

## NOTICE OF MEETING

# HEARING BY COMMISSIONER

I hereby give notice that a Hearing by Commissioner will be held on:-

**DATE:**        **Friday,        22 November 2002**        **TIME:**        **9.30 am**

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

to consider the business as set out herein and to take any necessary action connected therewith.



11 November 2002

Owena Schuster  
**COMMITTEE SECRETARY**

Telephone (09) 836 8000 extn 8864

### **MEMBERSHIP:**

Commissioner        H Bhana

(Quorum 4 members)

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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 AN ORDINARY MEETING OF A HEARING BY COMMISSIONER TO BE HELD  
IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON FRIDAY, 22 NOVEMBER 2002, COMMENCING AT 9.30 AM.**

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**NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE  
RESOURCE MANAGEMENT ACT 1991 BY NOLA SANSOM TO RELOCATE OR DEMOLISH  
A CATEGORY II HERITAGE BUILDING AT 285A GREAT NORTH ROAD**

**RMA 20002320**

**HENDERSON WARD**

**N.B. This report sets out the Resource Management Section's advice to the Hearings Commissioner on the resource management issues raised by the application for resource consent. It is not the decision of the Commissioner. The decision will be made after consideration of the application by the Commissioner.**

**APPLICATION DETAILS**

Planner:	Eryn Shields	
Site Address:	<b>285A Great North Road</b>	<b>Tui Glen Reserve</b>
Applicant:	Nola Sansom	
Date Received:	13 November 2000	
Resource Consent No:	RMA 20002320	RMA 20002320
Building Consent No:	N/A	N/A
Ward:	Henderson	Henderson
Legal Description:	Lot 1 DP 164683	Pt Lot 12, DP 6760
Address for Service:	Peter Reaburn Cato Bolam Consultants Limited PO Box 21-355 Henderson	
Site Area:	451 square metres	2.5915 hectares
Unit Site Area(s):	N/A	N/A
Transitional Plan:		
Zoning:	Residential	Recreation B
Section:	Henderson	Henderson
Register of Items of Special Interest:	Category 1, Class B	Category 1, Class A
Hazards:	N/A	N/A

Proposed Plan:

Human Environment:	Living	Open Space
Natural Area:	General	General
Heritage Item CHI Number:	1388 - Category II	1466 - Category II
Landscape Elements:	N/A	N/A
Hazards:	N/A	N/A
Road Hierarchy:	Great North: Regional	Claude Brooks: Local
Road Widening Designation:	WCCRW4	
	15 metres from road centre	N/A

Further Information Required: Yes

Date Requested: First Occasion 6 December 2000

Date Received: 16 March 2001

Date Requested: Second Occasion 11 July 2001

Date Received: 19 August 2002

## 1.0 INTRODUCTION AND RECOMMENDATION

### 1.1 Nature of the Application

A1-A7

The applicant seeks consent to relocate the building listed as a Category II Heritage Item, or failing a satisfactory relocation option, to demolish the building, as attached at pages A1 to A7. The applicant proposes to offer the heritage building at an agreed valuation for removal from its current location at 285A Great North Road to an alternative site which will appropriately preserve the building's historical and architectural values. The application expects that the relocation would occur within a six month period following the granting of the resource consent.

### 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 Transitional and the Proposed District Plan.

A8-A68

There would be more than minor adverse effects from the demolition of the heritage building. Its heritage significance is based upon its age (estimated to be over 100 years old), and both the exterior (as identified in the Proposed District Plan Heritage, as attached at pages A8 to A32) and interior construction materials and details that contribute to its significance (as identified in the "Conservation Report" prepared by Craig Cairncross for Waitakere City Council in 1995). There is cultural and historical significance associated with the original small cottage, as there is a possible connection to Shepherd John McLeod. It is believed that this man managed Thomas Henderson's Mill Farm in about 1857. He is (anecdotally) reported to have lived in the heritage building at (what would eventually become) 285A Great North Road, possibly in the period prior to 1862. (Refer to page 4 of Dinah Holman's Heritage assessment, dated March 2001, as attached at pages A35 to A68).

The original small cottage has been incorporated into the larger structure that is on the site today. Recent additions to the heritage building, such as the "lean to" at the rear of the building, do not have heritage significance.

The proposed demolition would completely remove the heritage building from the site, and result in the destruction of all heritage values associated with both the building and considerably diminish those associated with the site. This building is one of the oldest remaining buildings in the Henderson area. Its demolition would amount to the removal of a building of considerable historical significance for the Henderson area, and an important link to the past would be severed.

Alternatively the applicant has also proposed to remove and relocate the building. While the removal of the building from its original setting would have more than minor adverse effects, the relocation provides the opportunity to restore the building and maintain it so that its heritage values will be retained. The opportunity to provide some form of public access and signage about the building's history at its new location and at its original site would assist in mitigating the effects arising from the relocation.

