The provision of viable and accessible public transport is a key local and regional issue, and is referred to in the Auckland Regional Policy Statement, Auckland Regional Land Transport Strategy and various other Statutory and non-statutory documents, including the Local Government (Auckland) Amendment Act 2004.

It should be noted that the removal of the heritage building would not be contemplated, but for the proposed changes and improvements to the railway network, which the building has long served, would significantly alter the surrounding land uses, and effectively isolate the building and render it useless.

Relocation to the Corban Estate raises fewer District Plan issues than the buildings removal, as the relocation is considered as a Limited Discretionary Activity, and is to a modified carparking area, well above the 1 in 100 year flood plain of the Opanuku Stream, and beyond any potential hazard from the identified long-term stream bank regression line. Specific foundation design will still be required.

Concern has been raised in relation to the possible impacts on the existing Corban Estate Heritage items and the resultant loss of context for this site, particularly as the site already has a relocated Heritage Building (St Michaels Church). The Corban Estate site will be subject to significant redevelopment as indicated by the Preliminary Concept Plan, as the site use alters from its original purpose as a vineyard and horticultural based activity on the outskirts of a young town, to an Art and Cultural Precinct near the centre of a vibrant and dynamic City.

### 1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application for the relocation of the Henderson Railway Station (Former) Building.

It is considered that the environmental effects that may be generated by the activity would be more than minor particularly in relation to the loss of context for the Heritage item being removed from its location of long association, yet could be adequately avoided, remedied or mitigated by the imposition of conditions, ensuring the relocation and subsequent renovation is carried out in accordance with best practice, and ensuring that the least possible amount of the original fabric of the building is lost. The relocation will allow the owner to restore the building through removal of later intrusive additions and accretions that currently diminish from the heritage value of the building, brought about by adaptation to the building to make use of it in its current locality.

Retention of the building in its current location has been shown to be inappropriate for both the regionally and locally significant upgrading works to the Western Line, and the long term survival of the building. The proposed location on the Corban Estate, whilst not directly associated with a Railway use, is within 30m of the line (13m from the railway boundary), and less than 500m from its original location, and potential remains for the building to be associated with a proposed tramline.

The long term future of the building, and the conservation of its cultural heritage value can be assured at the Corban Estate, which cannot be said for retention in its current location, which from the sheer volume of graffiti on the buildings exterior indicates a lack of surveillance and confirms the owners concerns for the safety of the building.

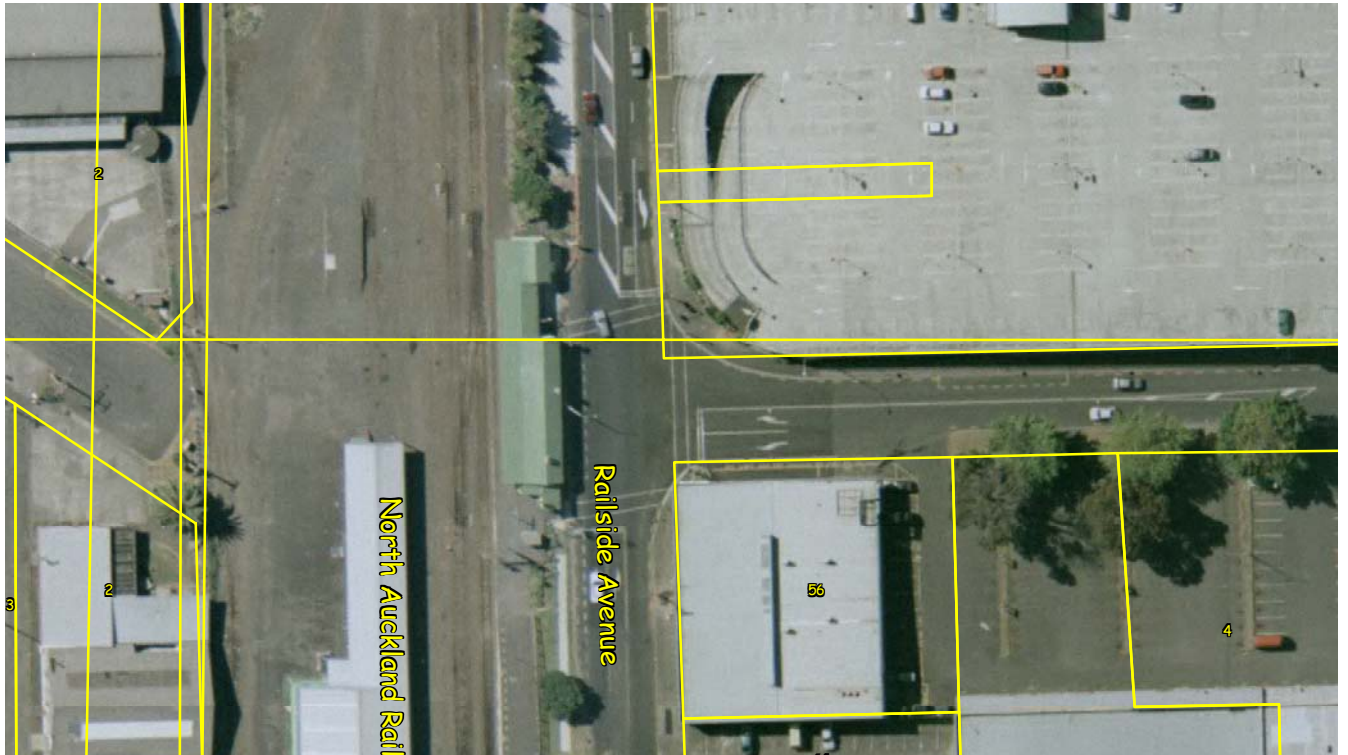
This recommendation has been based on a careful consideration between the loss of heritage value of the Henderson Train Station, and the proposed restoration project, and the potential for positive effects following its relocation in relation to the regionally and locally significant public passenger infrastructure upgrades that resulted in the proposal to remove the building.

It is considered that the loss of heritage value when considered in isolation is a more than minor effect, which is an unavoidable result of relocation. The quality of restoration as specified in the Conservation Plan, along with the improvements to public access and assurance of maintenance and preservation in its new location, which maintains a physical presence within Henderson, to the railway line, and its former location, are matters which are considered to remedy and mitigate for this effect. Following removal of the Heritage item, long awaited rail improvements to service the City's most important town centre and transport node will be undertaken, which, if the building were to remain, could result in removal of the verandah and platform, and a loss of value and accessibility to the structure.

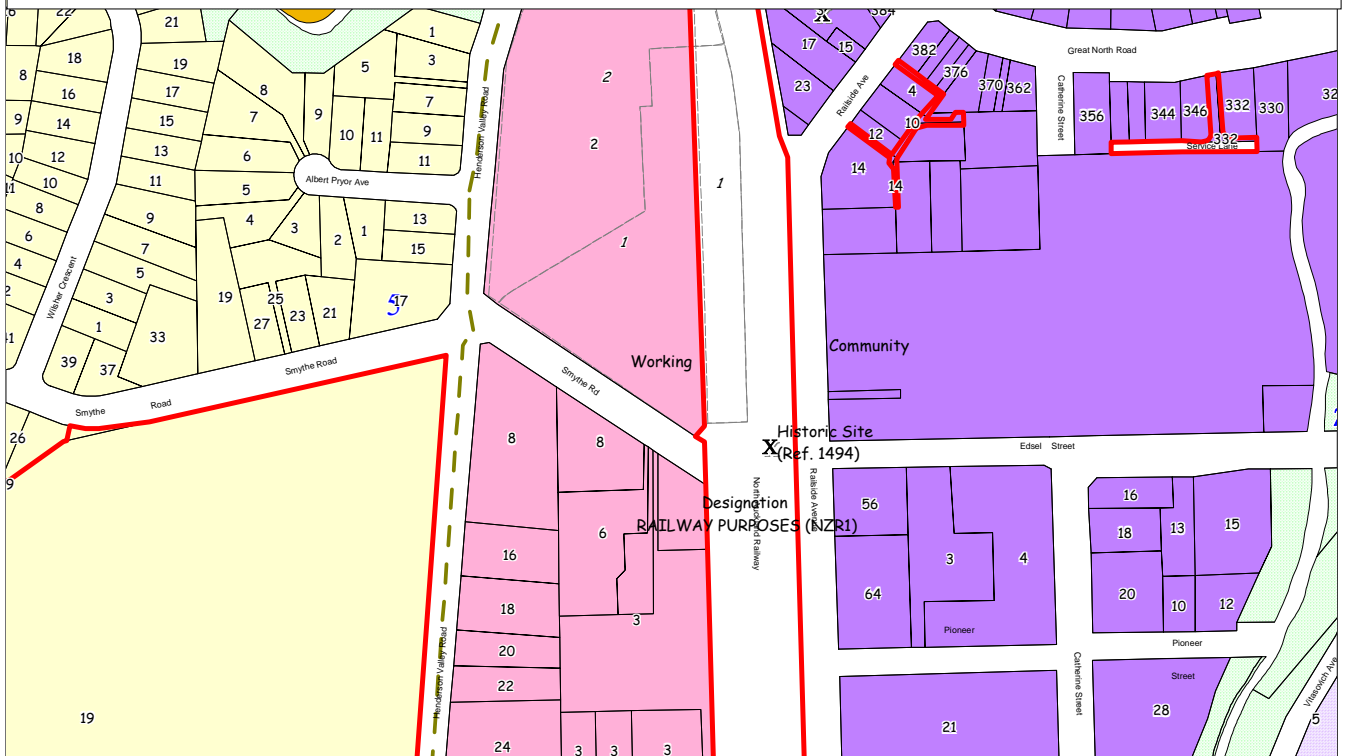
On the balance of these matters, it is considered that the proposal be granted.

It is therefore considered that, subject to conditions of consent, that the relevant objectives and policies of the District Plan will be satisfied, that the proposal is not contrary to Part II of the Act, and that the matters of national importance relevant to the proposal are recognised and provided for, in that the proposed use is not inappropriate.

**1.0 LOCATION PLAN**  
**1.1 HENDERSON RAILWAY STATION**



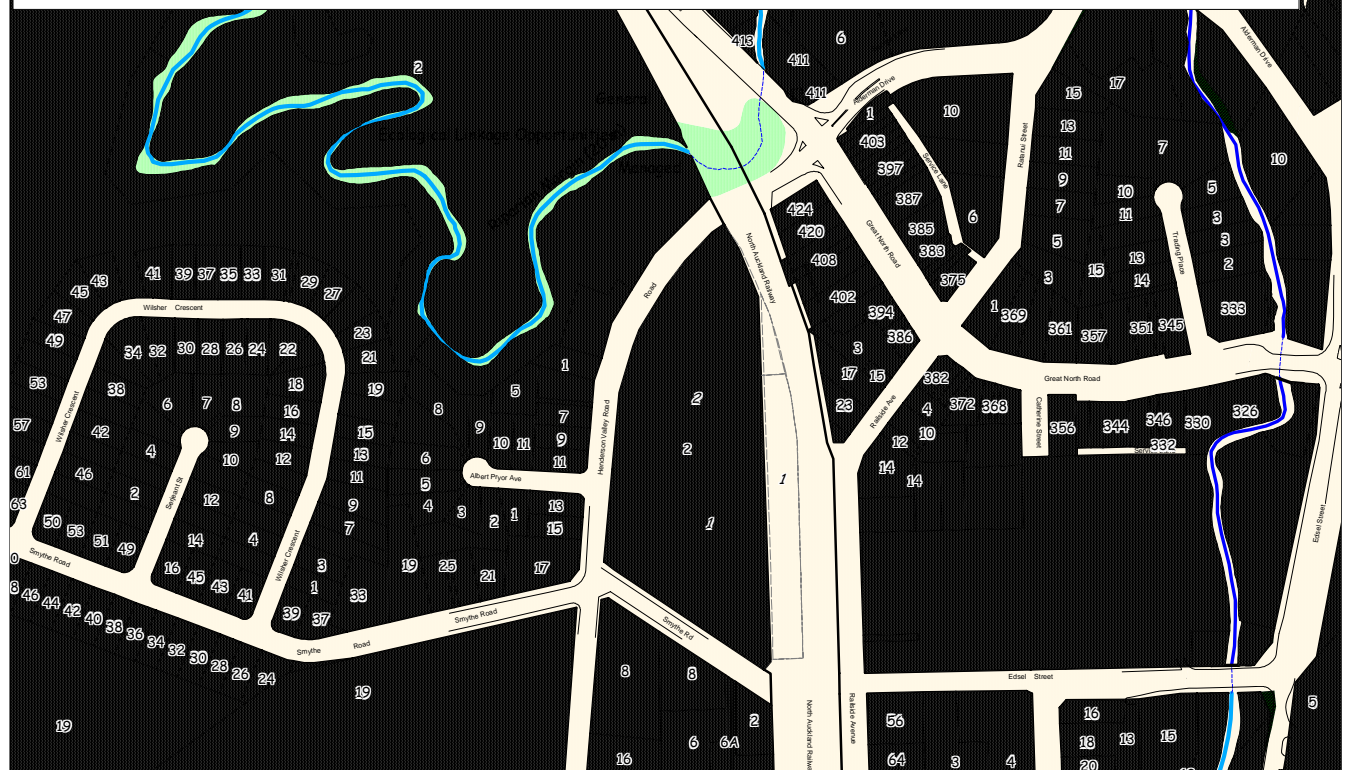
**Figure 1:** Aerial Colour view (March 2000) showing Railway Station Building, proximity to Edsel St intersection and surrounding built features. Westfield WestCity is located to the north east, and new Civic Centre site is to the north east.  
**Figure 2:** Human Environment Map showing Heritage Listing, Railway Designation, and surrounding zonings.

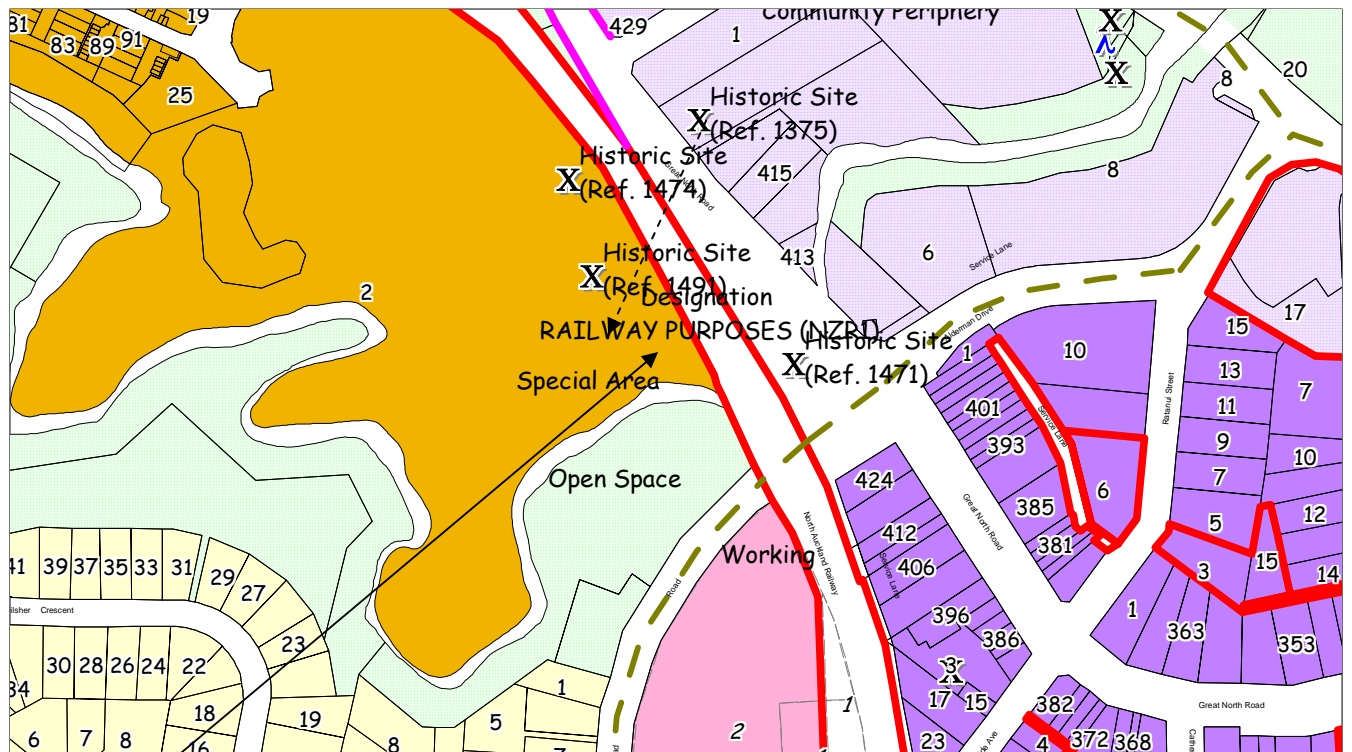


### 2.3 CORBAN ESTATE ARTS CENTRE

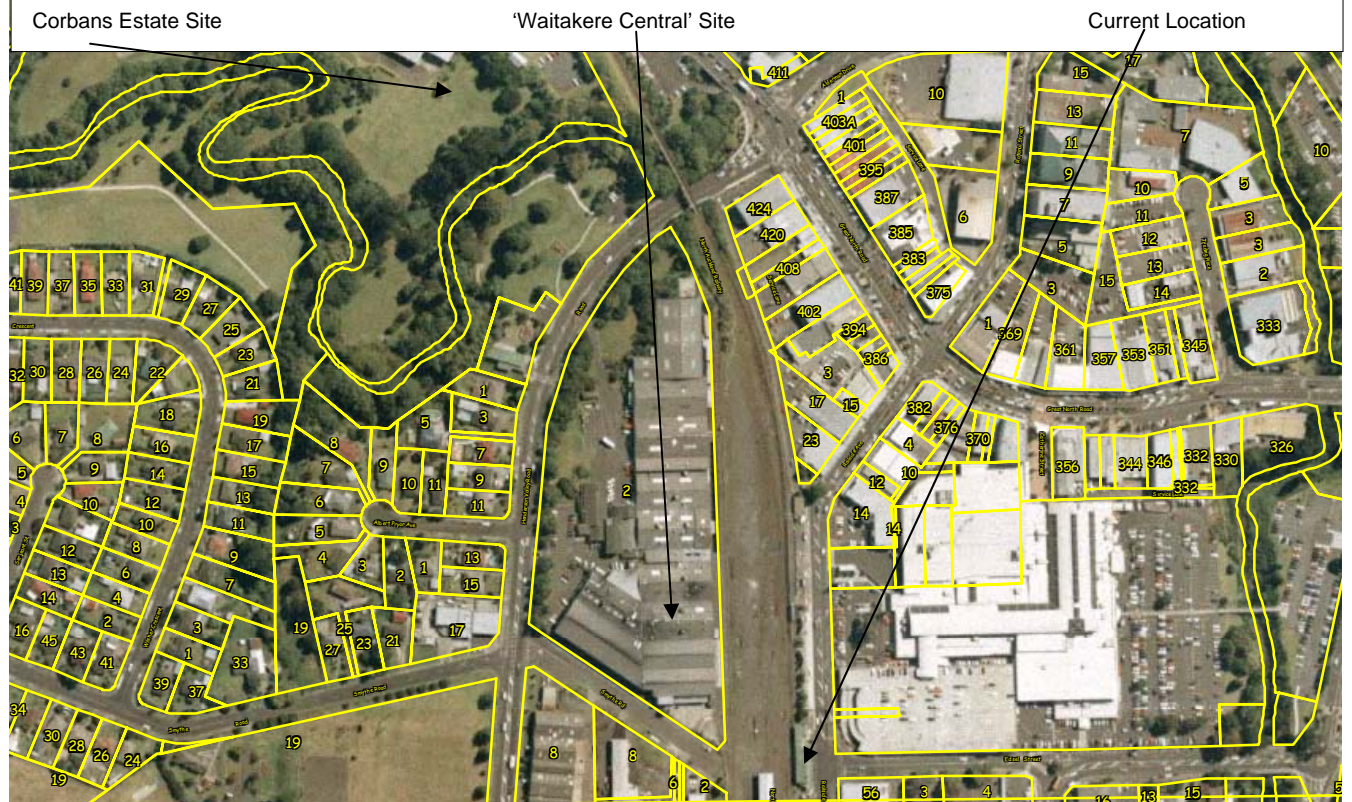


**Figure 3:** Colour Aerial (2000) showing proposed location for relocation, railway line, Opunuku Stream, and associated vegetation.  
**Figure 4:** As per above, from Natural Environment Maps. Proposed location is within the General Natural Area, and is outside the 20m Riparian Margin from the Opunuku Stream.





**Figure 6:** Site as shown on Human Environment Maps – Existing Heritage Items on Corban Estate are shown, and Heritage Item 1375 (St Michaels Church – shown on 423 Gt Nth Rd) has also been relocated to the Corban Estate site, and is currently awaiting repair.  
**Figure 7:** Overview of rail corridor showing current location and proposed site in Corban Estate. The move represents a northern move of some 450m along the railway line.



### 3.0 PROPOSAL

The applicant seeks consent to remove the Henderson Railway Station (Former) building from its current location within the Rail Corridor, and relocate it some 450m to the north within a vacant carparking area of the Corban Estate Arts Precinct, between the existing heritage buildings, the Opanuku Stream, and the rail corridor.

In its new location, remedial restoration and repair works will be undertaken in accordance with the Conservation Plan<sup>1</sup> developed by Dave Pearson Architects, with the building to be sited on a recreated replica platform.

The final use of the building is not yet confirmed, but will be a *Corban Estate Activity*<sup>2</sup>, which provides for a wide variety of uses compatible with the Arts focus of the Corban Estate, and could include café/restaurant use, Art/Wine retail or manufacturing, or Residential Use subsidiary to same.

The proposed works comprise the following:

1. Removal of Building from current location:  
Capping of services etc;  
Removal of platform structure to provide for double tracking;
2. Relocation to Corban Estate:  
Provision of Services  
Foundation works/Construction of replica 'platform'
3. Restoration and Remedial Works:  
As set out in conservation plan – structural and aesthetic works,  
Restoration, reassembly, reconstruction, reinstatement, repair and stabilisation<sup>3</sup>  
removal of inappropriate modifications/later additions/accretions as identified.  
painting in appropriate colour scheme (may require further research).
4. Change of use: (NOTE – may require further consent and not specific to this consent)  
New Tenancy, potential adaptation/minor internal works (partitions etc.  
dependent on tenancy requirements )

### 4.0 REASONS FOR THE APPLICATION

Consent is required under the following provisions of the District Plan for the following reasons:

#### 4.0.1a HENDERSON RAILWAY STATION

Removal of Station Building from current site:

<sup>1</sup> Dave Pearson Architects Ltd, July 1999 and revised November 2004, *The Henderson Railway Station: A Conservation Plan, prepared for the Henderson Heritage Trust*. All references to 'Conservation Plan' within this consent refer to this document.

<sup>2</sup> This term is defined on page 4 of the Special Area Rules Section of the Waitakere City Council District Plan.

<sup>3</sup> These terms are as defined in the ICOMOS NZ Charter.

### **City Wide Rules: HERITAGE**

Rule 2: ALTERATION, ADDITION TO, DEMOLITION OF HERITAGE STRUCTURES, OBJECTS SITES AND PLACES.

Non-Complying Activity for the removal of a Category I item as listed in the Heritage Appendix.

The Henderson Railway Station is listed as a Category I item (Cultural Heritage Inventory number 1494<sup>4</sup>), under the Waitakere City Council District Plan in which the interior is not protected. The building is described as a “*Class B, No 5 design, timber weatherboard railway station building, built 1912. Significance is attributed to historical, architectural, pattern and community values*”.

#### **4.0.1b CORBAN ESTATE ARTS CENTRE**

Placement at Corban Estate, and subsequent restoration works.

#### **Special Area Rules:**

#### **Rule 5: CORBAN ESTATE**

Rule 5.2: LIMITED DISCRETIONARY ACTIVITIES

Limited Discretionary Activity for the erection of a building for any *Corban Estate Activity*.

The applicants propose to relocate a building onto the Corban Estate.

### **City Wide Rules: HERITAGE**

Rule 2: ALTERATION, ADDITION TO, DEMOLITION OF HERITAGE STRUCTURES, OBJECTS, SITES AND PLACES.

Discretionary Activity involving additions or alterations to a heritage item<sup>5</sup> identified as a Category I item in the Heritage Appendix where additions or alterations involve more than minor repair<sup>6</sup> to, or maintenance of the Heritage Item in terms of the features to be retained.

The applicants propose to relocate the Henderson Train Station to Corban Estate<sup>7</sup> to be placed on a replica platform, and carry out a major renovation project (as Specified in the Conservation Plan) to bring the building back to close to original condition. This involves repair and maintenance of interior and exterior claddings and fixtures as well as the removal of some non-original features deemed to be intrusive in the Conservation Plan.

<sup>4</sup> The CHI information is attached as an Appendix to this report.

<sup>5</sup> **Would the District Plan protection still apply? Awaiting reply from eryl.**

<sup>6</sup> The term ‘more than minor’ has not been defined in the District Plan, and has therefore been taken to have the same meaning as the term is used in the Act – the addition of a new platform and the significant cost and extent of works involved with the restoration works in accordance with the Conservation Plan would indicate that the repair and maintenance required to bring back to original condition is ‘more than minor’.

<sup>7</sup> It is noted that Corban Estate already contains Heritage Items. The rule (2.2(b)) applying to *change of use* is deemed not to apply as the proposal does not result in the site being used for “a *significantly different use than the immediately previous use*”, as the final use is not specified but is likely to be a *Corbans Estate Activity*, consistent with the existing use of the site.

Rule 5.4 OTHER RULES APPLYING:<sup>8</sup>

**City Wide Rules: NATURAL HAZARDS**

Rule 1: GENERAL

Limited Discretionary Activity for the development of a site known to the Council to be subject to Natural Hazards. The site is subject to a number of Hazard and Special Features Register as per below:

**Special Feature Number: 2647**

Property affected by flooding. (Refer all applications for building consent to Drainage Engineer).

**Special Feature Number: 2651**

The area defined on Fraser Thomas plan 28827/4, labelled, 'Borrow Area 2' shall be subject to further geotechnical investigation and specific design prior to any building commencing on this area.

The wider Corban Estate is also identified in the Henderson District Scheme as being within a Flood Sensitive Area subject to 1 in 50 year flood events.

Geotechnical: (#2651)

The proposed location for relocation of the Henderson Station is within an area (Zone 1B) identified in a Geotechnical Assessment<sup>9</sup> of the site as being 'Suitable for development subject to investigation and Specific Design'. A number of previous geotechnical investigations (including the Fraser Thomas report referred to in the Hazard Register notation) have also been carried out on the site. The proposed carpark location is likely to encounter localised un-engineered fill, overlaying alluvial deposits of varying ages, possibly including some organic horizons.

No engineering difficulties are envisioned with providing a suitable foundation for the building, subject to the required specific investigation and resultant design, which is likely to require foundations to extend to within stiff natural ground below any localised fill if present.

Flooding/Stream Bank Erosion: (#2647)

This same report also assesses the 1:100 Year Flood plain, which was found to affect the low lying south western portion of the site, which will not impact on the proposed location, being within the higher north-eastern corner of the site. (see cross section I-I'). The proposed location is also outside the 'inferred theoretical long term slope degradation line', to which the existing steep stream banks are assumed to degrade to.

<sup>8</sup> As listed in the Corbans Estate Special Area Rules: Other rules applying section.

<sup>9</sup> Soil Engineering Ltd, 28 March 2003, *Geotechnical Assessment: Corban Winery, 2 Mt Lebanon Way Henderson, for Waitakere City Council*, WCC ref ST02014B. See Sheet D017/4 'Land Suitability Plan', and Section 11.2.

## Working Environment

### Rule 4: LANDSCAPE TREATMENT

Controlled Activity for the development of a site over 2000m<sup>2</sup> where the development incorporates planting of at least 10% of the net site area.

The Corban Estate is some 6.6Ha, of which less than 25% is covered with buildings, and paved areas. (that is some 75% of the site is 'landscaped').

The proposed Railway Station Building will be relocated into an existing paved carparking area and will therefore not impact on any existing planting or landscaping.

### Rule 9: PARKING LOADING AND DRIVEWAY ACCESS

The railway building, having a gross leasable floor area of 159m<sup>2</sup>, requires the provision of 4.54 carparks. As the proposed location is within an existing carpark, the provision of existing onsite carparks will also be proportionally reduced.

Corban Estate is characterised by a wide variety of formal and informal Arts, Winery, Storage and Retail activities and large areas of paving which has not been formally marked out for vehicle parking, either side of the existing through road. A large parking area is available at the entrance to the site and several overflow areas are also informally used.

A calculation of the parking demand in relation to the requirements of the District Plan is therefore difficult, as is a calculation of the actual availability of carparking to meet this theoretical demand, due to the wide range and variety of activities, and special events, that occur on the site.

Parking is therefore assessed as a Limited Discretionary Activity, but will be more adequately addressed as part of the development of the Corban Estate Concept Plan, currently at a preliminary stage. This plan includes the provision of a number of carparking areas.

4.3 Overall, the application is considered to be a **Non-Complying Activity**. The proposal complies with all other development controls under the District Plan.

## 4.4 OTHER MATTERS:

### City Wide Rules: HAZARDOUS FACILITIES AND CONTAMINATED SITES

#### Rule 2: CONTAMINATED SITES

The Corban Estate is listed in the Councils Hazards and Special Features Register as an Ex-Horticultural site (consistent with its historic use as a vineyard), which raises issues of potential agri-chemical contamination.

**Special Feature Number: 12389**

In 2001 the Auckland Regional Council and the Auckland District Health Board commissioned a report to identify properties previously used for horticultural purposes, as a starting point to establish the extent or otherwise of residual pesticide contamination of soils arising from those former horticultural uses. A copy of that report (Pesticide Residues & Horticultural Soils in the Auckland Region, Working Report No.96) can be obtained from the Auckland Regional Council. This property has been identified by this Council as a site which may previously have been used for horticultural purposes. There is no evidence that this property is, or is not, contaminated as a result of any former horticultural use. However, this Council may require soil testing if it is proposed to subdivide the property, establish new activities, or to extend existing activities on the site, depending on the nature and scale of those activities. This information is provided pursuant to s.44A(3) of the Local Government Official Information & Meetings Act 1987.

The potential of soil contamination was investigated in the Soil Engineering Report (see p 8, 9 and 16). TP5 (Test Pit 5) was dug in proximity to the proposed location, and Sample B was also taken from this approximate location, both some 50m to the south of the carpark area.

The report stated that the levels of both heavy metals and organochlorides have been shown to be within Background 'A' levels in terms of the Netherlands Standard, and the equivalent Australian/New Zealand Standards, with the exception of Lead (Pb).

Lead levels were found to be below the Background 'B' levels of both standards (i.e. the level at which a risk of exposure may be relevant to humans or the environment).

The Soil Engineering Report has been reviewed<sup>10</sup> by Councils consultant Contamination experts, Environmental and Earth Sciences, who note:

*"The exceedances of lead and copper as stated ... **is a result of a comparison of soil results with inappropriate guidelines.** When Compared to ARC's acceptable guideline levels for lead (140mg/kg) and copper (130 mg/kg) no one of the soil samples from the site exceeds the acceptable guideline levels for any of the elements or compounds analysed for, for the protection of human health or the environment ... [and] therefore concur that the limited soil sampling conducted on site indicates that the site poses no significant risk to human health or the environment".*

With regard to the comments above, the site is therefore considered to not be a contaminated site as defined in the District Plan, and the rule is therefore deemed to not apply.

<sup>10</sup> Environmental and Earth Sciences Ltd, 17 Feb 2005, Re: Peer review of Section 7.2 'Chemical Contaminant Testing' of the Geotechnical Assessment of Corbans Winery, 2 Mt Lebanon Way, Henderson, Ref: Rep305010A. Emphasis added.

## 4.5 OTHER CONSENTS REQUIRED

No other consents under the Resource Management Act are required, have been applied for, or granted in respect of this application.

Provisions of the Historic Places Act 1993 relating to the protection of items listed in the Register, are dealt with under the provisions of the Resource Management Act 1991, with the primary protection mechanism being the District Plan<sup>11</sup>, however the New Zealand Historic Places Trust has a guardianship and advocacy role, and maintains the Register of Historic Places and Waahi Tapu.

As an *archaeological site*<sup>12</sup>, written permission must also be obtained from the New Zealand Historic Places Trust pursuant to sections 10 to 20 inclusive of the Historic Places Act 1993. **This matter may be resolved at the Hearing.**

Waitakere City Council is also a Heritage Protection Authority under that Act, and written permission has been obtained (in the form of Minutes from the Council Meeting 1662/2004) to allow the relocation and removal of the Henderson Railway Station, pursuant to Section 193 of the RMA.

Building Consent(s) as per the provisions of the Building Act 2004 will be required both for the demolition/removal of the building from its current location, and any new works in relation to its relocation to the proposed site (i.e. new foundations, plumbing and drainage etc.).

## 5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

### 5.1 Henderson Train Station

The building is a single story, weatherboard structure with a gabled corrugated roof, with a deep verandah awning over the railway passenger platform. The structure actually consists of two separate structures, a smaller and much older (1881) building (the 'Parcel Shed') located at the northern end of the building linked to the more recent (1912) main station building by the verandah and a 'cart dock'. The main building has a small lean-to building attached on the northern side, which the verandah does not extend.

The Henderson Railway Station is listed as a Category I item (Cultural Heritage Inventory number 1494<sup>13</sup>), under the Waitakere City Council District Plan in which the interior is not protected. The building is described as a "*Class B, No 5 design, timber weatherboard railway station building, built 1912. Significance is attributed to historical, architectural, pattern and community values*".

More detailed descriptions of the history of the building and its heritage values are included within the Appendices to this report, particularly the New Zealand Historic Places Trust Registration, and the Conservation Plan.

<sup>11</sup> See for example, *Catholic Archdiocese of Wellington and Others v Friends of Mount St Cemetery* [1999] 4 NZED 571, and *AA McFarlane Family Trust v Christchurch City Council* C46/99 NZRMA 365 NZED 367.

<sup>12</sup> Section 2: Interpretation, HPA 1993, "*Any place in NZ that (a) ... (i) was associated with human activity before 1900...*"

<sup>13</sup> The CHI information is attached as an Appendix to this report.

The New Zealand Historic Places Trust, at the suggestion of the current owner of the building, Henderson Heritage Trust, has now listed the Building as a Category II Historic Place, for “architectural, historical and social” purposes, and makes reference to section 23(2) (Criteria for registration of historic places and historic areas) and to subsections a, c, e, and f, as reasons for its registration<sup>14</sup>.

As the site contains evidence of human activity prior to 1900, the site is also considered to be an ‘archaeological site’ as per section 2(a)(i) of the Historic Places Act, and is ‘automatically’ a ‘Historic Place’ as defined by that Act. This is not specifically noted in the NZHTP Registration Proposal, nor noted in their submission.

The Henderson Train Station is located on the western side of Rainside Ave, directly opposite the intersection of Edsel Street. The Station faces west over the railway lines and associated yards towards the end of Smyth Road, and the heavy industrial development accessed from Smyth and Henderson Valley Roads. The site to the north-west, is currently under development as the new Waitakere City Council Civic Centre (“Waitakere Central”). To the north-east, Westfield West City’s recently completed five level carpark and ‘The Warehouse’ additions dominate the streetscape, while lower rise (single level) retail developments are located on the south-eastern side of Edsel Street.



**Figure 8:** Henderson Strain Station (Former) as viewed from just to the south, looking north. Note verandah detailing, with contrasting exterior security lighting, and satellite dish.

<sup>14</sup> The New Zealand Historic Places Trust proposal is attached to this report as an Appendix, including the relevant provisions of the Historic Places Act 1993.

The central Henderson business district is centred on the Great North Road/Railside Ave/Ratanui Street intersection some 250m to the north.

The Henderson Station Building is located on an approximately 1m high raised concrete and asphalt<sup>15</sup> platform, approximately 1m from the footpath. To the north and south, two new 'MAXX' stations provide the stops for passengers travelling north-west towards Swanson, and Waitakere, and towards the City respectively.

The topography is generally level, apart from the raised railway platforms, and very little street furniture or trees are in proximity to the building, reflecting the utilitarian nature of the site.

A1-A167

The Henderson Train Station building is listed in the Waitakere City Council District Plan as a Category I Heritage Item (District Plan reference # 1494, which is also its Cultural Heritage Inventory Number), and has more recently been listed by the New Zealand Historic Places Trust, as a Category II historic place. The New Zealand Historic Places registration proposal as attached at pages A1 to A167, and a detailed description of the building has not been repeated here. The Conservation Plan developed by Dave Pearson Architects also includes a detailed description of the sites history, with particular attention made to the structural state of the building and the more recent accretions with a view to returning the building to near original condition.

The station has not been used for railway purposes since 1987, when the last ticket was sold and the building closed. In 1993 the building was remodelled as a café and reopened for that purpose. 1997, the café closed but the building is converted, to be tenanted by a furniture retailer. In 2000, the furniture company vacates the site, and the building has been commercially vacant since. Currently the building is utilised for residential purposes and tenanted by a live-in care taker. The buildings condition is generally poor, and an ongoing graffiti and petty vandalism issue gives the building a derelict and abandoned appearance.

## 5.2 Corban Estate

The Corban Estate site covers a large area between the northern bank of the Opanuku Stream, and the southern side of Great North Road, and the Western Line, which runs parallel to Great North Road between the road and Corban Estate.

The Corban Estate site contains a number of Category II Heritage Items listed in the District Plan relating to the Corban Estate Homestead (#1491) and various other structures relating to the former vineyard use and winery sales (#1474).