### 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 removal from 285A Great North Road and the relocation of the heritage building**. It is considered that the environmental effects that would be generated by the removal and relocation would be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of both the Transitional and Proposed District Plans will be satisfied.

The planner who has prepared this report recommends that **consent be declined** to the application to **dismantle and/or dispose of the heritage building**. It is considered that the adverse environmental effects that would be generated by the demolition of the heritage building would be more than minor and could not be adequately avoided, remedied or mitigated by conditions. In addition, the proposed activity is contrary to the relevant objectives and policies of both the Transitional and Proposed District Plans.

## 2.0 PROPOSAL AND BACKGROUND

### 2.1 Proposal

*A1-A7*

The applicant seeks consent to relocate the building listed as a Category II Heritage Item, or failing a satisfactory relocation option, to demolish the building, as attached at page A1 to A7. The proposed works comprise the following:

- **Either** the demolition of the heritage building, and consequential removal of the demolition material from the site;
- **Or** the removal of the heritage building to another site.

The applicant has indicated that following the relocation or demolition of the building, consent will be sought to subdivide the site and the adjacent 285 Great North Road site (located to the rear of the heritage building) into three lots.

*A128-A160*

The applicant did not present any information within the resource consent application that identifies sites that the heritage building could be relocated to. However as part of the information supplied in relation to the second Section 92 additional information request, the intended relocation site was identified as Tui Glen Reserve, as attached at pages A128 to A160.

The applicant indicates in the information supplied with the application that the New Zealand Historic Places Trust, the West Auckland Historical Society and the Waitakere City Council Property Services Section were contacted, but that no formal response was received from any of these organisations prior to the application being lodged.

## 3.0 REASONS FOR THE APPLICATION

Consent is required under the provisions of the Transitional and Proposed District Plans for the following reasons:

### 3.1 Proposed District Plan

Consent is required for:

- (a) The demolition or removal of the heritage building from 285A Great North Road;

Rule 2.3 (a) of the Heritage Section of the City Wide Rules accords discretionary status to

*“Any activity and any temporary activity involving the total or part demolition or removal of any heritage item except any heritage item listed as a Category I or Category II item in the Heritage Appendix.”*

This application does not comply with Heritage Rule 2.3, and therefore becomes a non-complying activity, in accordance with Rule 2.4 of the Proposed District Plan. Refer to Section 8.2.1 below for discussion of these District Plan provisions.

- (b) The addition or alteration of the building to the Tui Glen Reserve (a historic site identified in the Transitional and Proposed District Plans); and

Rule 2.3 (a) of the Heritage Section of the City Wide Rules accords discretionary status to

*“Any activity and any temporary activity involving the total or part demolition or removal of any heritage item except any heritage item listed as a Category I or Category II item in the Heritage Appendix.”*

This application does not comply with Heritage Rule 2.3, and therefore becomes a non-complying activity, in accordance with Rule 2.4 of the Proposed District Plan. Refer to Section 8.2.1 below for discussion of these District Plan provisions.

- (c) The addition of the heritage building is not provided for in the current Open Space Environment identification for the Tui Glen Reserve. No Operative Reserve Management Plan exists that provides for the addition of the building. This will require a resource consent under the Open Space Environment Rule 2.

Tui Glen Reserve is identified as Open Space Human Environment in the Proposed District Plan. It is also identified as a Category II item in the Heritage Schedule. The majority of the area of Tui Glen Reserve is also identified as General Natural Area, with Ecological Linkages identified along the northern site boundary. A 20 metre Riparian Margin is identified along the Oratia Stream adjacent to Tui Glen Reserve.

The building is currently only provided for in the Draft (rather than Operative) Henderson Creek Reserve Management Plan, making it a non-complying activity under Rule 2 of the Open Space Environment Rules in the Proposed District Plan. Relocating the heritage building onto the Tui Glen Reserve complies with all other Rules in the Open Space Environment in the Proposed District Plan. Consideration of this non-complying activity is incorporated into this report.

### 3.2 Transitional District Plan

The heritage building is classified as Category 1, Class B in Appendix 6 - Register of Items of Special Interest in the Henderson Section of the Transitional District Plan. Class B states that those buildings are of such quality, character and significance that they should not be wilfully destroyed or removed unless a “compelling argument” is presented. Written consent of the Council is required.

The destination for the heritage building is Tui Glen Reserve. Tui Glen Reserve is identified as Recreation B in the Transitional District Plan, Henderson Section. The heritage building is provided for as a Controlled Use (as a “Community House”) under the Transitional District Plan, and consent for this controlled use is incorporated into this report.

### 3.3 Overall Activity Status

Overall, the application is considered to be a non complying activity.

### 3.4 Other Resource Consents Sought

No other consents have been applied for in respect of this application.