#1491: Corban Homestead and various buildings: Category II, interior not protected. Corban Homestead, adjacent former garage, Corban Winery building including former cellars, bottling hall, stables and workers canteen (now wineshop, offices, dispatch and storage area), distilling tower building, built between 1907 and 1950's. Significance attributed to historical and architectural values.

#1474: Corban Wine Shop: Category II, interior not protected. Masonry structure gabled roof building, built 1912. Significance attributed to historical and sense of place values.

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<sup>15</sup> This is the exterior surfacing. Hardfill materials within the platform has not been ascertained at this stage.

The site also contains St Michaels Church building (#1375) which has been relocated from a site on the northern side of Great North Road directly opposite the Corban Estate, and is currently awaiting restoration. This building is also to be sold to the Henderson Heritage Trust for restoration (see Council Minutes). Its current location on Corban Estate may be rotated and shifted slightly to better align with the proposed road/tramline development.

#1375: St Michaels Anglican Church, Category III, interior not protected, Weatherboard building built 1914, Significance attributed to historical and architectural values (brought onsite from 425 Great North Road).

To the south-east, the adjacent pay and display carpark between the western line and Great North Road contains the Coronation Bridge (#1471), Category II, crossing the Opanuku Stream completed in 1911, whose significance is attributed to historical value.

The proposed location for the Henderson Train Station is to what is currently an asphalt sealed carpark in the south-eastern corner of the site between the existing buildings to the north-west, the Opanuku Stream to the south and the railway line to the east. The site is generally level in the proximity of the carpark, but the Opanuku Stream banks drop steeply down to the water level to the south. To the east, the topography rises in an embankment to the railway line which crosses the Opanuku Stream and Henderson Valley Road on an over-bridge. The carpark is also set below the floor level of the majority of the buildings fronting Great North Road.

The carpark is screened from the railway line by a mixture of exotic and native vegetation, much of which appears to be removable species. Mature Natives are more common on the stream banks with an unfortunate prevalence of weedy species (wattle, Privet, woolly nightshade etc.). The Corban Estate grounds proper have a more maintained and park like appearance with a 'grove' of mixed exotic and native trees to the west of the carpark, separating this area from the lower portion of the site and the large sheds and artists areas.

No vegetation is present between the Corban Estate Buildings and the carpark, which is connected to the through road providing access around the site. The carpark is also set at a lower level than the Corban Estate Buildings

## **6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS**

*A166-A167*

The application was publicly notified on 3/12/04, involving the erection of signage at both the Henderson Train Station and Corban Estate, and the publication of a Public Notice in the New Zealand Herald. (Copy of the Herald Public Notice and photos of the Site Notices are attached at pages A166 to A167).

Notice of this application was served on all identified affected persons on 3/13/04 being the date of the publication of the Public Notice. The period for submissions closed on 24/01/05, but several were received on the 25/01/05. These submissions have been accepted. 12 submissions were received. 6 submissions supported the application, and 2 submissions opposed the application. A further 2 submissions conditionally supported the application, if the building was to be used in a railway setting, with a further two submitters opposing the relocation to Corban Estate, but supportive of relocation to a railway setting. Please refer to Appendix Three for copies of the submissions that were received.

A late submission (received 1/03/04) also opposes the application.

A map showing the location of the submitters is not attached, due to the wide geographic spread of submitters, and the fact that many are institutions with a local, regional or national interest, possibly an indication of the nature of the activity having a wide public interest rather than directly affecting any one person.

It is noted that none of the properties immediately adjoining and surrounding the Henderson Railway Station, and directly notified, have made a submission either in support or otherwise.

## 6.1 Submissions

A174-A217

A summary of each submission received (in no particular order) and whether that person/party supports or opposes the proposal follows. The actual submissions are as Appendix Three at pages A174 to A217.

Submitter	Support/Oppose	Summary
Cathy Miller 37 Sunnyside Rd, Sunnvale Waitakere City	Conditionally Oppose	Use in Railway setting for intended purpose. Instead move to Waitakere Station as replacement for poor facilities => improved rail patronage/community focus.  Corban Estate for Arts Centre not for relocated old buildings
Auckland Regional Council Private Bag 92012 Auckland Att: HD Jarvis Manager: Policy Implementation	Conditionally Support	If used in a Railway setting.  Note significance of proposed double tracking works to most significant public transport node in Waitakere City, and achieving outcomes envisioned by Regional Policy Statement, Regional Growth Strategy and Northern and Western Sectors Agreement.  Otherwise oppose.
NZ Historic Places Trust Northern Regional Office PO Box 105291 Auckland Att: Sherry Renolds	Oppose	Relocation diminishes heritage value, and the Trust will no longer register the item. Platform is part of registration.  Relocation incompatible with Corban Estate character, heritage status and integrity.  ICOMOS principles not adequately addressed, particularly 4 and 6.  Can remain on site and further investigation to this end is required.
Esa van Orsoy de Flines 44b Woodside Ave Henderson Waitakere City	Oppose	Building remain on site – shift tracks to allow retention.  Current location is archaeological site – proposal will result in disruption and loss.

<p>Auckland Regional Transport Network Ltd (ARTNL) PO Box 899, Shortland St, Auckland. Att: Bryce Julyan</p>	<p>Support</p>	<p>Current location not appropriate, practicable or safe – loss of context will occur, and not suitable for growing modern efficient rail network.</p> <p>Safety, Functionality and Maintenance issues would fall on ARTNL who is not building owner, and has no use for building.</p>
<p>Rail Heritage Trust of NZ Box 593, Wellington Att: Euan McQueen</p>	<p>Support</p>	<p>Good solution to conserving history overtaken by city's expansion.</p>
<p>Janine Clift 14 Hindmarsh St Henderson Waitakere City</p>	<p>Conditionally Oppose.</p>	<p>Concerned at relocation to Corban Estate.</p> <p>Support location to Waitakere Station/replacement of existing Waitakere Station, sufficient precedent in City for successful relocation of heritage train stations.</p>
<p>Auckland Regional Transport Authority (ARTA) Private Bag 92236 Auckland Att Simon Wood</p>	<p>Support</p>	<p>Not currently used for railway purposes, not part of future plans (see s6.2.1 of AEE) and supports conclusions in s6.3.</p> <p>Additional costs of retention to be met by this body if retained in current location.</p>
<p>Henderson Heritage Trust C/- PM Joyce 26 Buscomb Ave Henderson Waitakere City</p>	<p>Support</p>	<p>Current location not suitable – result in removal of verandah and platform; poor security/graffiti; no end use; new railway station and buildings =&gt; Loss of context; no car parking; foot access difficult; views of building are of rear rather than frontage; lease expiring.</p> <p>New location meets objective of Trust and will fulfil a useful purpose.</p>
<p>Falls Hotel Preservation Trust C/- HB Norcross, PO Box 21823, Henderson, Waitakere City</p>	<p>Support</p>	<p>Satisfactory preservation requires relocation from current site, to somewhere within Henderson. Other examples of successful station relocations around. Success of Falls Hotel indicates that station can also be successful.</p>
<p>Corban Estate Arts Centre (Waitakere Arts and Cultural Development Trust) PO Box 21526 Henderson. Waitakere City</p>	<p>Support</p>	<p>Building has significant heritage value; asset to site as community facility in close proximity to original site. Proposed location aligns with proposed roadway and tramline – potential for Station to be used in association with tram circuit. Not support further relocated buildings to Corban Estate.</p>

<p>Dave Harre 527 West Coast Road Oratia Waitakere City</p>	<p>Conditionally Support</p>	<p>Concern at arguments used for relocation =&gt; precedent for arguments to justify removal/demolition of Listed Heritage buildings (especially as Station is Category I).</p> <p>Despite any lease arrangements no automatic right of removal – i.e. Heritage Value supersedes any leasing arrangements.</p> <p>Council to fund and supervise HHT.</p> <p>Consideration of alternatives not properly argued especially relocation to railway based location.</p>
<p>Waitakere Central Community Arts Council PO Box 21-447, Henderson, Waitakere City C/- Lindsay Nash, Po Box 60-122, Titirangi, Auckland 1230.</p>	<p>Oppose  <b>(Late Submission)</b></p>	<p>Conflicting and unconvincing arguments in S6 of AEE.</p> <p>As potential tenants of building would not be large enough for their purposes.</p> <p>Leave station in place or investigate alternative sites.</p>

## 6.2 Pre Hearing Meeting (s99 RMA)

A copy of the agenda, attendance list and minutes from the meeting is to be tabled as an addendum to the appendices to this report.

Meeting to be held 5:00-7:00pm, 8/03/2005, at Civic Centre, 6 Waipareira Ave, Henderson.

### Tentative Agenda Items:

Archaeological Site?/New Zealand Historic Places Trust approval under HPA.  
Waitakere Station/railway station use potential.  
Double tracking Layout – effects on building.

## 7.0 STATUTORY REQUIREMENTS

The Waitakere City District Plan became operative on the 27<sup>th</sup> March 2003. However there were a few provisions and rules that were excluded from becoming operative as all references in relation to them had not been resolved.

These appeals do not relate to the matters at hand and the Waitakere City Council Operative District Plan 2003 is deemed to apply to the current proposal.

### 7.1 Non-Complying Activities

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more details in the report. This should be referred to as the legal framework within which the application should be addressed.

As noted, the proposal requires consideration as a non-complying activity under the provisions of the Resource Management Act 1991. Section 104D of the Resource Management Act 1991 sets a threshold test which all resource consent applications for non-complying activities must first pass before a consent authority has jurisdiction to grant consent, having regard to the matters specified in Section 104. In short, the proposal must be able to establish and operate without generating more than minor adverse effects on the environment, or must not be contrary to the relevant objectives and policies of the Operative District Plan. Council may disregard an adverse effect of an activity on the environment if the Operative Plan permits an activity with that effect.

The matters to be considered when assessing an application for resource consent are set out in Section 104 of the Resource Management Act 1991. Amongst other things, these matters require consideration of any actual and potential effects on the environment arising from the proposal, together with an assessment as to whether the application is consistent with relevant objectives, policies and rules of the District Plan. All considerations are subject to the provisions of Part II of the Resource Management Act 1991, which sets out the purpose and principles that guide this legislation. In particular, it should be noted in relation to this proposal, that the protection of Cultural heritage has been elevated to a matter of national importance that must be recognised and provided for, when considering any consent.

However it should be noted that for council to grant consent to a non-complying activity application there should generally be some exceptional or unusual element to the proposal. If such unusual circumstances do not exist, then the proposal would effectively compromise the integrity of the District Plan and public confidence in the consistent administration of the plan may be undermined. It is considered that the proposal would be unique because the proposal involves relocation rather than demolition of an important local heritage item to provide for improved public transport. The buildings local importance is related to the buildings relationship with the opening of the railway line from Henderson to Helensville and Auckland City, which was an important milestone in the creation of Henderson as a viable township, and the first reliable transport link to the 'outside world'.

Somewhat ironically, the reasons leading to the decision to apply for its relocation are to further this catalyst to ensure Henderson, Waitakere City and the wider Auckland Region is able to continue to provide viable transport linkages and ensure the ongoing sustainable growth of the City – that is the very success of the building in terms of its historical importance to Henderson as a mechanism for development and growth of the district is the very same reason for requiring its relocation.

Caution must be had in relation to the restoration works to retain as much of the existing fabric as possible, ensure new material is compatible with the existing fabric, and any repairs and restoration is done so as to not distort evidence of the past.

Council also has discretion to consider any precedent issues that may arise for a non-complying activity. According to the Court of Appeal decision in *Dye v Rodney District Council*, an adverse precedent effect can arise where the grant of a non-complying consent would influence the approach taken by Council to similar consent applications. Such a precedent effect does not arise here because of the unique circumstances surrounding the reasoning for its removal, including the Regional Policy Statement, the Regional Growth Forum, key Waitakere City Council platforms of Compact Urban Villages, Sustainable Transport, and the District Plan Objectives and Policies of providing more intensive residential development within radii of transport nodes and town centres, with resultant air and water pollution reductions, and easing of urban sprawl pressures. Precedent issues are also avoided by retention of the building in close proximity to its original site and within Henderson, and to the railway, and the high quality restoration proposed, and the retention of public access to the building.

The District Plan has been prepared with an “effects based” emphasis, in keeping with the Resource Management Act 1991. As such, consideration of the application in relation to each of the assessment criteria relating to the various infringements would ensure that all the relevant matters contained in Section 104 of the Resource Management Act 1991 would have been addressed. In addition, a brief summary is presented below of the main effects on the environment generated by the application.

## **8.0 EVALUATION IN ACCORDANCE WITH SECTION 104 OF THE RESOURCE MANAGEMENT ACT 1991**

In order to make a decision in terms of Section 104B of the Act it is necessary to undertake an analysis and assessment to determine whether the purpose and principles of the Act are being met (Part II) having regard to the matters set out in Sections 104, 104A - 104D as relevant, the Fourth Schedule and any other statutory considerations.

Section 104(1) of the Act requires that Council have regard to any actual or potential effects on the environment, any relevant objectives, policies, rules or other provisions of a plan or proposed plan and any relevant regional policy statement and regional plan or proposed plan, and any other matters the consent authority considers relevant and reasonably necessary to determine the application.

When considering an application Council must not have regard to any effect on a person who has given their written approval to the application (section 104 (3)(b)) and may disregard an adverse effect of an activity on the environment if the Operative Plan permits and activity with that effect (section 104(2)).

### **8.1 Assessment of Environmental Effects (104(1)(a)): Actual and Potential Effects on the Environment.**

#### **8.1.1 Water Quality and Quantity**

The proposed relocation of the Heritage Buildings are not considered to generate effects of a more than de minimis extent on both water quality and quantity.

The removal of the building from its current site, as the building is long and narrow and already somewhat elevated above the surrounding ground level, making the ‘shift’ technically non-complex.

The current location within the railway land and within the Henderson Town Centre is well separated from any open waterways, and the immediate vicinity is almost totally paved or metalled.

Potential for Sedimentation and Erosion of exposed soil is considered to be low, as the site is generally level, and will not expose any soil. The removal of the Station building is expected to expose the fill material from within the existing platform, which is expected to comprise hard fill material such as railway ballast and base course.

Relocation to Corban Estate is similarly expected to have little or no impact on water quality or quantity. The Station is to be located within an existing paved area, which is generally level. The site is in proximity to the Opanuku Stream, being on the level area near the crest of the bank above this important waterway. Earthworks required to provide foundations and/or a replica platform will be required to be in accordance with the Soil Engineering Geotechnical Report, and a further investigation and specific design as recommended. Sediment and Erosion controls will also be required. Storm-water and Sanitary sewer infrastructure is also available onsite, and all reticulated services will be required to be to EcoWater's satisfaction. Subject to conditions imposed, including Sediment and Erosion Control at each site, and connection to reticulated services, or on site storm-water disposal in accordance with the relevant Codes of Practice, effects on Water Quality and Quantity are considered to be de minimis.



### 8.1.2 Native Vegetation, Vegetation and Fauna Habitat

The relocation operation will not require the removal or alteration of any native or exotic vegetation, or faunal habitat.

The Railway land is an area of extremely low ecological relevance, and the proposed site for relocation is an existing paved area. None of the surrounding vegetation will be affected.

It is noted that the vegetation between the proposed relocation site and the adjoining Railway line comprises mostly large Privet and Acmena species, which are listed in the District Plan as Environmentally Damaging Plants, and are therefore Removable Vegetation.

As the building is single story, and set below the road level and separated from the road by the Rail Corridor, the screening effect of this unprotected vegetation is not considered to be required to be retained, or replaced, if it is removed at some future date.

Landscaping has not been developed for the Corban Estate Concept Plan at this stage, but care should be taken to avoid diminishing the connection between the rail corridor and the Station, and given that the buildings original setting was utilitarian and bare of any significant vegetation, any landscaping should also be suitably modest.

It is also recommended that Removable Vegetation and Environmentally Damaging Plants on the embankment to the east of the relocated station be removed to provide a better visual linkage between the rail corridor and the building. (See also section 8.1.10)

### **8.1.3 Land / Soil**

The effects on land and soil is considered to be de minimus, for both the removal of the Station and its relocation to Corban Estate.

The Station is currently located on a platform of just under 1m in height above the surrounding ground level. Capping of services and foundations is not expected to impact on the form of this structure, but is indicated in the supplied information, that the platform will be removed as part of the double tracking programme, and the construction of the new centre platform.

At the wider landscape scale, the platform has little physical significance, though the platform at Henderson is listed in the New Zealand Historic Places Trust registration. Similarly the creation of a replica platform at Corban Estate is considered to have minimal impact on a landscape scale.

Geotechnical issues at the proposed site can be resolved by specific investigation and design, and is a condition of this consent.

It is noted that the issue of contamination due to historic horticultural use has been found to be within the appropriate guidelines and no specific action is required.

### **8.1.4 Air**

As the proposal does not involve air emissions of any kind, effects on air quality are expected to be nil.

It is noted that the removal of the Station from its current location is in order to allow for Double Tracking and potential electrification of the Western Line, in order to provide a more efficient Integrated Public Transport Network, with resultant long term reduction in motor vehicle dependency, traffic congestion and improved air quality.

### **8.1.5 Ecosystem Stability**

As no vegetation or faunal habitat will be affected by the proposal, and potential effects on the Opanuku Stream from the proposed relocation can easily be avoided by compliance with the conditions of this consent relating to Erosion and Sediment Control, Ecosystem stability is considered to be unaffected by the proposal.

Further landscaping works in relation to the new Henderson Transport Interchange/Waitakere Central, and implementation of the Corban Estate Concept Plan are not the subject of this consent, yet are expected to comply with Waitakere City Council's EcoCity principles and the various guidelines and Codes of Practice for urban design and landscape planting. Environmentally damaging plants (including those that hybridise with Waitakere native plants) are not expected to be included in any landscaping proposal.

It is noted that no vegetation on Corban Estate will be required for removal to relocate the Station to the proposed location.

#### **8.1.6 Outstanding Natural Features; Landforms, Geological Sites**

As the two sites subject to this application are not identified as Outstanding Natural Features, significant Landforms or geological sites, these matters are not considered relevant to the application.

#### **8.1.7 Natural Character of Coast and Margins of Lakes, Rivers and Wetlands**

The Henderson Station site is well clear of any natural watercourse, and no effects are envisioned from the removal of the station building.

Relocation to Corban Estate is in proximity to Opanuku Stream but as discussed under sections 8.1.1, and 8.1.2 above, the proposed site is outside the identified Riparian Margin from this waterway, within a highly modified carpark area, and will not affect any of the existing vegetation between the site and the watercourse.

Effects on the Natural Character of the Opanuku Stream are therefore considered de minimus.

#### **8.1.8 Outstanding Landscapes**

The two sites subject to this application are not identified as being in areas of Outstanding Landscape within the City.

No effects on Outstanding Landscapes are therefore envisioned.