## 4.0 SITE AND NEIGHBOURHOOD DESCRIPTION

### 4.1 285A Great North Road

A33

The heritage building is situated on the northern side of Great North Road, approximately 400 metres east of the Great North / Edmonton Road intersection. Great North Road is identified as a Regional Arterial Road in the Council's Proposed District Plan. The road adjacent to the site has a Waitakere City Council road widening designation in place, as attached at page A33.

The heritage building is described in the Council's Heritage Inventory as follows:

*"Built in the 1880's, the cottage is a rectangular form, timber weatherboard-clad building with a corrugated iron roof, veranda with ornate fretwork, double hung sash windows and a brick chimney. A scallion roofed addition is located to the rear of the heritage building."*

The heritage building faces west, and so is orientated "sideways" on the site (i.e. the front of the building does not face Great North Road). This orientation reflects the possibility that the building originally faced down the slope towards the Oratia Stream. The current owner of the building has recently completed some maintenance relating to the roofing of the eastern side of the building. The building, as described in the application, is in very poor condition. Further deterioration will eventually render it unsuitable for residential use.

The site is 451 square metres in size, rectangular in shape, and is effectively flat, with a slight fall of about one metre from the eastern boundary to the north western boundary. The access to the site is off Great North Road, which is identified as a regional arterial road in the Proposed District Plan. There is a bus stop on the road reserve in front of the building. An unformed driveway is on the eastern side of the heritage building and this accommodates casual parking, and there is no garage. There are trees along the north western boundary and along part of the road frontage, and rear of the site is grassed. The heritage building was tenanted at the time the application was made, and remains so.

There is one residential dwelling (285 Great North Road) to the rear of the heritage building. This rear site originates from a previously granted subdivision consent issued in 1995. This subdivision was initiated by the current owner, Mrs Sansom. This subdivision consent subdivided the parent lot into 285 and 285A Great North Road. The total area of the two sites is 1049 square metres. A formed access to this site runs alongside the unformed driveway for 285A Great North Road. There is fencing between 285 and 285A Great North Road.

On the adjoining site to the east is the Henderson (Masonic) Lodge No 17, and on the adjoining site to the west is a building utilised by the Waitemata District Health Board. The general area surrounding the site is in transition from residential to a more mixed style of use, with professional service activities (such as health care providers) locating along Great North Road to take advantage of the traffic travelling between Henderson township and the Glendene roundabout.



The heritage site is described in the Council's Heritage Inventory as follows:

*"The Tui Glen Reserve Reserve and Motor camp comprises a visually attractive area of open space on the banks of the Oratia Stream. The land was developed by Claude Brooks in 1912 to construct a summer residence. The owner purchased a second parcel of land "Glendale" in 1915 after transporting "Glenhaven" cottage up Henderson Creek. Glendale was developed into picnic grounds. In 1921 the owner brought the Master's Cabin for the Union Steamship vessel "Wainui", to use as accommodation. Other camp accommodation includes simple structure built from packing cases and tar paper. These buildings remain in place. In the 1930's a sandy beach was created on the banks of the Henderson Creek.*

*Tui Glen Reserve remains a popular camp and picnic grounds. Later cabins, permanent caravan, a reception lounge and recreation room etc have detracted somewhat from the 1920's -30's holiday atmosphere at the reserve ....*

*The cultural significance of the Tui Glen Reserve Reserve and motor camp is attributed to its locally significant historic, architectural and visual values. Tui Glen Reserve has special significance in being the first motor camp as such in New Zealand.*

*Historical Tui Glen Reserve is associated with the development of special vocational leisure facilities in New Zealand. Despite later intrusions, Tui Glen Reserve retains original 1920's -30's features and structures.*

*Architectural The use of a ship's cabin and the construction of packing crate and tar paper cabins for accommodation represents a vernacular, adaptive kiwi tradition.*

*Visual Tui Glen Reserve as a whole is an aesthetically pleasing environment in a suburban setting."*

Tui Glen Reserve has an area of 6.0244 hectares, and is held in six titles. There are currently nine cabins on the site, and most of those have historical significance. The historic cabins are located in the southern corner of the site. There is a building currently used as office space adjacent to the entrance to the Reserve, and a Scout Hall in the north of the Reserve. Large trees are located throughout the reserve. There are residential dwellings to the north and east, however these are located 90 - 110 metres from the area where the heritage building will be located. Trees screen the historic cabin area from the residential areas.

Until early in 2002 Tui Glen Reserve was used as a camp ground, with many long stay residents. Current leases for buildings on the Reserve exist for the Conductive Education Foundation and the Scout Association of New Zealand. Other than those two leases, the Reserve is unused except for casual and passive recreation purposes. The Draft Reserve Management Plan Policy 2.8 seeks to:

*".... develop Tui Glen Reserve to retain some form of short term accommodation facility within the general park area while ensuring that there is an open and safe park area available for the general public."*

**TUI GLEN RESERVE: LOCATION PLAN**



**Legal Description:**

Pt Lot 12 DP 6760

**Transitional Plan:**

Zoning  
Section  
Hazards  
Register of Items of Special Interest

Recreation B  
Henderson Borough  
N/A  
Category 1, Class A

**Proposed Plan:**

Human Environment  
Natural Area  
Heritage Item CHI Number  
Landscape Elements  
Hazards  
Roading Hierarchy

Open Space  
General  
1446 Category II Heritage Item  
N/A  
N/A  
Regional Arterial

**5.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS**

A77-A94

The application was publicly notified on 21 May 2001, and the period for submissions closed on 20 June 2001. Nine submissions were received. Three submissions generally supported the application, three submissions opposed the application, and three submissions supported the relocation of the building, as attached at pages A77 to A94 for copies of the submissions that were received.

## 5.1 Submissions

	Submitter	Support/Oppose	Submission
<i>A87-A88</i>	1 MJ Millener	Support Demolition	Submitter considers heritage building to be “an eyesore”.
<i>A89-A90</i>	2 D Harre	Oppose Demolition	Submitter considers building is an important part of Waitakere City’s heritage. Supports relocation with strict conditions.
<i>A85-A86</i>	3 CJ Taylor	Oppose Demolition	Submitter suggests Council may find a new location for the heritage building.
<i>A83-A84</i>	4 Lodge Waitakere No 17	Support Demolition	Submitter considers heritage building to be “an eyesore”.
<i>A79-A80</i>	5 J Farrell	Support	Submitter considers heritage building to be “an eyesore”; suggests Council may purchase the heritage building and find a new location for it.
<i>A77-A78</i>	6 New Zealand Historic Places Trust	Opposes both Demolition and Relocation	Submitter notes considerable heritage value, as building linked to the early development of Henderson. Submitter considers there is no compelling reason to relocate the heritage building, and that the proposal does not comply with the ICOMOS New Zealand Charter.
<i>A81-A82</i>	7 West Auckland Historical Society Incorporated	Opposes Demolition and Supports Relocation	Submitter wants the building to remain part of Henderson’s historical landscape. Submitter suggests that the owner gift the building to Waitakere City and that the building be relocated.
<i>A92-A94</i>	8 Auckland Regional Council	Supports Relocation as a Last Resort	Submitter wishes to retain the heritage building on site and have it restored, but if no other practical option is found, that the building be relocated.
<i>A91</i>	9 B Withers and T Bell	Opposes Demolition and Supports Relocation	Submitters have in the past offered to have the heritage building relocated to their property in Seymour Road. They reiterate that offer, while indicating that they do not wish to meet any costs for the building.

## 5.2 Discussion of Submissions

Submitters 1, 4 and 5 have considered the building in terms of its current state, and given its run down condition they support the demolition of the building. While the current state of the building is poor, this does not mean that the heritage significance of the building should be destroyed via demolition.

The majority of the remaining submitters (other than submitter 6) oppose the demolition of the heritage building and generally support the removal and relocation of the heritage building. Some submitters consider relocation as a last resort option, if the heritage building cannot be maintained on its original site.

Submitter 6 (the New Zealand Historic Places Trust) opposes both demolition and relocation. The submitter states concerns about the cumulative effects of the relocation of a number of heritage buildings within the City. The submitter sees no compelling reason for relocation of the building except that it is the desire of the applicant. While several historic buildings have been relocated within the City (for example the Falls Hotel and Mill Cottage), these relocations have been accompanied by restoration and subsequent use of and access to the building by the public. These two opportunities (use and public access) have offset the adverse effects of the relocation of the buildings, as the relocation and restoration have served to make the historic buildings in the City more accessible and identifiable.

A71-A74 The applicant notes in Section 5.6 of the application that the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage sets out the basis upon which relocation of the heritage item could occur, as attached at pages A71 to A74. This matter is addressed in Section 8.2.1.2 below. The New Zealand Historic Places Trust states in its submission that it considers that the proposal does not comply with the ICOMOS New Zealand Charter. The New Zealand Historic Places Trust considers that the building can be restored and adaptively reused on its original site, where it retains its original orientation and relationship to Great North Road. The New Zealand Historic Places Trust also questions whether relocation could provide continuity of cultural heritage value.