#### **8.1.9 Amenity Values - Health and Safety, Landscapes, Local Areas and Neighbourhood Character**

- *overshadowing, loss of daylight and sunlight, scale, form, height, bulk, physical dominance, privacy*

The proposed relocation of the single storied structure to Corban Estate is not considered to have any adverse effects in relation to building bulk and location, as the building is single level and is some 80m from the nearest adjacent property. The building does not infringe any bulk or locational requirements of the District Plan at Corban Estate.

The proposed location is well screened by existing topography from residential and commercial properties on the northern side of Great North Road, and is further separated by existing planting between the railway lines and the proposed location (See also comments re the status of this vegetation above). A public carpark and the Western Line itself also provide a physical buffer between the relocated station and the northern side of Great North Road.

The building will be screened from the Medium Density Housing located on Winery Way by existing buildings on the Corban Estate.

The proposed layout of the station building will have the veranda overlooking the carpark/proposed road to the southwest, with the rear (the current road frontage on Railside Ave) facing the nearby Rail Corridor. This is to allow for the more aesthetic portion of the building to face into the site to which it is proposed to be relocated, and to potentially face the Tram Line<sup>16</sup> and proposed road link as shown on the Corban Estate Preliminary Concept Plan (item 1.5), rather than for any sunlight access purpose. This location represents a northern relocation of some 450m, and an anticlockwise rotation of less than 90°. This will provide more potential for the building to be put to a suitable use<sup>17</sup> such as a retail arts sales or community arts group offices etc., as provided for in the Corban Estate Special Area, through improved 'street' appeal. It should be stated that the veranda was originally constructed for all weather protection for waiting passengers/goods and train loading/unloading rather than for purely aesthetic or sun shade reasons only (Although the Troup era stations were noted for their ornamentation and Victorian elegance).

- *visual amenity, streetscape, sense of place, neighbourhood character, amenity values, views, on site amenity, adequate open space.*

The removal of the Station building from its current location will have an impact on the long established streetscape and neighbourhood character of Railside Ave – These heritage issues are discussed in the Heritage section (8.1.10) below.

The vicinity of the Station to the north is characterised by established commercial premises within the Henderson Town Centre. Immediately opposite the site, Westfield's WestCity development is the dominant built feature, particularly with the newly completed carparking building and 'The Warehouse' of over 5 levels in height.

This retail use is the dominant feature of the area, with the area to the west of the station separated by the Railway line and associated yards and Civic Centre site, very effectively dividing the commercial oriented businesses from the more industrial type development accessed from Henderson Valley, and Smythe Roads.

The proposed Civic Centre, double tracking and replacement train station and transport interchange (some 100m to the north of current location) the will maintain and enhance the sites historic association with the Railway, and will be better incorporated into the modern streetscape. Further streetscape enhancements<sup>18</sup> are also proposed as is a major renovation of the Henderson Town Centre, and the Railside Ave area, to improve access and linkages between the Rail Station and the town centre.

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<sup>16</sup> Heritage Trams for Henderson Inc., has two trams in temporary storage at the Corbans Estate awaiting restoration. A Tram Storage Building is also shown on the Concept Plan (Item 2.11).

<sup>17</sup> It should be noted that the use of the building once restored may be required to be the subject of a further consent under the Heritage Rules of the Waitakere City Council District Plan as a Limited Discretionary Activity. Information provided by the applicant has indicated that this is likely to be an Arts related tenant, such as a community arts organisation and/or a 'terminal' for the Tram circuit.

<sup>18</sup> Isthmus Group has been engaged by Waitakere City Council to develop a Railside Ave Precinct Streetscape plan, currently in design stage.

**Figure 8:** Looking North towards the intersection of Railside Ave and Edsel St, with relationship of newly extended mall to the Railway Station building. The pedestrian veranda overhanging the footpath visible between the two open carparking levelson the Westfield Building is the approximate roofheight height of the Station.



Currently the Station Building is not utilised as a Platform for the purposes of commuter transport, and passengers use the 'Maxx' stations (built c1998) to the north and south of the historic station for embarkation and disembarkation. These stations were built as the Henderson Station Building does not comply with modern set out dimensional requirements, and the double tracking would potentially raise the track level to the level of the old platform (see NZRC letter dated 16 August 2004).

Currently the building is used for residential purposes by a live-in Caretaker. Graffiti and petty vandalism and a lack of maintenance has lead to a general decline in the appearance of the building which now appears derelict, and is described in the Conservation Plan as *"only being in fair condition. Some defects are evident and remedial work is required. In particular, there is an ongoing problem with vandalism on the west elevation facing the railway tracks"*, (p 32).

Further re-development of multi-story commercial premises, possibly precipitated by the new Civic Centre, and transport interchange will continue to reduce the importance and relevance of the Heritage structure, which is currently dominated by and out of context with the existing surrounding built environment.

Corban Estate Arts Precinct currently contains a number of heritage structures, including the winery buildings and homestead (District Plan references 1474 and 1491 respectively) and the relocated St Michael's Church (District Plan reference 1375), which is also awaiting restoration.

The addition of a further heritage building would be consistent with the current use of the site, (as also indicated by the Limited Discretionary status of the relocation of a building onto the site) and the future direction of the Arts Precinct as indicated by the Preliminary Concept Plan. Concern has been raised in relation to the effects on the intrinsic heritage value of the estate, and this is discussed in the heritage sections below.

On a visual amenity level, the Corban Estate is characterised by semi-industrial buildings, generally low-rise (apart from the landmark distillery tower), and a mixture of building styles, reflecting the sites development between 1907 and the late 1950s. A number of heritage buildings are located within the site, and the Station would be located in proximity to 'The Homestead and Garage', and St Michaels Church, and visually, is of an architectural form that is generally consistent with these buildings. The utilitarian form of the Station would be consistent with the wider Corban Estate character.



**Figure 9:** St Michaels Church currently onsite at Corbans Estate, awaiting restoration and sale to Henderson Heritage Trust.

The building is to be rotated 90 degrees and moved between the trees visible to the rear of the building to better align with proposed road and tramline.

Corner of Station carpark location is visible in lower left of picture.

- *connectivity, accessibility, surveillance, safety, public access,*

Currently, public access to the exterior of the building is not restricted, but the interior is not accessible. Use of the platform has declined as the 'Maxx' stations are 30 to 50m to the north and south, and as the appearance of the building becomes less inviting.

Relocation to Corban Estate will provide a more secure environment (for the building), and renovation and remedial works will provide for improved public access also potentially to the interior, dependent on the final use of the building.

Safety of the building from vandalism and damage is more assured at Corban Estate, and public access can be more easily controlled during the renovation project.

- *infrastructural capacity & availability*

Removal of the building from the Railway land will require capping of the existing services, which can be controlled by a Demolition Consent (under the provisions of the Building Act).

Reticulated storm-water, sanitary sewer and potable water is available at the Corban Estate. Details of connections will be required as part of the Building Consent process.

- *Traffic generation, on-street parking, driver safety, pedestrian safety, roading capacity and roading network, traffic noise, vehicle movements, access and driveway manoeuvring, driveway width & gradient*

The District Plan requires parking provision, based on the gross lease able floor area of the additions, or development. In this instance, the buildings area requires the provision of 5 carparks, and the building will be located to within an existing carparking area on Corban Estate, proportionately reducing parking availability on the site.

Mr John Carroll, Transport Engineer (One Stop Shop), in consultation with Principal Transport Engineer Adam Moller, has assessed the application and his comments are included here:

“The relocation of the existing Henderson Railway Station building to a small car park area on the Corban Estate Arts Precinct is currently not of concern to Transport Assets.

In consideration of the future expansion on the precinct (as detailed in the concept plan), the amount of land area available for informal onsite parking overflow for special events, and the close availability of the ‘park and display’ public car park area on the Great North Road side of the railway line adjacent to the Homestead; there will be negligible effect on the current availability of car parking.”

It is considered that the loss of carparking and potential additional parking demand would be adequately mitigated by the large amount of informal parking availability on the Corban Estate, and the ‘Pay and Display’ facility adjacent. No parking issues are currently experienced on Corban Estate during its usual day to day business. Overflow parking would only be necessary in relation to special events, and Public Transport in the form of both buses, and potentially improved passenger rail services to Henderson would adequately deal with this situation. Additionally the large level grassed areas and paved areas of the site are available for carparking, and are made available when special events are undertaken as per the current arrangements.

#### 8.1.10 Heritage

##### *Buildings*

- *Original setting, relationship of building with site, historic fabric, significant materials, original craftsmanship, style, character, physical domination of heritage item, incompatibility, appearance, integrity*

The main adverse effect in relation to this consent, is related to the loss of original setting as a result of relocation, which is an effect that cannot be avoided, or remedied. As such, it is considered that the effects of relocation are more than minor, in terms of the loss of setting for the heritage building. Such is the potential loss of heritage value to the structure, that the New Zealand Historic Places Trust as the primary national body for heritage advocacy and protection would no longer register the relocated building. However this would not affect the value of the building as an important piece of the local history of Henderson, albeit relocated.

Discussions with Eryn Shields, Principal Planner, in relation to the District Plan protection ‘transferring’ to the new location, this ongoing District Plan protection would require a Plan Change to alter the District Plan Maps and description. A Plan Change relating to updating (and enlarging) the District Plan Heritage inventory and correcting multiple locational errors within the District Plan Heritage Appendix and Maps is currently on the Policy works timetable. Until this occurs there may be a period while the building is not protected by the District Plan, but conditions of this consent would still apply.

The building is currently in a poor state of repair, being essentially abandoned following the cessation of rail services from the site in 1987, and the failure of the café and furniture retail businesses from this site, as an attempt to provide an economically viable purpose for the structure. The building has since become an easy target for graffiti and petty vandalism (heresy evidence suggests that the building has long been a target for petty vandalism), as the surveillance of the platform area was reduced following the construction of the more modern platforms to the north and south, and the buildings external appearance can only be described as being in poor repair.

The proposed relocation will be carried out under the supervision of Dave Pearson Architects, or a Heritage Expert to be approved prior to works by Council, to prepare the building for relocation ensuring the building is braced effectively, but in such a manner that the bracing does not result in damage. Following relocation to Corban Estate (to a pre-prepared foundation/platform) the building will be comprehensively restored in accordance with the Conservation Plan. Landscaping will be minimal, to reflect both the setting of the station, and also the character of the Corban Estate, which has a large amount of paving and a semi-industrial character.

New Zealand Historic Places Trust has raised issues of incompatibility between the Corban Estate in terms of its own inherent heritage value, possible being diminished by the addition of the Henderson Station. The site already contains a relocated Heritage Building, St Michaels Church.

The building will not dominate the Corban Estate buildings, nor will it be dominated by them, as the proposed location is set to the southern portion of the site, and is approximately 2m below the main driveway level in the proximity of the Homestead and Garage buildings, and the existing through road and set-outs proposed provide a spatial and physical separation between the existing complex and the Station. Further development of the Estate along the lines of the Preliminary Concept Plan will further enhance the visual separation between the Station and existing Corban Estate buildings.

Being a single level structure, even set on the low level platform would not result in any dominance effect, and the building is of similar architectural form as the homestead garage, and St Michaels Church, being simple single levelled gable roofed structures. Sufficient variation exists even in the materials used for the cladding of each structure to provide, even the casual observer of an indication that they are distinct structures, and their original purpose is evident in the visual and architectural treatment provided to each building, particularly in regards to the form of St Michaels and the Station buildings, which reflects their original functions.

#### *Archaeological Sites*

- *Physical structure, integrity, removal, addition, excavation, compaction, vegetation planting/removal, site modification, waahi tapu, taonga.*

Under the Historic Places Act 1993, an *archaeological site* is defined as any place that 'was associated with human activity before 1900'. Provisions of the HPA apply even where the site is not registered. New Zealand Historic Places Trust has not raised the issue of archaeological protection in their submission, though a number of other submissions raise this point.

Information provided in the New Zealand Historic Places Trust registration and the Conservation Plan indicate that the railway line construction between Auckland and Helensville commenced in 1872, with the official opening of the Henderson Station on 21 December 1880. Henderson's Mill had operated in the area since the 1840's, and there is a rich Maori history of occupation in the wider area prior to European settlement.

The proposed demolition of the station platform and the proposed double tracking works will result in site modification of a known archaeological site. This comment could apply to all double tracking works proposed as much of the current rail corridor follows the original railway as originally laid out in the late 1800's.

As with much archaeological work, discovery is often accidental and the result of other projects affecting known (or unknown) sites of past human activity.

In order to avoid potential adverse effects, an accidental discovery protocol has been developed and is recommended as a condition of this consent. This will be especially pertinent to the demolition of the platform which is thought<sup>19</sup> to pre-date the station buildings themselves. Additionally, comprehensive site and works recording and supervision by a suitably qualified Heritage Expert will ensure that the demolition project does not result in the total loss of information from the site, and that this information be collated and added to the Conservation Plan, and made available is also recommended as a condition of this consent.

Written consent of the New Zealand Historic Places Trust may also be required, under provisions of the Historic Places Act 1993 and this may include conditions as deemed necessary by that body, such as supervision by a site archaeologist. This consent may also be withheld.

### **8.1.11 Summary**

It is considered that the actual and potential adverse effects of the proposed activity are more than minor, particularly in relation to the loss of setting of the Henderson Railway Station (former) once relocated.

Relocation to Corban Estate, maintains proximity to the original site, and to the Railway line, and the former location will be continued to be used for its historic purpose – as the most important Railway Station in what is now Waitakere City.

Construction of a setting, repair and maintenance of the structure, followed by adaptive re-use of the building in its new location will ensure that the buildings remaining historic value is maintained, and where appropriate, enhanced. A condition of this consent also required that provision for mechanisms to recognise the remodelled station as historic building both in its new location, and in its original setting.

The relocation and renovation are to be undertaken under the supervision of an approved Heritage Expert, potentially including representatives of the New Zealand Historic Places Trust, in accordance with a Conservation Plan developed by a respected and experienced Heritage Architect. The works related to relocation, renovation and repair, and the demolition of the original platform are to be recorded and added to the conservation plan by the Heritage Expert, to be made available to the public, at the new location.

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<sup>19</sup> At this stage it is not known how old the platform is – ironically its demolition may reveal this detail.

It is therefore considered that, on a balance of the proposal, the effects are more than minor yet can be adequately avoided, remedied, or mitigated through appropriate conditions of consent, and further mitigated by the positive effects resulting from the double tracking which relocation of the building will facilitate.

## **8.2 Any Relevant Provisions of the District Plan 104(1)(b)(iv):**

### **8.2.1 District Plan Policies and Objectives**

It is considered that the proposed development would be consistent with the objectives and policies of the District Plan.

The most relevant objectives and policies in relation to this proposal are contained within Section 5.12: Effects on Heritage, of the Policy Section of the District Plan, and are included here, including the explanatory notes:

#### **5.12 Effects on Heritage**

*...Part 3 identified a range of places, objects, buildings and other structures, streets and waahi tapu which the City's residents and iwi value to the degree that they would like to see them passed on intact to future generations. In the case of such things as cemeteries and urupa (burial grounds), they would wish also to protect them out of respect for the dead and for the continued spiritual significance of the site.*

*Effects on archaeological sites (see glossary for definition) and many waahi tapu have included disturbance of the site itself to the point that the original features have been lost, or exposure to the weather has increased so that the natural processes of weathering are hastened. Sites such as middens are particularly vulnerable to even the most limited earthworks while the larger sites such as pre-european settlement gardens, kainga and pa sites, are affected by such things as excavation, quarrying and ploughing. Waahi tapu (sacred sites) associated with battles or rituals, have been affected by inappropriate use or by discharges. Buildings and other structures are, of course, vulnerable to complete removal as landowners seek to release the site for other uses. Within Waitakere City there is some impact from expansion of commercial and retail activities around the town centres, as older, mainly residential buildings are replaced by new commercial ventures. But the greater pressures are found within the older residential areas undergoing intensification. The results are two-fold: the removal of larger, older buildings from a site and their replacement with an increased number of units, and the subdivision and cross-leasing of a section and the placement of a new building in a way that dominates the older heritage building, and destroys the context of gardens or space around it.*

*Further pressure is placed on buildings where property owners either change the existing features, such as ornamentation, cladding or joinery, or add to the buildings in a way that is at odds with their existing form, scale and detailing. For example, new or additional rooms within the roof line of an older villa are often added in a way that the roof line or the line of any dormer windows, is set at a different angle. Often, new materials are used which are inappropriate. The cumulative effect of these changes is to undermine the heritage values of buildings, especially where the architectural style or features have been a factor in their identification as heritage items.*

*These changes to heritage sites, objects and buildings, result in the following significant resource management issues for the City:*

General:

- *the loss/destruction of places, buildings, trees and objects which are part of the environment's heritage values;*
- *the modification of structures and sites to a degree that the integrity of the heritage values is lost.*

Specific:

- *earthworks and removal of materials from a heritage site;*
- *coverage of a site by buildings or impermeable surfaces;*
- *trampling of heritage sites by stock;*
- *removal of buildings, structures, trees and materials associated with waahi tapu;*
- *use of materials, joinery and ornamentation on heritage buildings, in a way that is in conflict with the key elements that contribute to the heritage values of the building;*
- *additions to and modification to the basic scale, form, layout and roof line of any structure, in a way that is in conflict with the key elements that contribute to the heritage values of the building;*
- *the placing of new structures, objects or vegetation on or over any waahi tapu or other heritage site, in a way that undermines the spiritual and heritage significance of that site;*
- *loss and degradation of natural resources;*
- *modification to key landscape elements.*

**Objective 12**

*To manage the effects of activities on the City's valued heritage in a way that:*

- *maintains its variety and complexity;*
- *recognises and protects its national, regional and local significance;*
- *protects the links between particular heritage objects and the surrounding context;*
- *integrates that heritage with people's everyday lives; where possible and appropriate.*

**Policy 12.2**

*Activities must be carried out in a way that avoids demolition or partial demolition of a Listed Heritage site, building or object. If an applicant will suffer unreasonable hardship by reason of restrictions on demolition or partial demolition, Council may adopt one of the following courses of action:*

- *take steps to acquire any scheduled item and any land on which it is situated;*
- *enter into any other agreement which is mutually acceptable to the Council, the applicant and/or owner of the listed item, and the Historic Places Trust as appropriate;*
- *offer any other suggestions or assistance which would be likely to reduce any hardship suffered by the applicant or owner.  
and will take account of:*

- *whether there is any change in the circumstances that has resulted in a reduction of significance since the item was listed in the District Plan;*
- ***whether any building can be economically adapted for re-use;***
- ***whether any item can be relocated on or off-site, and the impact that relocation would have on the heritage significance of the object;***
- *whether any alteration to the area can be made that retains the heritage significance of the object;*
- *whether any alteration to the area can be made that retains the heritage significance of the item while accommodating the objectives of the applicant.*

Explanation

*An inventory of heritage sites, objects and buildings is held by Waitakere City Council. From this inventory, a list of buildings which are important for historical, architectural, community, visual, pattern (patterns of settlement), and landmark reasons, have been selected for protection under the District Plan. **This policy is concerned with the retention, intact, of those items. However, it does recognise that in some circumstances, demolition or partial demolition may be warrantable. The criteria ensure that the circumstances of the applicant may be taken into account alongside the heritage value of the item.***

Planners Comments:

In this case the applicant is the Waitakere City Council, on behalf of the buildings owner, the Henderson Heritage Trust, and the various bodies responsible for passenger rail services and facilities, (ARTA, ARTNL, OnTrack, Conexx), as Waitakere City Council is the lead agency for the development of the integrated transport interchange and civic centre, and is the primary<sup>20</sup> Heritage Protection Authority in relation to the Henderson Railway Station (Former). The Council has funded the formulation of the application through the Manager: Transport Strategy, and the processing thereof by Consent Services. Provision of a Council owned site for relocation also indicates the Council's level of commitment to Heritage protection.