A95-A98 It is noted that the Henderson Heritage Trust has not made a submission on this proposal. Upon the request of the author of this report, the Henderson Heritage Trust forwarded the minutes of its meeting on 13 February 2001, as attached at pages A95 to A98. The minutes record a resolution that:

*".... the Trust not proceed with the relocation/restoration of the house due to its poor state ...."*

### 5.3 Events Subsequent to the Receipt Of Submissions

A76 Following media publicity related to the resource consent application, as attached at page A76  
A105-A107 and pages A105 to 107, the Council resolved, at its June 2001 meeting:

*"3. That Council, in partnership with the Henderson Heritage Trust, urgently determines what is needed to acquire, remove, re-site and restore McLeod Cottage from 285 Great North Road to a Council reserve."*

1523/2001

A108-A119 Following that resolution, as attached at pages A108 to A119, the Council then resolved at a Special Meeting on 26 September 2001:

*"3. That Option 2 as outlined in the agenda report be the basis for negotiation with the owner of the building at 285 Great North Road, Henderson, and that the Chief Executive negotiate with the owner and the Heritage Trust as to the means by which the purchase, relocation and renovation can be achieved."*

2300/2001

A113 Option 2 was outlined in the Agenda Report, as attached at page A113, as follows:

*"Purchase, relocation and renovation of the original cottage part of the house to Tui Glen Reserve Reserve"*

The Council then entered into a sale, purchase and relocation agreement with the owner of the heritage building on 24 April 2002. This purchase agreement is conditional, and will take effect if this resource consent is granted.

*A99-A104*  
*A128-A160* As part of that agreement, the Council agreed on 2 July 2001 to meet the requirements of the additional information request that had been issued under Section 92 of the Resource Management Act 1991, as attached at pages A99 to A104. This information was supplied on 19 August 2002 by Dave Pearson Architects Limited and Gary Chester Consultants Limited, as attached at pages A128 to A160. The report address the heritage values associated with the building, how to protect those values should the building be relocated, and the structural issues associated with ensuring the building is not damaged during the relocation process. The recommendations within the reports form several recommended conditions placed on this resource consent, and these would apply if the application is granted.

*A120-A123*  
*A125-A127* In the intervening months between September 2001 and August 2002, further information about the heritage building and questions regarding its age were raised by a member of the public, Audrey Lange, as attached at pages A120 to A123. Upon receipt by the Council of various pieces of information from Audrey Lange, Council engaged Dinah Holman, Heritage Consultant, to review that information and make comment on the accuracy of the information, as attached at pages A125 to A127. That review was provided by Dinah Holman on 16 April 2002. Dinah Holman concluded that the information provided by Audrey Lange indicated that the latter part of the heritage building was probably built in 1906/1907, and the date of the construction of the older part of the building is still unclear. Audrey Lange's information provided no further confirmation of the possible connection of Shepherd John McLeod and the heritage building.

The Council is currently preparing a Reserve Management Plan under the Reserves Act 1977 for the Henderson Creek, which includes Tui Glen Reserve. The Henderson Creek Reserve Management Plan identifies an area called "Proposed Accommodation Lease Area" that includes most of the historic buildings that remain in Tui Glen Reserve. It is anticipated that the heritage building currently at 285A Great North Road will be relocated to Tui Glen Reserve to an area adjacent to the cottage known as "Glen Oaks". This site is within the Proposed Accommodation Lease Area.

#### **5.4 Effect of Additional Information Obtained Under Section 92 of the Resource Management Act 1991**

*A128-A160* The Council received the information arising from the second additional information request under Section 92 on 19 August 2002. This information identified Tui Glen Reserve as the relocation destination. The relocation of the heritage building to Tui Glen Reserve is a non-complying activity under the City Wide Heritage Rules and the Open Space Rules (due to the lack of an operative Reserve Management Plan that provides for the building).

However the proposal was not re-notified, as the inclusion of the heritage building on Tui Glen Reserve was assessed to not adversely affect any parties or have a more than de minimus adverse effect on the environment. The relocated building would be situated in the middle of the site, away from adjacent residential properties. It will not require any vegetation clearance or earthworks, and it is within the "Proposed Accommodation Lease Area" provided for in the Draft Reserve Management Plan.

#### **6.0 Pre Hearing Meeting**

*A165-A172* A pre hearing meeting with the applicant, their agent, and submitters was held on 5 September 2002. The minutes of this meeting as attached at pages A165 to A172. The meeting provided the opportunity for those present to clarify any queries that they may have had about the application, and to outline their general position. No agreements about the matters relating to the resource consent application were made.

The possibility of an agreed recommendation and set of conditions (to avoid the need for a hearing) was raised by the applicant's representative, but no decision on that matter was made at the meeting. Subsequent to that meeting the Council determined that it would be appropriate to offer the opportunity for all submitters to be heard. This is in recognition of the changed circumstances and the new information that has been provided since submissions closed on 20 June 2001.

The prospect of the relocation of the heritage building to Tui Glen Reserve was raised at this meeting and discussed with all present. The applicant expressed approval for Tui Glen Reserve at the destination location, having considered this matter upon receipt of the Section 92 additional information. All the submitters present (except for the New Zealand Historic Places Trust) indicated their approval or acceptance of the relocation destination. While discussions occurred at the meeting, no decisions were made either for or against about relocating the heritage building to Tui Glen Reserve or the exact location of the heritage building within Tui Glen Reserve.

## **7.0 STATUTORY REQUIREMENTS**

### **7.1 The Weighting of District Plans**

The Resource Management Act 1991 requires the consideration of both the Transitional and Proposed District Plan prior to the Proposed District Plan becoming operative. In relation to this application the approach taken by both plans could be considered to be substantially the same. However as determined by case law, the regard to be given to the different plans can be weighed up in relation to what stage in the process of becoming operative a proposed plan is.

In this case the Proposed District Plan is in the final stages before becoming operative with only a few outstanding references. There are no outstanding references affecting this specific site, it's Human Environment Identification, or the related development controls. Any provisions of the Proposed District Plan (which has been prepared under the auspices of the Resource Management Act 1991) relevant to this proposal have been resolved via the District Plan submission and appeal process. Therefore the Proposed District Plan is considered to have greater weight in this particular resource consent application.

### **7.2 Non-Complying Activities**

The proposal requires consideration as a non-complying activity under the provisions of the Resource Management Act 1991. Section 105(2A) of the Act 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 occur without generating more than minor adverse effects on the environment, or must not be contrary to the relevant objectives and policies of either the Proposed District Plan or the Transitional District Plan.

Section 104 of the Resource Management Act 1991 sets out those matters to be considered when assessing an application for resource consent. 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 Transitional and Proposed District Plan. All considerations are subject of the provisions of Part II of the Resource Management Act 1991, which sets out the purpose and principles that guide this legislation.

The Proposed 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 Act 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 ACT**

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

This assessment applies to both the removal of the heritage building from 285A Great North Road and its relocation to Tui Glen Reserve.

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

There are no adverse effects in relation to water quality/quantity arising from the application to remove the heritage building from 285A Great North Road, as it is located within the urban area of the City and is not near a water body or stream.

Tui Glen Reserve is adjacent to the Oratia Stream. In terms of relocating the heritage building to the Reserve, it will be located approximately 75-100 metres from the Oratia Stream. Minimal earthworks will be required to establish the building platform, and any such works would be required to establish silt and sediment controls to avoid silt run off into the Oratia Stream. Access to the public sewer and storm water system is available, to ensure that no effluent or contaminated storm water will enter the Oratia Stream.

#### **8.1.2 Native Vegetation, Vegetation and Fauna Habitat**

There are no adverse effects in relation to vegetation and fauna habitat as a result of the application to remove the heritage building from 285A Great North Road, as the site is within the urban area and the vegetation on the site is already substantially modified. It is not proposed to remove any vegetation or undertake any work within the drip line of any vegetation at the 285A Great North Road site.

The site of the relocation of the building to Tui Glen Reserve (considering the issue of the effects on vegetation at the site) will be within 40 metres of the southernmost corner of Glen Oaks Cottage, and on the south eastern side of the entrance road that joins to Claude Brooks Drive. The exact site within this identified area will be determined as part of the completion of the Henderson Creek Reserve Management Plan. It is anticipated that given the size of the trees in this area that some pruning will be required to enable the relocation to proceed. However it is expected that this pruning will be less than 20 percent of each tree, thereby making the pruning a permitted activity, and in terms of the permitted baseline, de minimus adverse effects in relation to the vegetation.

#### **8.1.3 Land / Soil**

There will be no effects on soil or the existing landform as a result of the proposed activity, as both 285A Great North Road and at Tui Glen Reserve are within the urban area and are already modified.

#### **8.1.4 Air**

The site at both 285A Great North Road and at Tui Glen Reserve are within the urban area and the proposed activities do not include air emissions of any kind. Consequently there will be no adverse effects on air quality.

### 8.1.5 Ecosystem Stability

As the site at 285A Great North Road is within the urban area and the existing environment is already modified, there will be no adverse effects on the stability of ecosystems as a result of the proposal.

The ecosystem of the proposed relocation site for the building is a grassed area adjacent to Glen Oaks Cottage in an area in transition within Tui Glen Reserve. This will mean that there will be no adverse effects on the stability of the local ecosystem as a result of that building location.

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

Both sites at 285A Great North Road and at Tui Glen Reserve are not identified in the Proposed District Plan as being within an area identified as containing "outstanding natural features" within the City (refer Maps 3.5D & E). The sites are within the urban area of the City, and the environment is already modified. The proposed activities would therefore not adversely affect any identified outstanding natural features.

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

There will be no adverse effects in relation to the natural character of the coast and margins of lakes, rivers and wetlands arising from both the proposed removal of the heritage building from 285A Great North Road, as it is located within the urban area of the City and is not near any part of the coast, water body or wetland.

The proposed relocation of the building to Tui Glen Reserve, adjacent to the Glen Oaks Cottage is outside of the riparian margin identified in the Proposed District Plan. Sediment from any earthworks required to establish the building on its new site would be captured by sediment controls before it reaches the Oratia Stream. Storm water and waste water will be directed into the reticulated sewerage and storm water systems. Consequently there would be no adverse effects on the natural character of the Oratia Stream.