The Council approach to growth management has been to direct the bulk of growth to occur around town centres and rail nodes within the existing urban area. This has been a priority established since the early 1990s with the Council's Urban Villages Strategy 1994 and Waitakere City Council Draft Greenprint strategic policy in 1992. A description of how the City has grown is found in the draft Greenprint 1992 at page 56:

*"Historically the City expanded along the railway line through the gradual growth of early settlements such as New Lynn and Henderson. Post-war, the development of the motorway together with government lending and planning practices, encouraged rapid suburban growth through 'greenfields subdivision'".*

The Urban Villages Strategy 1994 discouraged suburban sprawl and reinforced the focus of growth around neighbourhoods along the rail line as the preferred approach. There was an emphasis on achieving:

- compact growth;
- connectivity between places, making Waitakere easier to get around and reduce car dependency; and,
- providing choices in the types of housing available.

<sup>20</sup> In relation to section 193 and 193A of the RMA. Also relates to Tranz Rail Ltd/NZ Railways Corp (now OnTrack) NZR1 Railway purposes designation.

The Auckland Regional Growth Strategy re-inforces this approach of intensification of existing urban centres along key rail nodes and road corridors. The Auckland Regional Growth Strategy has encouraged residential and mixed use development to locate close to services and facilities in town centres. These town centres are focussed around a central passenger transport stop, usually a train station or bus route. The success of the strategy is dependant upon sound land use planning and upgrading of passenger transport services to meet growing demand.

In the case of Henderson, a number of strategic investments are planned to better integrate land use and passenger transport planning in a way that will benefit the local community socially, economically and environmentally. The Council has invested in upgrading the Westwave recreational facility and Trusts Stadium. Double-tracking of the western line will enable greater numbers of people to travel into and out of the City by rail. The new Council building has been designed to have access from the railway station and will share library facilities with Unitec. The main constraint on re-development of the historic railway building and platform in its current location is the extent of the rail designation and position of the "second track". The railway platform will require significant modification for the double-tracking and would leave the historic building isolated with few options for adaptive re-use. The proposal to relocate the building appears to be more preferable to a gradual decline by petty vandalism and passive neglect in its current location.

The ICOMOS Charter and District plan objectives, policies and rules encourage adaptive re-use of heritage buildings in preference to their demolition. Objective 12 in the Policy Section of the District Plan is concerned with managing the effects of activities on heritage and is included above.

*A1-A167*

The railway station building, ancillary buildings and platform are associated with the historic development of rail in West Auckland. Full details of the heritage significance of these items are attached to this report at pages A1 to A167. The proposal to relocate the railway station would maintain the variety and complexity of the City's heritage resource and recognise its local and regional significance. However, its re-location would diminish the links between the station and its surrounding context despite its close geographical proximity its original location. The Heritage Trust that is seeking the re-location of the building favours retention of the building and its integration with the everyday lives of residents and visitors to the Corban Estate, which is consistent with Objective 12 and policy 12.2.

The Council has funded the formulation of the application for Resource Consent, and the associated consultants fees, development of the Conservation Plan and the application is being processed free of charge (as are all consents related solely to heritage issues as a Council Policy). The proposed relocation site is also owned by the Council.

These measures have been taken in order to ease the hardship of the building owner, (HHT) in relation to their trust deed responsibilities in obtaining and preserving Buildings of importance to Henderson, and the land owner (the rail authorities) in order to discharge their responsibilities to provide improved passenger transport as required by the Regional Policy Statement, Auckland Regional Growth Strategy and the Auckland Regional Transport Strategy.

The second set of bullet points is discussed in the rules section (see Heritage Rule 2(d)) which flows directly from this Policy, and repeats the listed bullet points.

### **Policy 12.3**

*Alterations and additions to the exterior of any heritage item listed in the City Wide Rules Heritage Appendix of the District Plan and the interior of any heritage item where that protection is provided for in the Heritage Appendix of the Plan, should be carried out in a way that is consistent with the heritage values for which it has been listed and any Conservation Plan required for a Category I item, and is sympathetic to and protects the following features:*

- *street elevation and streetscape;*
- *style and character of the building;*
- *interior quality of the building;*
- *scale, form and detailing, including roof form, roof angles and eaves;*
- *the heritage significance of the building;*
- *historic fabric, significant materials and original craftsmanship;*
- *original materials including cladding profiles, coloured texture;*
- *original setting, including protection and maintenance of surrounding trees and gardens.*

#### Planners Comments:

Apart from the loss of setting (including streetscape), and the loss of the listed platform, resulting from the proposed relocation and double tracking, (this comment should not be taken as a dismissal of the value of the building in relation to its setting and vice-versa), the other features related to style and character, interior quality, historic fabric and materials will be preserved and stabilised, and where possible improved, through removal of intrusive accretions as specified in the Conservation Plan.

If the building was retained in its current location, the double tracking (as currently designed) would require the removal of a large portion of the verandah and platform, leaving the building isolated on an 'island', with poor street frontage, no useable exterior space fronting the rail lines, and a greater sense of contrast between the more modern station structures proposed, and the heritage building. Such modifications would not only diminish the heritage value of the building<sup>21</sup>, but severely impact on its potential for adaptive and viable re-use.

It is this planners opinion, that the relocation of the building in its entirety to a nearby publicly accessible location for restoration and re-use is preferable to retention onsite 'at all costs'.

### **Policy 12.4**

*Activities on sites containing heritage items listed in the District Plan, should be managed and located, and be of a scale, form and appearance which does not detract from the appearance and integrity of the listed heritage item. Particular regard should be had for signs, structures and exterior lighting placed on or adjacent to a heritage item, the location of vehicle access points and parking areas, the design of paths, fencing and gates and the retention of vegetation. Subdivision should be managed to ensure that any land closely associated with the value or significance of a heritage item in the Plan, is maintained within the same site.*

<sup>21</sup> It is noted that such a proposal would also require Resource Consent, likely to be publicly notified, under similar provisions as the currently proposed relocation – any comprehensive consideration of viable alternatives would likely include relocation as an option to maintain as much historic fabric and potential for re-use as possible.

Explanation

*A heritage item does not exist in isolation from the surrounding area. In particular, the scale and location of any adjacent structures, the design of gardens and the retention of trees can affect heritage values. In areas of intensive settlement, where surrounding sites are undergoing further development, the impacts on heritage items can be marked. The domination of a heritage item(s) and the reduction of surrounding space such that the original relationship of a building with a site is lost, can be a particular issue.*

Planners Comments:

To some extent, the building in its current location has already lost much of its surrounding context, through intensive and dominating retail development, particularly in relation to the Westfield site to the north east. Further development including the proposed double tracking works, new station, and the Civic Centre would further isolate the building. It is likely that the completion of these works will be a catalyst for further investment and development in the Henderson CBD possibly resulting in redevelopment of the low rise commercial buildings to the north and east of the site.

It is also important to note that the building has not been utilised for railway purposes since 1987, and that two new 'Maxx' platforms have been constructed to the north and south of the building to provide passenger services to the modernised trains, as the Henderson Station (Former) building does not comply with the required dimensions to service these vehicles.

Therefore, while the building currently provides an important visual and historic reminder of the history of the site, it serves no practical rail purpose, and appears derelict and abandoned. Adaptive onsite re-use has been attempted, in the form of a café, and then a furniture retail outlet, both of which have not survived. Currently the building is used as a residence for a live-in caretaker, which is not ideal, but provides a measure of security for the structure.

Signage, and fencing is related to the railway purpose for which the building was originally erected, and indeed the use of the setting following relocation will continue in that historically important function.

Relocation to Corban Estate will provide a visual link to the rail corridor, as it will be within 13m of the rail corridor, and a replica platform will be provided. Double tracking is proposed to continue to Swanson and may result in the rail line having an even closer spatial relationship to the relocated station.

The buildings current location is characterised by a lack of vegetation rather than a profusion, reflecting its utilitarian purpose. Care must be taken in the development of the Corban Estate landscaping to reflect this.

**Policy 12.5**

*Activities on sites adjacent to sites containing listed heritage items shall be designed, located and carried out in a way that minimises:*

- *physical domination of the listed heritage item;*
- *loss of the original setting, including surrounding trees and gardens;*
- *incompatibility with the scale and form of any heritage building, including roof form and roof angles.*

Explanation

*A heritage item does not exist in isolation from the surrounding area. In particular, the scale and location of any structures on adjacent sites, the design of gardens and the retention of trees, can affect heritage values. In areas of intensive settlement, where adjacent sites are undergoing further development, the impacts on heritage items can be marked. The domination of a heritage item(s) and the reduction of surrounding space such that the original relationship of a building with a site is lost, can be a particular issue. This policy gives emphasis to the impacts of decisions by surrounding landowners.*

Planners Comments:

This is a matter that in the context of this application can be better related to the relocation to Corban Estate, which contains Heritage Items related to its own former function as a vineyard, representing the development of the area as an important viticultural and horticultural region, and another relocated Heritage Building, St Michaels Church, from a site opposite.

Concern has been raised by a number of submitters in relation to the use of Corban Estate as a repository for relocated buildings rather than as an Arts Precinct, and in relation to the impact on the existing heritage values of Corban Estate as a distinct heritage area in its own right.

The St Michaels Church building, and potentially, the Henderson Railway Station are to be located in the southern portion of the site, set below and to the rear of the Corban Estate Historic Buildings, and is some 13.5m from the "Homestead Garage" (identified as 2.10d on the Preliminary Concept Plan), and separated by the existing through road, which is to remain, and would be upgraded as part of the Concept Plan.

Due to the scale of the existing Corban Estate development, and the topographical relationship between the two sites, it is not considered that the addition of a further single story building would diminish from the Corban Estate buildings in terms of bulk and location.

Further, as the three buildings are of a similar form (single level gable roofed structures), the grouping would not overshadow or dominate one or other of the buildings.

The positioning of the Henderson Station, St Michael's Church and the Homestead and Garage would indicate the development of a 'historic precinct', which may serve to remove focus from the individual values associated with each building if viewed in isolation.. Variation in exterior cladding, maintenance of colour schemes appropriate to each building, and visual and architectural form provide visual clues as to each buildings original function, and provision of interpretive guides associated with each building would go some way to mitigating this clustering effect.

**8.2.2 Rules and Assessment Criteria**

The District Plan Assessment Criteria have been developed to address the issues covered in the objectives and policies and are a useful guide in assessing the effect of an activity. The proposed activity is assessed in relation to each of the relevant criteria as follows:

### City Wide Rules: HERITAGE

#### Rule 2: ALTERATION, ADDITION TO, DEMOLITION OF HERITAGE STRUCTURES, OBJECTS SITES AND PLACES.

*2(a) The extent to which the design of the proposal and the assessment of effects take into consideration the following:*

- *the conservation principles contained within the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value attached as appendix to these rules;*
- *any New Zealand Historic Places Trust registration and the reasons for this registration of the heritage item under the Historic Places Act 1993;*
- *the policies of any conservation plan and/or heritage survey field sheet relating to the heritage item;*
- *the associated significance (if any) of the land surrounding the heritage item;*
- *any recommendations made by the New Zealand Historic Places Trust and any other professionally recognised party in heritage conservation issues, where relating to category I items or others which, in Council's opinion might benefit from the recommendations;*
- *the conservation principles contained within the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value attached as appendix to these rules;*

The proposal requires the removal of a heritage item from its site of long association, which, by its very nature will diminish the heritage value of the building. This is because the 'location and setting are an integral part of the heritage significance of the building'. Additionally the platform, which is registered by the New Zealand Historic Places Trust as part of the overall site, will not be relocated, and will therefore be lost. However a replica platform will be 'reconstructed' as part of the relocation programme. It may be possible, depending on the material used as hard fill within the existing platform, for this material to be reused at the new site.

The ICOMOS New Zealand Charter sets out principles 'to guide the conservation of places of cultural heritage value in New Zealand', and is intended as a 'frame of reference' and a 'guideline', for persons and organisations involved in conservation issues, and is a 'statement of professional practice' for members of ICOMOS NZ. The conservation principles are contained within 9 sections of the document, covering such matters as Conservation method, Respect for existing evidence, Setting, Relocation, Invasive Investigation and so on. The Charter states that '*each of these sections should be read in the light of all the others*'.

Concern as noted in the New Zealand Historic Places Trust submission then centres on principles 4. Conservation Method, and 6. Setting, as these principles are those most offended by the proposal, as the conservation method proposed (i.e. relocation) does not involve the 'least possible loss of material, nor 'the least degree of intervention'. Additionally, as previously mentioned, the setting is an integral part of the heritage value of the place, and its relocation to a different setting would therefore result in a significant reduction in heritage value. This is particularly relevant in the instance of the Henderson Station, as the building is not only an example of its type, but also of value as a setting and community focal point.

The Setting principle also recommends the 'construction of a setting' where one does not exist, or has been modified. At Corban Estate, the building will be in close association to the rail corridor, and a replica platform is proposed. This is not the 'railway' use that has been requested by a number of submitters, but as has been shown, direct railway use would affect the current owners restoration project, as it would require relocation outside of Henderson. The most outwardly logical location for relocation would be Waitakere Station or Fruitvale Station, but each of these is hampered by practical details, and would still require relocation – adversely affecting the heritage value of the building.

Unfortunately, as the proposal requests the removal of the Heritage Train Station to make way for improved passenger rail provision, a further principle becomes relevant - 8: Relocation, which:

*“can be a legitimate part of the conservation process where assessment shows that:*

- i. the site is not of associated value; or,*
- ii. Relocation is the only means of saving the structure; or,*
- iii. Relocation provides continuity of cultural heritage value.*

*A new site should provide a setting compatible with cultural heritage value”*

Having reference to the consideration of alternatives provided by the applicant, and a brief review of the sites more recent history, indicates that retention in its current location has not lead to 'conservation' or 'maintenance' as defined in the charter. The building has been utilised for a café and furniture retail since it ceased being used for railway purposes in 1987, both of which did not succeed, and lead to modification to the building to suit these uses.

The site surrounding the building is of associated value to the reasons for its heritage significance, being the railway lines that required the provision of a station to service them.

Relocation has been shown to be the most practicable solution to saving the structure, with the planned double tracking requiring the modification of the verandah and platform if the building was to remain on site. Resiting the location of the tracks to allow for the retention of the building intact has been investigated, but would result in inefficient and non-standard track layout, with possible 'kinking' in the train as it would lie on a 'reverse curve' bend, leading to possible passenger safety issues and inefficient/non-standard track layout. The main constraint from a railway engineering perspective is the narrow width of the designated rail corridor, the curve fro the north and the narrowing of the corridor to the north and south.

Additionally, the platform and verandah does not comply with modern railway standards and would require modification to conform (This non-compliance was the reason for the construction of the new platforms to the north and south). Future electrification would require further additional alteration of the building for electrical conductor safety setback requirements. Retention on site is therefore not considered desirable because of the resultant loss of heritage value from intrusive modification, and the subsequent potential abandonment of restoration plans.

Relocation would provide continuity of cultural heritage value through repair and restoration, in close proximity to the original location, setting, and the railway line, and will be within the area to which it has the most historic value – i.e. Henderson. The new site, being in proximity to the railway line, and for the other reasons outlined above is considered to provide a setting compatible with the cultural heritage value of the building.

- any New Zealand Historic Places Trust registration and the reasons for this registration of the heritage item under the Historic Places Act 1993

The New Zealand Historic Places Trust has registered the building, as a Category II Historic Place, registered with regards to Section 23: *Criteria for registration of historic places and historic areas*, (1):, architectural, historical and social values and Section 23 (2) with reference to subsections (a), the extent to which the place reflects important or representative aspects of New Zealand history; (c), The potential of the place to provide knowledge of New Zealand history; (e), The community association with, or public esteem for, the place; (f), the potential of the place for public education; and (k), the extent to which the place forms part of a wider historical and cultural complex or historical and cultural landscape.

A1-A176

The reasons for this registration are discussed within the New Zealand Historic Places Trust Registration Proposal attached to the application at pages A1 to A176, and are not fully repeated here, but focus on the role that the building played in the development of the Railway Network throughout NZ in the late 1800's and early 1900's and with particular importance to Henderson and the South Kaipara as it led to growth and development in these areas outside of the main urban centres of the time. It is one of few remaining stations on the railway line from this period, and one of few Heritage Buildings remaining on-site in Henderson.

The building also represents the input of two important figures in NZ history, Sir Julius Vogel, under whose ambitious public works programme and nationalisation of the railways, facilitated national railway expansion as a mechanism for economic and land development; and George Troup, the influential chief draftsman and design engineer of the Railways department, who worked on a large number of railway projects from 1886 till his 1925 retirement for politics, later becoming Mayor of Wellington, and a Knight Bachelor.

The 1881 parcel shed (architect unknown) is distinguishable from the later main building by its multi paned windows and weatherboard treatment. The main 1912 building is essentially a pattern book design, modified to meet local requirements, most closely matching a Type B No. 4 station from the 1904 *NZR Engineer's Pocket Book*. Unlike most of Troup's more ornamental and elaborate works, the Henderson Station is 'conservative and utilitarian', using readily available materials and standard joinery, with 'refinement and upgrading' utilising elements of late Victorian architecture. It is thought that while many Troup type B stations are believed to survive, few remain on their original sites.

The station is then of value, not so much for being a 'representation of type', but for its social and community value to Henderson as a catalyst for growth. It is noted in the New Zealand Historic Places Trust registration proposal, that from 1881 the population of Henderson increased by a factor of 1300% (from 40 to 583) till 1911, warranting an 'extension of railway services'. Externally, little has changed (see Conservation Plan timeline for a more detailed description of alterations) since the completion of the 1912 building, while the population of Henderson has increased immeasurably, and while the fortunes and popularity of rail as a transport form has waxed and waned, it is the further expansion of the railway that requires the buildings modification, through relocation as currently proposed.