### 8.1.8 Outstanding Landscapes

Neither the site at 285A Great North Road nor at Tui Glen Reserve is identified in the Proposed District Plan as being within an area identified as "outstanding landscape" within the City (refer Map 3.6B). The two sites are within the urban area of the City, and the environment is already extensively modified. Therefore the proposed removal and relocation activities will not adversely affect any identified outstanding landscapes.

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

The heritage building has not been regularly maintained for some considerable time, and is in a run down state. Its current visual appearance does not therefore contribute greatly to the visual amenity values of the area. Several submitters noted that they consider the building to be "an eyesore".

A21  
A43  
A35-A68

Despite its outward physical appearance, the heritage building is considered to be in sound condition (as identified in Section 4.2 of the 1995 Cairncross Report, as attached at page A21). The heritage assessment provided by Dinah Holman, is attached at pages A35 to A68, notes that there appears to have been little deterioration since 1995, as attached at page A43, other than the recent replacement of corrugated iron on the roof. However the heritage building will continue to deteriorate further without regular maintenance.

The heritage building will need to be restored and repaired to protect its structural integrity and to maintain its amenity values. Relocation of the heritage building to Tui Glen Reserve and comprehensive conditions of consent that require its restoration would ensure that its amenity values would be maintained. If left in its current state with limited maintenance, it is considered that eventually the heritage building will be beyond repair with the consequent loss of any remaining amenity values.

#### 8.1.10 Heritage

There is historical significance associated with the original small cottage, in terms of the life of Thomas Henderson, together with a possible connection to Shepherd John McLeod. Thomas Henderson (from which Henderson Township takes its name) ran a mill in the Henderson area in the late 1850's. Shepherd John McLeod is thought to have come from Australia in 1857 to manage Thomas Henderson's "Mill Farm".

*A38-A43* Shepherd John McLeod is anecdotally reported to have lived at the then 285 Great North Road cottage during his time managing the Mill Farm, possibly in the period prior to 1862. While there is currently no clear evidence that Shepherd John McLeod lived at 285 Great North Road, this is where the description "McLeod's Cottage" has originated from. To the east of 285A Great North Road is the intersection with McLeod Road, the name of which may also be associated with the heritage building. These two features of the Henderson area (the heritage building and the road name) have assisted in providing part of the historic fabric for the City, and have remained as a clear indicator (rightly or wrongly in terms of the accuracy of that history) of Henderson's past. This evidence is summarised in Sections 5 and 6 of Dinah Holman's heritage assessment, as attached at pages A38 to A43.

*A120-A123*  
*A125-A127* The accuracy of the history has been further questioned by a member of the public, Audrey Lange, as attached at pages A120 to A123. Audrey Lange provided information that suggests that the building at 285A Great North Road was not constructed (or moved onto the site) until approximately 1906/1907, based upon sale and purchase records and anecdotal evidence. Upon receipt of these various pieces of information, Council engaged Dinah Holman to review that information and make comment on the accuracy of the information. Dinah Holman's review (dated April 2002) concludes that the major structure that is now the heritage building was likely to have been built in 1906/1907, but that conclusion does not eliminate the possibility that the larger structure (that is on the site today) was built around an earlier structure (the original cottage), of which no record has been identified, as attached at pages A125 to A127.

Recent additions to the building, such as the "lean to" at the rear of the building, do not have heritage significance.

*A19* Its heritage significance is based upon its age (estimated to be over 100 years old), and the association with the early European settlement and farming of the Henderson area. In terms of architectural significance, both the exterior and interior have details that contribute to its significance (as identified in Section 3.1 of the 1995 Cairncross Report). These details relate to the representative nature of the materials used in a timber framed weatherboard clad cottage.

*A43* **The proposed demolition** would completely remove the identified heritage building from the site. This will result in the destruction of all heritage values associated with the building and most heritage values associated with the 285A Great North Road site. Dinah Holman concludes (in her first report dated March 2001) that regardless of who lived in the building, there are few remaining buildings of this age and style that can be linked to the early development of Henderson, as attached at page A43. The heritage building therefore has historical significance, even without the association with Shepherd John McLeod. Its demolition would amount to the removal of a building of considerable historical significance for the Henderson area, and an important link to the past would be severed.

The proposed relocation would retain the heritage values contained within the building, and enable the long term retention of the building in a safe, publicly accessible location. The inclusion of the building at Tui Glen Reserve would enable residents of the city to access an important part of the City's history. Tui Glen Reserve was part of a block of land that was originally owned by Thomas Henderson. In 1876, the land was purchased by Shepherd John McLeod, who had been the manager of Thomas Henderson's Mill Farm and proprietor of the Oratia Hotel. McLeod sold the land in 1879. There are therefore some historical links between 285A Great North Road, Tui Glen Reserve, Thomas Henderson and Shepherd John McLeod.