Relocation to Corban Estate will affect the registration, as the Trust, in its submission notes, '*The Trust does not register relocated buildings*'. While this is unfortunate, the District Plan is the primary protection mechanism<sup>22</sup>, and the building will continue to be protected by conditions of this consent, and following a plan change, by the District Plan as a relocated Heritage Item. Relocation will not diminish the architectural appearance of the building, which will be subject to reconstruction, repair and reinstatement. The historic value of the building will be diminished, as the platform will be lost, and the building will no longer be in the location it has long been associated. Social importance of the building will be respected and enhanced, as the building will be publicly accessible, possibly including the interior, and provision is to be made within the building for historic interpretation (see HHT submission). Particular note is made of the separate Ladies Waiting Room of historical social importance, reflecting gender attitudes of the earlier period of New Zealand society. (Men, it is assumed, waited on the platform, while the Ladies were 'protected' from the noise, weather, dirt smoke and other men in the Waiting Room which included a fireplace.).

With respect to the Section 23(2) registration, apart from the loss of spatial context and removal of the platform, these matters are able to still be provided for in the new location, particularly if the building is subject to restoration, reinstatement and repair in accordance with the Conservation Plan, and if space is provided within the building for written and photographic history and interpretation.

Conditions to this effect are therefore recommended, noting that at this stage the specific future use is uncertain, and any arrangements for public access to the interior of the building and the actual location and accessibility, will to some degree be controlled by the tenant and the activity they carry out. Provisions are to be made by the applicant to provide for these matters, as conditions of consent, in any lease agreement.

- *the policies of any conservation plan and/or heritage survey field sheet relating to the heritage item;*

The Cultural Heritage Inventory entry notes that particular regard should be had to a colour scheme and with Specific Design Guidance provided. The features to be retained include the "*Original scale and form, timber weatherboard walls, gabled corrugated iron roof, verandah awnings, fretwork and other ornamentation*".

Relocation will not affect the items to be retained, and indeed protection of the building fabric and recovery of significance is incorporated into the Conservation Plan. One unfortunate omission has been the exclusion of discussion of an appropriate colour scheme. The original colour scheme is fairly easily obtainable through 'forensic' investigations involving assessment of paint flakes to discover the colour underlying. As such this is a recommendation of this consent, that such an investigation be carried out to ascertain the most appropriate and historically accurate colour scheme appropriate to the period to which the buildings significance is recovered to.

Unfortunately, apart from the Conservation Plan and the single page Cultural Heritage Inventory documentation, Council has no further documentation available in relation to the Henderson Station Building, as it appears that the colour scheme was not investigated and the Specific Design Guidance document never developed.

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<sup>22</sup> See for example, *Catholic Archdiocese of Wellington and Others v Friends of Mount St Cemetery* [1999] 4 NZED 571, and *AA McFarlane Family Trust v Christchurch City Council* C46/99 NZRMA 365 NZED 367.

The Conservation Plan, New Zealand Historic Places Trust Registration, and other documents made available in the course of preparation of this report have unfortunately shed little light on what colours would be appropriate.

*2(b) A Conservation Plan is to be submitted for any applications involving changes to any Category I item (or where in Council's opinion the application involves significant works or alteration to any heritage item). The Conservation Plan will be assessed in accordance with the extent to which it makes provision for the following:*

- *a statement of the significance of the heritage item*
- *the physical condition and structural integrity of the heritage item*
- *the physical conservation, action and care necessary for returning or revealing the heritage significance (this may include maintenance, reconstruction or restoration)*
- *activities which may be compatible with the protection of the heritage item, and those which might be constrained by them*
- *measures to enable the cultural significance of a place to be retained*

The Conservation Plan developed by Dave Pearson Architects has addressed the matters referred to above.

*2(c) The extent to which alterations and additions are to be carried out in way that is in keeping with and does not detract from those features for which the heritage item has been listed.*

The alteration relates to the physical relocation of the building to another location. Due to the size, shape and design of the building and the small distance required for the 'shift', the building can be relocated more or less intact.

It is envisioned that the main 1912 building will be moved as one piece, with the 1881 parcel shed as another move. This will require the separation of the verandah and 'cart dock' cover, but as the building envelope is relatively non-complex, this is not expected to detract from the features listed.

The foundations of the building are non-original as discussed in the conservation plan, being concrete piles, replacing the original assumed timber piles. The platform will be demolished following removal of the building to allow for the double tracking works. The platform is not specifically listed in the District Plan or Cultural Heritage Inventory sheet, but is included in the New Zealand Historic Places Trust listing, reflecting this bodies greater emphasis on the wider setting of the heritage item, and the intrinsic heritage value of the platform.

Due to the nature of the platform, it is not able to be relocated, however a replica platform is proposed. Possibility remains for hard fill material from the platform to be reused at Corban Estate if deemed appropriate, from an engineering, practical and heritage preservation perspective.

Retention of the features for which the building has been listed is the purpose of the relocation, to avoid possible modification by track widening and resultant loss of verandah.

*2(d) The extent to which alterations and additions to the exterior of any heritage item are to be carried out in a way that takes account of, is sympathetic to and protects the following elements:*

- *heritage value and neighbourhood character*
- *style and character of the building*
- *scale, form and detailing, including roof form, roof angles and eaves*
- *minimum loss of historic fabric, significant materials and original craftsmanship*
- *original materials, including cladding profiles, colour and texture*
- *original setting, including protection and maintenance of surrounding trees and gardens*

No additions are proposed. Modifications to the building (apart from relocation) are limited to removal of non-historic accretions as per the Conservation Plan, preserving the style and character of the building including its scale and form, and original materials where appropriate.

By its nature, relocation will remove the building from its original setting of the Railside Ave railyards, which are to be modernised with the addition of a new integrated transport interchange.

Its new location is in close proximity to the railway corridor (some 13m to the boundary, 30m to the line), and a replica platform is to be developed. The orientation of the building is to have the verandah facing towards the south, away from the railway line, towards the proposed road and tramline. This will give the appearance of the railway line being re-routed along its current corridor, to the rear of the station building. As mentioned under 2(a) above, the determination of an appropriate colour scheme will require further investigation. Currently the building is a light cream, with a green roof and trimmings.

Trees and gardens are noticeably absent from its current setting in the most utilitarian of rail environments, and the building is to be located to a paved carparking area. Removal of 'removable' and weedy vegetation on the embankment is therefore recommended to both more closely replicate the original setting, but also to improve a visual linkage between the building in its new location and the adjacent railway line. Restrictions on landscaping are also imposed for similar reasons.

*2(e) The extent to which alterations and additions to the interior of any heritage item are to be carried out in a way that takes account of, is sympathetic to and retains those features specifically noted in any Conservation Plan for the heritage item and protects the following elements:*

- *original floor plan*
- *scale, form and volume of internal spaces*
- *detailing of joinery and decorative features*
- *significant architectural elements*
- *significant finishes*

Removal of accretions and relocation of some internal walls that were altered during the period following the end of the rail use is identified as a key component of the Conservation Plan, thereby restoring the original floor plan.

Maintenance, stabilisation and repair, will be carried out to preserve the original fabric where it remains, with restoration and reconstruction undertaken where identified as appropriate in the Conservation Plan

*2(f) The extent to which, where part or total demolition or removal of the heritage item is proposed, consideration has been given to the following factors:*

- *the heritage significance of the building and whether there is any change in circumstances that has resulted in a reduction of significance since the item was listed*
- *whether the building can be economically adapted for re-use*
- *whether an object can be relocated on or off the site and the impact that relocation would have on the heritage significance of that object*
- *whether any alteration to the area can be made that retains the heritage significance of the item while accommodating the objectives of the applicant.*

The heritage significance of the building has not reduced since being listed in the District Plan, or listed by the New Zealand Historic Places Trust.

The building has been adapted twice for various purposes since ceasing of rail services, initially as a café, and then as a furniture retail store. The building is currently the residence of a live-in caretaker. Many of the accretions to the building occurred during this period, although throughout the history of the building(s) many alterations and additions have occurred in response to growing passenger and freight volumes and changing social standards (for example the addition of a Ladies Waiting room) (see p10-11 of Conservation Plan – Chronology of Events). The NZHTP registration also notes in a Statement of Significance, that the building reflects a “*tendency to re-use earlier structures within newer layouts*” (p12), and the building itself is an addition and alteration to an older station. Therefore only accretions identified as 'intrusive' in the Conservation Plan are to be removed.

The Conservation Plan also discusses the future use of the building both directly (p34) and in relation to possible adaptation, and notes that the building has always been a community facility and should therefore remain publicly accessible. This public accessibility will be assured at Corban Estate, and would include the interior of the structure, to which the public is currently excluded.

In relation to economic adaptation, the deed documentation of the Henderson Historic Trust requires that the building be able to be a 'high end use', and where possible economically viable through tenancy agreements with suitable tenants. An important 'reasonable use' principle is identified in case law relating to heritage buildings, and while these cases have not related to relocation, the principle could be applied to a relocated building (rather than relocation as a 'reasonable use'). It is the building owners' (Henderson Heritage Trust) wish to ensure that the buildings end use is compatible with the building, and involve the minimum of accretions. For this reason, it is unlikely that the building will be utilised as a café<sup>23</sup>, and it is also this planners recommendation that such a use be avoided, due to the Food Heath Regulations likely requiring fairly extensive alterations to comply.

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<sup>23</sup> Bringing the building up to current building and health standards for food retail purposes would require significant accretions of modern materials and alterations, including sanitary facilities, kitchen/washrooms, chillers, plumbing etc.

Final use of the building has not been confirmed as it is difficult to confirm rental agreements when the building is not yet onsite, but is likely to be a community arts group associated with Corban Estate. A recommended condition of this consent is that the final use be a *Corban Estate Activity* as defined in the District Plan with the exception of a *restaurant* use.

Extensive consideration has been given in the application, and in the consideration of alternatives to prospective sites both in close association with the railway lines and its original purpose. For a variety of reasons, these alternative locations have been discounted as unsuitable (refer AEE, further information and HHT submission), with the Corban Estate providing the most suitable location meeting the multiple and sometimes conflicting requirements of the HHT, the multiple Rail authorities requirements and the Waitakere City Council District Plan, and the Long Term Community Council Plan developed under the Local Government Act 2002.

The New Zealand Historic Places Trust notes that the removal of the building from its location will significantly affect the heritage value of the building, and that relocation will negate the current listing. District Plan protection will still apply, which is the primary protection mechanism. Relocation off site to any location offsite will therefore significantly impact on the heritage value of the building. Retention onsite has also been considered, but double tracking works will impact on the building as planned, or retention will require a non-standard layout with reverse curves. Even if the building were retained, and untouched, the building would not be utilised for railway purposes, the buildings ownership would revert to the Crown (through OnTrack/ARTA/ARTNL) and would continue to fall further into disrepair without a certain future, as noted in the ARTA and ARTNL submissions.

Additional station development would leave the building out of context, and, given the sites poor street appeal, parking and access difficulties and past experience indicate that a viable end use would be difficult to find. However, increased rail patronage and surveillance from the nearby Civic Centre and new centre platform, and possible commercial redevelopment facilitated by these works, would tend to weaken such economic viability arguments in the longer term. Practical difficulties would still remain, being the lack of on-site parking, poor street appeal and lack of direct footpath access, which contributed to the failure of the café and furniture businesses.

The objectives of the applicant are to retain as much of the buildings historic fabric as practically possible, whilst providing for an important regional and local transport facility, which is an extension of the existing use of the setting of the Heritage Item.

*2(g) The extent to which new development or activities affecting heritage items detract from the appearance and integrity of the heritage item with particular regard to the:*

- *visual impact of signs, and exterior lighting*
- *location of driveways and carparking*
- *need for landscape treatment including paths, fencing and gates.*

The proposed road and tramline will provide a similar articulation to the existing layout in the rail corridor, with the railway line taking the place of Rainside Avenue.

Landscape treatment, paths and fencing will be developed as part of the Corban Estate Concept Plan, but fencing is not likely to be a feature of the proposal.

In relation to retention of the building in its current location, modern rail design indicates that a centre platform is the preferred option for a double track layout. The design as submitted would require the cutting back of the verandah and platform to allow track installation and maintenance, and trains to run without 'kinking'. To avoid the station, the complex would need to be 3-4m further west, resulting in reverse curves, as the Henderson Station does not have a long straight lead in, particularly to the north. This is not desired due to the narrowing and curvature of the Rail corridor to the north, and the Henderson Valley Road over-bridge restricting flexibility in this regard. The station is closely integrated with the transport interchange and Waitakere Central building to the west, and providing a new station further south would negate many of the synergies evident in the current design.

**Special Area Rules:**

**Rule 5: CORBAN ESTATE**

*5(a) The extent to which buildings are of a scale and design which complements the character of the existing buildings on the site and which avoids adverse effects on neighbourhood character and amenity values.*

The buildings scale and design is of similar form to the existing Corban Estate buildings, being relatively low level, and gable ended. The character of Corban Estate is characterised by its historic buildings and the semi industrial layout, related to the former viticultural use which characterised the greater Henderson/Lincoln area in the earlier part of last century and has all but disappeared.

The addition of a further heritage structure, representing the coming of the railway line and the reliable freight and passenger connection to markets, which the northern line passes the frontage of the Estate, is not considered to compromise the character of the Estate as it is today. The Estate has been utilised as an Arts Precinct, and the buildings proposed (but unconfirmed) use is compatible with this.

The Henderson Station would not be obtrusively visible from the road frontage, and occupies an area that is topographically separate, yet in fairly close proximity to, the Corban Estate buildings.

*5(b) The extent to which activities compromise the natural landscape character of the adjacent Open Space Environment and the Opanuku Stream and the Ecological Linkage/ Restoration Natural Area.*

The relocation of, and subsequent activity within the building will not compromise the character of the Opanuku Stream, being located within an existing paved area, which would not require any vegetation alteration.

Subsequent works, such as those suggested in the Corban Estate Preliminary Plan including the vehicle bridge, may have an impact, but these works are not the subject of this consent.

**City Wide Rules: NATURAL HAZARDS**

**Rule 1: GENERAL**

*1(a) The extent to which subdivisions are designed to avoid natural hazards or at least provide for reasonable development, (taking into account the Human Environment applying to the land), on areas of the proposed site not subject to natural hazards.*

*1(b) The extent to which buildings can be located on areas of a site not subject to natural hazards.*

The building will be located clear of the regression slope line identified in the Soil and Rock report, and well elevated above the 1:100year flood level, which affects the Corban Estate, but in the lower lying area well to the west of the proposed location.

Specific foundations design in accordance with the (Zone 1B) 'Suitable for development subject to investigation and Specific Design' recommendations of the Soil Engineering report, are to be provided with the Building Consent application, to the satisfaction of the Design Engineer.

The flooding risk is deemed to be adequately avoided, with the low level of geotechnical risk to be mitigated by specific foundation design. Such a design would not impact on the external form of the building, which as a light timber framed structure is unlikely to cause any engineering difficulty.

Conditions to this effect are imposed.

### **Working Environment**

#### **Rule 4: LANDSCAPE TREATMENT**

*4(a) The extent to which sites are landscaped in accordance with a landscape treatment plan to:*

- soften the visual appearance of parking and manoeuvring areas
- break up and soften the visual appearance of large and/or continuous building frontages visible from roads.

*4(b) The extent to which planting comprises mainly trees rather than shrubs or other low profile vegetation.*

The proposed location for the Henderson Station, is currently well screened from surrounding sites, the adjacent Western Line, and Great North Road. No vegetation will be directly affected by the relocation proposal, but a recommended condition of this consent will be the removal of Environmentally Damaging Plants and Removable Vegetation on the embankment between the Western Line and the Station, to improve the visual connection between these features.

This work would not diminish the softening to the buildings and structures currently provided by the Opanuku Stream vegetation, nor the more established grove to the west of the proposed location.

Corban Estate, being a historic place in its own right, has a semi-industrial feel and character, and further landscaping would potentially diminish this character. Additionally, the setting of the Henderson Station is bare of any significant vegetation, and has been limited by other conditions of this consent.

It is therefore considered that additional landscaping is both not required, and inappropriate, in this instance.

Rule 9: PARKING LOADING AND DRIVEWAY ACCESS

*9(a) The extent to which adequate provision is made for the parking of vehicles generated by activities on the site having regard to:*

- whether it can be demonstrated that a substantial number of people walk, cycle or take public transport to activities*
- whether activities on the same or nearby sites operate at different times and can share carparking*
- there are special or unusual characteristics to the parking demands of the activity, such as most parking being associated with pick up or drop off.*

*9(b) The extent to which adequate provision is made for the safe movement of pedestrians from carparks to the building or activity the carparking serves.*

*9(c) The extent to which loading spaces are provided of a sufficient number to serve the loading needs of activities proposed or likely on the site.*

The Corban Estate Arts Precinct is located in an extremely central position relative to the Henderson town centre, and is within the Medium Density Housing Radius of this town centre and the Railway Station. Great North Road is a Regional Arterial Road providing frequent and regular bus services to and from Henderson to multiple locations within the city and wider Auckland metropolitan area.

Currently, Corban Estate does not create any parking issues on the surrounding road network, due to the provision onsite of large formal and informal parking areas, and the site has easy walking access from Henderson, and the Pay and Display 'Centennial Bridge' carpark to the south east of the site.

Loading spaces are not considered to be required for the proposed Arts Use, and multiple loading spaces are available onsite, remaining from the sites historic use as a major vineyard and distillery.

*9(h) The extent to which provision is made for on-site turning of vehicles to avoid reverse movement between the carparking or loading area and the road where the reverse movement would disrupt the safe and efficient functioning of the road.*

*9(i) The extent to which driveway access from the road is located and designed to allow safe and efficient movement on and off the road, including provision for safe and efficient sightlines.*

Corban Estate is accessed via a traffic signal controlled intersection with Great North Road, Swanson Road, and Lincoln Road. Mt Lebanon Lane provides access to the main entrance to the estate which provides a one-way through road providing access around the site.

Future roading developments as indicated on the Preliminary Concept Plan would improve the access situation beyond its current satisfactory layout.

**Auckland Regional Policy Statement, Plan or Proposed Regional Plan (s104(1)(b)(iii) and (iv))**

**Auckland Regional Policy Statement 1999**  
**(Operative 31 August 1999)**

The most relevant chapters to this proposal are:

- 2: Regional Overview and Strategic Direction
- 4: Transport
- 6: Heritage

Although, like most planning documents no one section can be taken in isolation, but regard must be had to each in the light of the other, and the overriding purpose of the RMA.

A brief summary of each of the chapters referred to above is included with emphasis added:

2: Regional Overview and Strategic Direction

*The Region's continuing growth is of key strategic importance. Historically, the transport system and provision of bulk utility services (especially drainage) shaped metropolitan Auckland. The decisions made in the 1950s to develop a motorway system, and to provide drainage services to the greater part of urban Auckland from a treatment and disposal system situated at Mangere, greatly facilitated urban expansion. Sustained investment in the motorway system, and high levels of car ownership, encouraged suburban growth and led to the low-density urban form which is present-day Auckland. However, Auckland's low-density urban form has led to inefficient travel patterns and use of energy. People have to travel further to get to the services they require and to get to and from work. Not only does this require more travel than a more compact urban form, but it has led to greater reliance on private vehicles and less effective use of public transport. **More travel means greater use of non-renewable fuel, more emissions to the environment from vehicles, a greater contribution of greenhouse gases to the atmosphere, and a greater impact on the quality of air and water in the Region.** (p2-3)*

*Unless it is carefully planned, infill and intensification can have adverse effects on natural or physical resources and amenity values. In some areas, urban utility services, such as sewer systems, electricity supply and telecommunication systems, and the transportation network, have reached limits to their capacity and already require refurbishing, replacing or upgrading. (p5)*

*The Auckland Region has a large amount of nationally and regionally significant utility services as well as physical structures...**Infrastructural services and facilities, including utility networks and services, are necessary to enable people and communities (and future generations) to meet their economic and social wellbeing.** (p8)*

*The key issues involving regional infrastructure are:*

- **Provision (or non-provision) of infrastructure is a major influence in the overall pattern and direction of regional development.**
- **The need for expansion, replacement or upgrading of infrastructure in order to avoid environmental problems and/or to increase the capacity of infrastructure to accommodate growth.**
- **The need to avoid, remedy or mitigate the adverse effects generated by proposed changes to infrastructure and to consider alternative ways of avoiding or remedying them. Relocation of infrastructure or restrictions on the location of infrastructure or restrictions on the establishment of sensitive land uses in close proximity may be required to overcome the environmental problems faced.**

- *An absence of co-ordination between infrastructure providers and other agencies responsible for urban growth and development may increase the likelihood of adverse effects. (p9)*

#### 4: Transport:

**An effective and efficient transport system is critical to the social, economic and cultural wellbeing of the Auckland Region and its inhabitants.** Transport infrastructure represents a significant physical resource in the Region which requires careful management. Similarly, the effects of the transport system on the environment are of considerable importance to the Auckland Region.

The form of development of Auckland and the pattern of activities in the Region has been profoundly influenced by transport systems. In recent times the system of arterial roads and motorways has evolved, resulting in a sprawling, low-density city. Population, employment and economic activity in Auckland have increased steadily, resulting in more trips being made. The number of vehicle trips made per person has also increased, accentuating the increase in total trips. The increase in use of vehicles reflects changes in commercial distribution systems, individuals becoming involved in more activities, and replacement of walk and cycle trips by vehicle trips. The increase is placing greater pressure on the transport system and highlighting its adverse effects on the environment. There is increasing recognition that the Region's transport system needs to be developed in a more sustainable manner.

**A more sustainable transport system is one in which trip numbers and lengths are minimised, and the use of energy and space-efficient modes of transport, such as public transport, cycling and walking, are viable and encouraged.** The development of such a system in the Auckland Region would work towards minimising adverse environmental effects, meeting accessibility needs and improving safety. The major direction of transport policy in Auckland will be set by the RPS. The components of that policy are more fully developed through the Regional Land Transport Strategy (RLTS) which has been prepared pursuant to section 23 of the Transit New Zealand Act 1989 (as amended by the Transit New Zealand Amendment Act 1993). (p9)

Auckland has a unique and distinctive natural and **cultural heritage which is central to the identity of communities, groups and individuals in the Region.** It is also important for the economic, social and cultural wellbeing of the Region.

**Historic and special character buildings, sites and places also play an important part in the retention of the Region's heritage.** It is essential that these buildings be identified and given appropriate classification and protection in district plans and through the provisions of the Historic Places Act (HP Act).

Respect for the vital contribution heritage makes to the identity of Auckland and recognition of the importance of the life-supporting capacity of ecosystems and natural features are constraints which mould the form and direction of development in the Region. (p13)

The Strategic Direction recognises the needs of future generations by:

- **ensuring the Region has the capacity to accommodate growth and development;**
- **enabling the providers of significant regional resources to meet economic and social needs of the community while ensuring that adverse environmental effects are avoided remedied or mitigated;**
- **improving urban efficiency.**

- *Guiding development in a way which avoids foreclosing future options ensures that future generations will be in a position to make appropriate resource use choices in order to meet their own needs. (p14).*

*An overview of the issues arising in the Region leads to the conclusion that to achieve the purposes of the RM Act it is necessary to:*

- ***contain expansion of Auckland's urban development while still providing for population and economic growth;***
- ***guide urban development ... in directions which are efficient in terms of travel patterns and energy use, and avoid, remedy, or mitigate adverse effects on the Region's natural and physical resources including existing infrastructure;***
- ***guide the providers of urban infrastructure and transport facilities or services so that they plan and programme their facilities or services so as to support an efficient urban form which enables future growth and development while avoiding, remedying, or mitigating adverse environmental effects;***
- *remedy or mitigate degraded natural resources which are life-supporting (air, water, soils and ecosystems), and protect those significant natural and physical resources which provide for the foreseeable needs of future generations.(p16)*

## 6: Heritage

*Auckland's heritage involves those aspects of both the natural and cultural environment which have been inherited from the past, define the present and will be handed on to future generations. Auckland has a unique and distinctive physical setting and natural environment. The rich resources of the Region have attracted human settlement for approximately 1000 years. Throughout this period the natural environment has been extensively modified by human activities. Thus the natural and cultural resources of the Region are inextricably linked. Auckland's heritage is a dynamic resource which changes spatially and over time as natural systems evolve and humans impact on the environment. (p1).*

*Auckland imposes special pressures on its heritage resources because it is the largest and fastest growing urban area in New Zealand. A significant amount of Auckland's heritage has already been destroyed and a great deal of that which remains is under threat. In particular, much of the natural and cultural heritage of the coastal environment has been modified or destroyed through the gradual and cumulative effects of development. (p 2-3)*

***There is no comprehensive evaluation of the state of the Region's cultural heritage.*** *In the metropolitan area over 50% of pa have been extensively modified or destroyed. Of the original 8000 hectares of stone field areas, less than 200 hectares are still in existence. Between 1979 and 1995, 395 archaeological sites within the Auckland Region have been destroyed or modified (approximately 6% of known sites). **Forty-two Auckland buildings listed with the New Zealand Historic Places Trust, Wellington, as being places of historical and cultural significance, have been destroyed within the last 10 years.** (p6)*

*A precautionary approach to management may be appropriate because of the cumulative effects of past destruction, a lack of accurate and reliable information, and the continuing threat to heritage. **Many of the significant heritage resources remaining in the Auckland Region occur on private land.** This is particularly the case for indigenous forest areas, gardens, trees in urban areas, wetlands, archaeological sites and **historic structures.***

*Thus, to ensure the retention of a diverse and representative range of heritage in the Region, it will be necessary to **institute and promote a flexible approach that incorporates a wide variety of management techniques.***

Planners Comments:

As can be seen from these selected passages, provision of improved passenger rail transport corridors is a key issue in providing for the outcomes contained within the ARPS in relation to more compact urban form, and issues related to motor vehicle pollution and avoidance of adverse effects from that more compact form. This is countered with the proviso that this provision does not in turn create other adverse effects, such as those contained within section 6, which in the case of this proposal are relevant.

The effects from the loss of setting for the Henderson Railway Station must be carefully weighed against the positive outcomes for improved public transport and the local and strategic importance of the double tracking works, and the restoration and subsequent reasonable and economically viable use proposed for the building in its new location, could be deemed to be giving effect to the almost conflicting objectives (in this instance) of maintaining cultural heritage values, whilst providing for the identified public infrastructural upgrade.

**Proposed Auckland Regional Plan: Air, Land, and Water**

The ARP:ALW does not have jurisdiction over the proposal (that is the proposal does not require consent under that plan – it is a Permitted Activity).

*The Proposed Regional Plan: Air, Land and Water applies to the management of air, land and water resources in the Auckland Region, including:*

- 1 • Air
- 2 • Soil
- 3 • Rivers and streams
- 4 • Lakes
- 5 • Groundwater
- 6 • Wetlands
- 7 • Geothermal water

**Auckland Regional Plan : Coastal**

The ARP:Coastal is not relevant to the proposal at hand as the proposal is not within the Coastal Marine Area.

#### 8.4 National Policy Statement (104(1)(b)(i)(ii))

The only operative National Policy Statement, the National Policy Statement (Coastal) is not relevant to this proposal, as the proposal is outside of the Coastal Marine Area, nor does it directly affect any natural feature in proximity to the coastline.

#### 8.5.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report

##### Waitakere Station:

Two submitters raise issues relating specifically to use of the building as a replacement for the current rail facilities at Waitakere Station, which are deemed to be unsatisfactory by a number of those submissions. The applicant has investigated the possibility of this occurring, but it has been discounted for a number of reasons, not least of all the fact that the applicant is not responsible for the provision of passenger rail services.

Other factors weighing against this option are discussed by the applicant in the AEE and further information provided and are summarised here:

- cost and time delay for the programmed track upgrades;
- current peak service levels are not currently proposed to increase even following double tracking which will end at Swanson;
- the historic station design creates safety issues in terms of passenger visibility and facilities, particularly given the low patronage currently;
- the applicant, OnTrack, nor ARTA own the land, and disposal from the Crown (through current owner LINZ) would be a lengthy process with an uncertain outcome;
- the applicant does not own the building and to purchase and restore the building will require support from the LTCCP and Annual Plan processes if to be carried out by the applicant;
- following from above would require significant community support, most likely from an organisation such as a community trust committed to restoration and subsequent management of the station, probably requiring a long term tenant for viability;
- the location mooted does not have a high level of visibility and surveillance, and is not on a main road, possibly leading to vandalism and non-viability for any prospective tenant;
- the applicant is not responsible for the provision of rail passenger facilities;
- The buildings owner could no longer own the building or restore it as it is outside the bounds of its Trust Deed;
- The building would be further from its original setting and context in Henderson.

The points raised in these submissions, despite the factors against relocation of the Henderson Station to Waitakere, are recognised as valid, but are for the most part, outside the scope of this consent, and this planner would recommend that the points raised therein be addressed directly to ARTA as the agency responsible for funding allocation for services and facilities.

*(Note that representatives of ARTA and ARTNL were present at meetings discussing this issue, (see extract of minutes) and representations may have already been made to Conexx (the rail service provider) regarding the increase of services to and from Waitakere from current services of 1 per 30 mins at peak, with 1 per hour at other times).*

Lease Expiry:

Two submitters raise concerns about the use of a lease agreement expiring as an argument or justification for relocation. This raises an important and possibly unresolved point in relation to heritage protection in New Zealand, particularly where that heritage is located on private land.

The crux of this point is that despite any commercial arrangement in relation to leases, development potential or hardship, the heritage value of the item in question is deemed to override these concerns. This principle is incorporated into the Historic Places Act 1993, and the Resource Management Act 1991.

The Heritage Objectives and Policies of Waitakere City Council District Plan reflect the belief that where heritage protection (a wider public benefit) causes undue hardship on an applicant (a narrow private cost), then the Council, as the Heritage Protection Authority has an obligation to assist the applicant in reducing this hardship. This matter is discussed more fully under Policy 12.2 above.

In relation to the lease expiry argument, to avoid the potential for such a commercial arrangement to be used for the more dubious purposes as raised by Mr Harre, through precedent of justification of the removal or demolition of a heritage building, this has not been included as a reason for allowing the buildings relocation in the conclusion of this report.

The expiry of the lease agreement (after a seven year term) does however reflect the land owners (and designating authorities) lack of practical use for the building. It should be noted that the buildings owner (Henderson Heritage Trust), has spent much of the lease period attempting to find a suitable location and viable end use for the building to achieve the Trusts aims.

The HHT note in their submission that the station was purchased with the knowledge that a relocation would be required at some stage in the future.

### **8.5.2 Bonds/Reserve Contributions/Development Levy/Financial Contributions**

Bond:

A bond is imposed to ensure that the building is relocated with minimal damage, and following relocation, the building is restored, repaired and repainted to a minimum standard on the exterior, in accordance with the Conservation Plan. This will provide a monetary incentive to undertake external repairs (thereby stabilising the interior from water damage etc), and maintenance to avoid the building diminishing from the amenity of the Corban Estate.

The bond is set at a value of \$5000.00 to be payable as cash or bank cheque to Waitakere City Council, refundable upon completion of the works specified above, and in the suggested conditions of this consent.

This bond does not reflect the total value of the works required, as the Henderson Heritage Trust has a good track record in relation to such projects, and the imposition of a cash bond based on the monetary value of such works in the event of non compliance by the applicant, is likely to impose financial hardship on the Trust, which may have a negative impact on the timeliness and quality of such works.

The \$5000 amount has been selected as a compromise between ensuring the work is done and avoidance of imposing financial strain on the project.

Development Contributions:

A246-A249

A preliminary estimate of the Development Contribution payable under the Local Government Act 2002, and pursuant to the Waitakere City Council Long Term Community Council Plan 2003-2013 is attached at pages A246 to A249.

The estimated Development contribution is \$2031.87 inc GST, based on 179m<sup>2</sup> gross floor area to be located on an existing impermeable surface.

An application for remission may be made, having reference to the Development Contributions Policy available from Council Offices or website.

### 8.5.3 Monitoring

The performance of the activities under this consent will be subject to Council's standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis. In particular, attention is likely to be directed toward the implementation of conditions relating to heritage protection, including ongoing recording of the process and project.

### 8.5.5 Any Other Relevant Non-Statutory Documents

#### Regional Growth Strategy 1999/Regional Growth Forum

Access to a safe and efficient transport network is listed as of critical importance to achieving the aims of the Regional Growth Strategy (containing the majority of the projected doubling of the regions population within the current metropolitan urban limits). Protection of Cultural Heritage is listed as important, along with habitat protection.

Waitakere City Council's Urban Villages strategy, and the associated town centres and public transport nodes that these Urban Villages are centres around are a key component of achieving the vision contained within the Growth Strategy:-

"As the population grows in size, **it becomes increasingly difficult to expand transportation systems to meet demand, particularly in the urban area.** Continued road building, by itself, will not resolve all congestion, nor address the environmental problems such as water and air pollution which are associated with vehicle use. The Growth Strategy therefore envisages a shift in land-use patterns toward **a more compact urban form which focuses growth in more intensive mixed-use centres along the northern, western and southern passenger transit corridors, as well as along main arterial roads.** This pattern of growth will enable a greater proportion of trips to be made by passenger transport by bringing people closer to the main routes, and increase opportunities for passenger transport access to employment and other activities. It will also enable more people to walk and cycle to a greater range of local services and facilities."<sup>24</sup>

<sup>24</sup> Auckland Regional Growth Strategy, November 1999, p45, emphasis added.

These factors do not of course, justify the demolition of important cultural heritage, but underlines the strategic importance of providing improved public transport in order to achieve the objectives of the Strategy.

“This is because of the interactive relationship between land use and transport infrastructure where land use is a factor creating travel demand while the transport network is a factor generating land-use patterns. The RLTS will need to continue to signal appropriate transport network improvements to service and facilitate the form and direction of development proposed in the Growth Strategy. **This is especially important for the intensification measures identified where passenger transport improvements are indicated to both initiate intensification investment and service the increased densities.**”<sup>25</sup>

### Regional Transport Strategy 2003<sup>26</sup>

The Regional Land Transport Strategy 2003 (RLTS 03) outlines the way forward for transport in the Auckland region over the next twenty years. It envisages a transport system that is more sustainable and can cope with the demands of a larger population — Auckland is projected to be accommodating 2 million people by 2050.

The goal of the RLTS is to provide a safe, efficient and environmentally sustainable transport system for the Auckland region which meets the community’s accessibility needs at a reasonable cost.

More specifically, the strategy can be expressed by its five objectives:

- *To ensure the transport system supports regional and local land use strategies*
- *To provide access to opportunities that meet the needs of people, business and communities*
- *To maximise the efficiency of the transport system*
- *To avoid, remedy or mitigate the adverse effects of transport on the environment, including communities [Planners Note: this includes cultural heritage]*
- *To maximise the safety of the transport system*

Better integration of land use and transport is critical to meeting these objectives. The strategy has been prepared in parallel with the Regional Growth Strategy, which proposes to **accommodate a large proportion of growth through more intense development around town centres and transport corridors.**

A key passenger transport project outlined in the RLTS is provision of Rail Rapid Transit in the Western Rail Corridor that delivers 10 minute peak frequency with high quality vehicles, **upgraded stations**, passenger information systems and secure park and ride facilities with expected completion by 2007.

Growth in existing urban areas in the North-West Sector Agreement will be aligned with the passenger transport network on the western rail corridor, the North Shore Busway and connecting feeder buses and bus lane systems throughout the sector area.

<sup>25</sup> Ibid, p 70. emphasis added.

<sup>26</sup> The regional Land Transport Strategy has been developed pursuant to Section 23 of the Transit New Zealand 1989, and as amended by the Transit New Zealand Amendment Act 1993, and is technically a Statutory Document.

A consideration of the RLTS objectives is of course, biased towards provision of the transport network to provide for the outcomes envisioned by the strategy, with a controlling factor being the avoidance, remedy or mitigation of adverse effects on the environment, which includes the nations cultural heritage. As noted elsewhere, the 'setting' of the Henderson Railway Station will continue to be utilised in accordance with this long established land use, with the loss of the complex of original buildings servicing this important transport node being replaced with more modern stations meeting the needs of current railway configurations, and passenger volumes.

## **8.6 Lapsing of Consent**

Under section 125 of the Resource Management Act 1991, unless it is given effect to, a consent lapses either on the date that is specified in the consent or if no date is specified, 5 years after the date of commencement of the consent.

A standard five year period in which to give effect to this consent is considered appropriate because while the applicant has indicated a wish to start works as soon as possible, so as to not affect the programmed transport infrastructural works, and the 'shift' of the building would be relatively simple, the restoration works once located to Corban Estate should not be rushed, and by their nature will take time, to source funding, find an appropriate tenant, find or manufacture replacement/damaged historic fabric etc.

A five year period in which to give effect to this consent is therefore considered appropriate.

## **9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991**

It is considered that the proposal would be consistent with Sections 5, 6, 7 and 8 of the Resource Management Act 1991.

The purpose and principles of the Resource Management Act 1991 have primacy over all other considerations that are set out in section 104 of the legislation. In summary, sections 5, 6 and 7 require that resources must be sustainably managed in such a way that any adverse effects on the environment can be avoided, remedied or mitigated. Furthermore, the Resource Management Act 1991 requires that amenity values and the quality of the environment are to be maintained and enhanced.

Part II of the Act has been accepted to be the paramount guiding requirement of making decisions under the act, with an overall broad judgement of whether any proposal or decision would best "promote the sustainable management of natural and physical resources". Sections 6, 7 and 8 are taken to qualify or inform the s5 purpose more specifically. This principle is relevant to the current proposal as the protection of heritage has been elevated to a Section 6, Matter of National Importance (by the RMAA 2003).

It is considered on the balance of the proposal, that, while the loss of the Heritage Building from its setting is a more than minor effect on the heritage value of that item, the reasons for such a loss are to provide for improved public transport, and the flow on positive benefits from such improved provision, including the aims of the various Policy Statements, Growth Strategies, and District Plan Objectives and Policies referred to in this report.

Further as the building will be relocated to a location, in close proximity to its original setting, with close association with the railway line (though not as close as some submitters have indicated they would prefer), be restored and valued, that the heritage value of the building, while diminished will still be significant. Opportunities for interpretation and celebration of the sites history can be provided for at the modernised Transport Interchange, and within the new location at Corban Estate.

Improved Transport provision in the wider Auckland region is the subject of large public, media, and Parliamentary interest (in the form of budgetary allocations, media releases and legislation – e.g. LGAAA (2004)).

It is considered that the granting of this application would not be contrary to the purpose of the Act. The proposal will enable people and communities to provide for their economic, social and cultural well-being and their health and safety without significantly compromising the needs of future generations, nor evidence of the past. Through the imposition of appropriate conditions of consent, it is considered that the proposed activity can sufficiently avoid, remedy or mitigate any adverse effects on the environment, and is consistent with the Objectives and Policies of the District Plan.

#### **10.0 EVALUATION IN ACCORDANCE WITH SECTION 104D OF THE RESOURCE MANAGEMENT ACT 1991**

The threshold test in Section 104D of the Resource Management Act 1991 states that a consent authority must not grant consent to a non-complying activity unless it is satisfied that the adverse effects on the environment will be minor (104D(a)) **or** the activity will not be contrary to the objectives and policies of a plan or proposed plan (104D(b)).

It is considered that the threshold test for a non-complying activity has been met as the proposal satisfies section 104D, particularly in relation to subsection (b), in that, subject to appropriate conditions of consent requiring mitigation, the adverse effects on the environment of the proposal will be more than minor, but the proposal is not contrary to the relevant objectives and policies of the District Plan. Jurisdiction to grant consent has therefore been established.

#### **11.0 CONCLUSION**

The applicant seeks consent to relocate the Henderson Train Station (Former) to Corban Estate, some 450m to the north, and subsequently repair and maintain the building in accordance with the comprehensive Conservation Plan. The relocation to Corban Estate is considered to be Limited Discretionary Activity, but overall, the application is a Non-Complying Activity.

Several submitters have opposed, or supported the application on the proviso that the building be utilised in closer and direct association with the railway network, as a functional railway station elsewhere in the City. This option has been investigated by the applicant, and while technically possible, a number of practical constraints, not least of all the issue of restoration and ongoing maintenance and the costs associated therewith, have weighed against this option. Additionally, this option has not been applied for, and it is outside the scope of this report to require such an option.

It is noted that the City contains a number of Heritage Stations (themselves relocated from elsewhere) where the particular physical characteristics of each site, and significant community backing have lead to a successful outcome in these instances.

In relation to the relocation of a Heritage Item, it is difficult to envision that an application for the removal of the building from its site, would on its own merits, be supported by any Heritage expert, nor indeed any competent consent authority, as the setting is often, and is particularly true in this case, represents a significant portion of the heritage value of the item. On the balance of the facts of this case however, it is considered that the significant public and environmental (in the widest sense) benefits of provision for double tracking are such that, it provides sufficient reason to relocate the heritage item, which has for many years been disassociated from its historic use. Additional mitigation in the form of minimal spatial movement, retention of a proximal connection to the railway line, public access and restoration and maintenance of the building are considered to reduce the effect on the heritage item to an acceptable level.

It has been shown that the retention of the building at Henderson is not practicable or desirable for the most important rail transport node in Waitakere City, particularly given the space constraints within the rail corridor at this location. If the building was to remain it would potentially require modification, or the double tracking may not realise the efficiencies desired through non-standard layout. Potentially the redevelopment of the station, and following, the surrounding commercial and industrial areas, would leave the building out of context, which has to some extent already occurred.

It is considered that the relocation as proposed provides for the best compromise between providing improved public transport, and the retention and protection of the City's Heritage from *inappropriate* use and development.

It is considered that the proposal meets the criteria for granting consent as the potential adverse environmental effects are minor, as the adverse effects of relocating an important historical building from its setting are not able to be avoided, however the long term future of the building, including its restoration, and public access can be assured at Corban Estate, and can adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of the Henderson Railway Station Building in its new location on Corban Estate Arts Precinct will not lead to a decline in the amenity values of the area in which it seeks to locate.

The proposal is considered to be consistent with the objectives and policies of the District Plan which seek to protect the City's Heritage, but still recognising that such protection should not be at any cost. The District Plan provides for adaptive re-use and Council assistance for applicants where protection of heritage may cause undue hardship, and such a proposal has been presented.

It has also been shown that the proposal meets the threshold test of S104, in that the proposal is not contrary to the Objectives and Policies of the District Plan, and while the adverse effects on the loss of setting for the building are considered more than minor, a consideration of positive benefits from double tracking, and ongoing protection, restoration and public access to the building at Corban Estate would avoid, mitigate and remedy such effects so that they may be considered minor.

It is considered that many of the issues raised by the submitters **can** be adequately addressed through the imposition of appropriate conditions, however not all matters may be addressed fully.

Subject to any additional and/or contrary evidence being presented at the hearing, it is concluded that the application **merits consent** in accordance with Section 104 of the Resource Management Act 1991.

## 12.0 RECOMMENDATION

That pursuant to Sections 104,104B, 104D, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, consent be **granted** to the application by Waitakere City Council to relocate a Category I Heritage item, being the Henderson Railway Station (Former), at Railway Land, 35 Railside Ave, Henderson being Pt Railway land in Proclamation 706, Portion of Allot 7, Waipareira Parish Block II, Titirangi SD, to the Corban Estate Arts Centre, at 2 Mt Lebanon Lane being Lot 3, DP 208135 for the following reasons:

- (i) The structure will be repaired and restored in accordance with the supplied Conservation Plan, and all works are to be supervised or undertaken by an approved Heritage Expert, who will record and add to the Conservation Plan the methods and discoveries by which the building was relocated and repaired, with such information to be made available;
- (ii) the building will remain in Henderson, in close proximity to its original location, and in proximity to the railway line, with public access assured, with provision to be made within the building for space relating to historic interpretation of the building and its original setting;
- (iii) Provision can be made for accidental archaeological discoveries during the relocation process;
- (iv) The buildings original setting will continue to be utilised in a manner consistent with its historic use as the main railway station in Henderson and Waitakere City, and provision can be made for interpretation, celebration and respect of the heritage value of the place in the new station configuration;
- (v) Significant positive economic, social and environmental benefits to the City and wider Auckland Region as a consequence of the double tracking works (resulting in the application for relocation) can be subsequently realised;
- (iv) The proposal is consistent with the Objectives and Policies of the District Plan and is not contrary to Part II of the Act.

### **Consent shall be subject to the following conditions:**

Note: References to 'Council' should be taken as Consent Services, Environmental Monitoring Officers or the Manager: Resource Consents as appropriate, rather than the applicant, being Manager: Transport Strategy.

1. The development shall proceed in accordance with the plans and details submitted with the application and all referenced by Council as RMA [20042359](#) and the information, including further information, submitted with the application, with particular regard to:
  - a. The Henderson Railway Station: A Conservation Plan, prepared by Dave Pearson Architects Ltd, Revised November 2004;
  - b. Corban Estate – Henderson Railway Station, Site Layout, Prepared by Dave Pearson Architects Ltd, dated 02/2005;
  - c. N.A.L. Duplication: Henderson Station Cross Section, prepared by Tranz Rail Infrastructure Development, Drawing No 111450/2 sheet 4; and
  - d. Corban Estate Arts Precinct, Preliminary Concept Plan, prepared by Asc Architects, Dated August 2004, drawing 04501;

2. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of 5 years after the commencement of the consent.
3. It is the applicants responsibility to ensure all staff, contractors, sub-contractors and persons on site, are aware of and comply with the conditions of this consent. A copy of this consent shall be held on-site at all times during the relocation process and made available to any person upon request. This is a Public Document.

EcoWater Conditions:

1. All infrastructure relating to stormwater treatment and disposal, wastewater disposal, and water supply shall be designed and completed to the satisfaction of EcoWater. (Compliance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development is deemed to be in accordance with the above condition).
2. All such connections and the details thereof are to be provided with the Building Consent application.

Geotechnical Conditions:

3. All recommendations of the Soil Engineering Ltd Report dated 28 March 2003, Ref. ST02014B, relating to earthworks, geotechnical requirements and risk management shall be strictly complied with.
4. A site specific Geotechnical investigation and subsequent foundation design shall be undertaken, taking into account the recommendations of the Soil Engineering Ltd Report dated 28 March 2003, ref. ST02014B, relating to structures within 'Zone 1B'. (See particularly s11.2, 12.0, and 16.0). This report and the resultant foundation design shall be submitted with the Building Consent application, and be to the satisfaction of the Design Engineer.

Earthworks/Demolition Conditions

5. Before commencement of any works and until completion of exposed site works, on each site, adequate sediment and erosion control measures shall be constructed and maintained by the consent holder. The consent holder shall notify Council's Monitoring Officer when controls are in place. The control measures must be maintained until the site has been adequately stabilised against erosion and sediment-laden run off. The construction and maintenance shall be in accordance with the Erosion/Sediment Control Measures Appendix to the Natural Area rules of the Waitakere City Council District Plan and/or ARC TP # 90, *Erosion and Sediment Control Guidelines for Land Disturbing Activities*.

Relocation of Heritage Building/Heritage Protection Conditions:

6. Prior to commencement of any works, the applicant shall appoint a suitably qualified and experienced Heritage Expert [the Heritage Expert] to supervise all works in relation to the proposal, and ensure all works are carried out in accordance with the Conservation Plan and the relevant ICOMOS principles. Written approval of the chosen Heritage Expert shall be obtained from the Manager: Resource Consents prior to commencement. Extensive written and photographic evidence shall be kept of the process and made available to ensure a public record of such works is maintained and added to.

*(Compliance Note: Dave Pearson Architects Ltd are considered to fulfil the requirements of this condition without further written approval)*

7. Prior to removal of the Henderson Train Station Building from its current location, the building shall be prepared for relocation under the supervision of the Heritage Expert, to ensure that bracing and other such works as necessary is installed to prevent damage to the building during transport, but also that such bracing will not cause damage through its installation or removal. The buildings preparation for removal shall include all such works as necessary to maintain the maximum historical fabric, and minimise damage during the relocation process. Evidence of such supervision shall be provided to the Council upon request.
8. Relocation shall be carried out by a suitably experienced 'house-moving' contractor, under the supervision of the Heritage Expert. The relocation shall be preferably a single piece move, or where necessary, the main station building may be separated from the 'parcel shed' at a suitable point (as defined by the Heritage Expert in the interests of maintaining historic fabric) along the 'cartdock'. The main station building shall be transported as one piece and separation or sectioning is not permitted.
9. Prior to relocation, the applicant shall provide a detailed description of the relocation process as developed by the chosen contractor together with evidence of approval from the Heritage Expert prior to such works.
10. If any archaeological evidence is uncovered during excavation or any physical works related to the relocation project, the following protocol shall be implemented: *(Note that evidence of archaeological sites include old building foundations (not including the current configuration), artefacts of Maori and European/Pakeha origin, or other such remains and materials.)*
  - i) Work shall cease immediately;
  - ii) The contractor shall shut down all machinery, secure the area and inform Dave Pearson Architects or the approved Heritage Expert supervising the works;
  - iii) The supervising Heritage Expert/Site Manager shall notify the New Zealand Historic Places Trust (if no general authority has been granted), and the appropriate consent process initiated;
  - iv) If the site contains evidence of Maori origin, the Heritage Expert/Site Manager shall notify Te Kawerau a Maki, and Ngati Whatua to determine what further actions are appropriate. Contact: Maori Issues Manager, Warahi Paki, Ph 836-8000, x8923.
  - v) If skeletal remains are uncovered the Heritage Expert/Site Manager shall contact the Police;
  - vi) Works on the site shall not resume until the Council is satisfied that the New Zealand Historic Places Trust, the Police and/or iwi groups, as relevant, have given appropriate written approval for works to continue.
11. Prior to removal of the Henderson Train Station from its current location, the replica platform, services, and foundations shall be in place at the specified Corban Estate location, sufficient to receive the building without further movements or relocations.

12. Landscaping following placement at Corban Estate shall be kept clear of the frontage (platform and verandah) of the building. Vegetation to the rear and sides shall be low level (mature height of less than 2m) species to preserve visual connection with the railway line to the east. All Environmentally damaging plants, and Removable Vegetation as listed in the appendices to the Natural Area Rules shall be removed from the embankment to the east of the building to improve the visual connection to the railway line. *(Note: this may require the approval of the landowner where such vegetation is outside the boundaries of Corban Estate. Vegetation should be identified and removed by and/or supervised by a suitably qualified arborist/botanist/ecologist to prevent damage to remaining native and exotic vegetation).*
13. Should the replica platform be found to require the provision of a graspable handrail to prevent falling under the provisions of the NZ Building Code, application for dispensation shall be made, or in the alternative, a suitable design developed having regard to the style and era of the building shall be provided to Council for the approval of the Manager: Resource Consents, prior erecting the handrail.
14. All other restoration works shall be undertaken under supervision of and recorded by the approved Heritage Expert, in accordance with the Conservation Plan in order to remove intrusive accretions, repair, reinstate and stabilise the structure, whilst minimising removal of original fabric and recovering and revealing details of cultural value. Any new materials should be compatible with the original fabric, yet sufficiently distinct or identifiable to be able to be read as new work.
15. Following relocation, the building shall be painted in an appropriate colour scheme. Identification of an appropriate colour scheme shall be carried out, by archival research, photographic (many older photos would be black and white however) or artistic evidence, or forensic paint analysis. This colour scheme shall be used even if it is not compatible with the surrounding Corban Estate Buildings or St Michaels Church. Evidence leading to the identification of the appropriate colour scheme shall form part of the relocation record.  
  
*(Current colour scheme can be described as a light cream with dark green trims and roof, where the Corban Estate has a white, with a slightly lighter green trim and roofs. Colour (and therefore from post 1970) photos of the building from the MOTAT library show the building in a yellow/cream with white trims and red accents).*
16. Within 6 months of re-siting the relocated Station, any damage to the Station occurring during re-siting shall be repaired to the satisfaction of the Heritage Expert, and gutters and downpipes shall be connected to a storm-water system to the satisfaction of EcoWater.
17. Documentation related to the relocation, and restoration of the Henderson Train Station from its current location to Corban Estate, shall be kept and maintained by the Heritage Expert, and added to the Conservation Plan as part of the historic record. A copy shall be provided to Waitakere City Council for addition to the City Archives.

18. Space shall be provided within the relocated Station building to provide for a photographic and written history of the building and its previous setting.
19. A refundable cash bond of \$5000.00 shall be deposited with Waitakere City Council to ensure compliance of conditions 9 through 21 inclusive of this resource consent. The monies may be refundable in two parts, \$2000.00 following successful relocation to Corban Estate, and \$3000.00 following completion of the restoration in accordance with the conditions of this consent, to the satisfaction of the Heritage Expert, and the Manager Resource Consents.

Monitoring Conditions:

20. A consent compliance monitoring fee of \$860.00 (inclusive of G.S.T.) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection, all conditions have not been satisfactorily met, a reinspection shall be required, charged at the relevant hourly rate applicable at the time the reinspection is carried out.  
The \$860.00 fee shall be paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.

**Advice Notes:**

1. Where indicated in the conditions it is the consent holders responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400.
2. Take note that a Demolition Consent will be required for the removal of the Station from its current location, covering such items as capping of services etc; and a Building Consent will be required to relocate the building to its new site, including, but not limited to geotechnical details and foundation design.
3. The applicant is advised to consult with officers of the Historic Places Trust regarding the need for any archaeological assessment of this proposal prior to any earthworks or deconstruction taking place. Pursuant to the Historic Places Act 1993, an archaeological site is defined as any place associated with human activity prior to 1900, and it is an offence under that Act to modify, damage or destroy such a place without the written authority of the New Zealand Historic Places Trust, even if a resource or building consent has been granted. The relevant form is available from Trust Offices, or from <http://www.historic.org.nz/heritage/gfx/04020302%20.doc>
4. Officers of the New Zealand Historic Places Trust are able to enter a works site affecting a heritage site under Right of Entry provisions of the Historic Places Trust Act 1993. Directions/instructions made by such an officer shall be complied with where made in relation to protection/preservation of archaeological or historic elements. Visits may be required under any conditions of approvals (if any) required or obtained from the Historic Places Trust.

5. Take note that the demolition and removal of the Henderson Train Station, as a publicly accessible location will require to conform with relevant OSH regulation regarding prevention and avoidance of hazards for works in a public place. It is recommended that the works area be enclosed with a fence sufficient to prevent access to unauthorised persons. *Note: this fence may incorporate sediment and erosion control measures required by the relevant condition above.*

Report prepared by Kyle Balderston, Resource Planner, ext 8125.

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Planner:	Kyle Balderston
Site Address:	<ol style="list-style-type: none"><li>1. Henderson Railway Station (Former), Railway Land, 35 Railside Ave (Opp Edsel St)., Henderson.</li><li>2. Corban Estate Arts Centre, 2 Mt Lebanon Lane, Henderson.</li></ol>
Applicant:	Waitakere City Council
Date Received:	29/11/04
<b>Resource Consent No:</b>	<b>RMA20042539</b>
Building Consent No:	Not applied for at time of writing
Ward:	Henderson
Legal Description:	<ol style="list-style-type: none"><li>1. Pt Railway land in Proclamation 706, Portion of Allot 7, Waipareira Parish Block II, Titirangi SD.</li><li>2. Lot 3, DP 208135.</li></ol>
Address for Service:	C/- Cato Bolam Consultants, PO Box 21-355, Henderson, Att: M Jesson
Site Area:	<ol style="list-style-type: none"><li>1. N/A – Area of Rail Corridor affected reflects footprint of building.</li><li>2. 6.6699 Ha</li></ol>
District Plan: Human Environment:	<ol style="list-style-type: none"><li>2. Transport</li><li>3. Corban Estate Special Area</li></ol>
Natural Area:	<ol style="list-style-type: none"><li>1. General</li><li>2. Proposed site for relocation: General, Unaffected but onsite: Ecological Linkage Opportunities, Managed, 20m Riparian Margin.</li></ol>
Landscape Elements:	<ol style="list-style-type: none"><li>2. None</li><li>3. None</li></ol>
Hazards:	<ol style="list-style-type: none"><li>2. None Identified</li><li>3. Geotechnical Requirements, Ex-Horticultural Site, Potential Flooding Risk (on lower portion of site)</li></ol>
Roading Hierarchy:	<ol style="list-style-type: none"><li>2. Local</li><li>3. Regional Arterial (Great North Road), Local (Mt Lebanon Lane)</li></ol>
Further Information Required:	Yes.
Date Requested:	4/02/05
Date Received:	17/02/05
Site Visit:	30/11/04
Any Affected Persons:	Publicly Notified
Approval Given:	-

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