The proposed relocation will adversely affect the heritage values of the building, in that the building will be removed from its original location. These adverse effects are offset by the previous subdivision of 285 Great North Road into two lots. This subdivision has reduced the historical context of the heritage building. The opportunity to return the heritage building to its original state, secure it structurally and make it available to the public (with appropriate interpretative material) at Tui Glen Reserve further mitigates these adverse effects. Given that Tui Glen Reserve has a direct historical link to Shepherd John McLeod, it is an appropriate relocation destination for the heritage building.

A145

The Dave Pearson Architects Limited "McLeod's Cottage Henderson: Report on Heritage Values", as attached at page A145, comments on page 17 that:

*".... Moving McLeod's Cottage off its present site does seem to be the only way of preserving it. Relocating it to a new location within Tui Glen Reserve, a site that already has historic significance and which contains a number of holiday cottages with heritage value, would seem to be an appropriate course of action. It is noted that some of the cottages at Tui Glen Reserve have previously been relocated to the site, establishing precedence for this activity ..."*

#### **8.1.11 Summary of Assessment of Environmental Effects Under (104(1)(a))**

The heritage building adds to the historical fabric of the City, and the neighbourhood character of the Henderson area. This is because of its presence throughout the last century as a reference point for the history of Henderson.

The adverse effects arising from the demolition of the heritage building would be significant, given the building's importance in terms of its heritage values for the Henderson area specifically, and the wider City generally.

The potential adverse effects of the proposed demolition are more than minor. The adverse effects from demolition cannot be adequately avoided or mitigated through appropriate conditions of consent. Further, having regard to the meaning of the word 'effect', the potential adverse effects are such that this activity (the demolition) does not meet the requirements of Section 104(1)(a).

The adverse effects arising from the removal of the heritage building from 285A Great North Road, while being more than minor, would be mitigated or re-mediated by the opportunity to restore the heritage building to its original (or at least an earlier, more representative) state at Tui Glen Reserve. By locating the heritage building at Tui Glen Reserve, the public will continue to have access to the link to the past that the heritage building represents.

#### **8.2 District Plan Considerations (104(1)(d)): Relevant Objectives, Policies, Rules and other provisions of a Plan or Proposed Plan**

As discussed in Part 7 of the report, the Proposed District Plan is considered to be the dominant document. Discussion of the proposal in relation to the Objectives, Policies and Rules of the District Plan has therefore been limited to those of the Proposed District Plan.

## 8.2.1 Proposed District Plan

A33

The heritage building is allocated the Cultural Heritage Inventory (CHI) number 1338 in the Heritage Appendix, as attached at page A33. The applicant did not make a submission on this listing in the Heritage Appendix, when the Proposed District Plan was publicly notified. This lack of submission may be construed as acceptance of the heritage listing and also the Heritage Rules of the Proposed District Plan.

Tui Glen Reserve is allocated the Cultural Heritage Inventory (CHI) number 1466 in the Heritage Appendix.

### 8.2.1.1 Proposed District Plan Policies and Objectives

#### Heritage

Objective 12 and Policy 12.2 are the key Objective and Policy that relate to both the proposal to remove the heritage building from 285A Great North Road, and the proposal to relocate the heritage building to the Tui Glen Reserve Reserve.

Objective 12 states:

*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.*

The proposal to demolish the heritage building at 285A Great North Road does not meet Objective 12, in that demolition will not recognise and protect the heritage significance of the building, and demolition will sever the links between the heritage building and its surrounding context.

Policy 12.2 states:

*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.*

The proposal to demolish the heritage building at 285A Great North Road does not meet Policy 12.2, in that it does not avoid demolition of the heritage building.

Policy 12.2 goes on to state that if an applicant will suffer unreasonable hardship, the Council may adopt one of several courses of action. These are: to take any steps to acquire the item and any land on which it is situated; enter into an agreement that is acceptable to the Council, the applicant and the New Zealand Historic Places Trust; and offer any other suggestions or assistance to reduce any hardship suffered by the applicant.

This Policy is reiterated in Note 8 of the Notes Box in Heritage Rule 2. This Note states:

*Council may, where it appears likely that the applicant will suffer unreasonable hardship by reason of consent being declined, adopt one of the following courses of action:*

- *Take steps with a view to acquiring any heritage item and any land on which it is situated, or*
- *Enter into any other agreement which is mutually acceptable to the Council, the applicant and/or owner of the heritage item and the Historic Places Trust as appropriate, or;*
- *Offer any other suggestions or assistance which would be likely to reduce any hardship suffered by the applicant or owner.*

As noted in the Background (Section 3.2) above:

*“... The Council then entered into a sale, purchase and relocation agreement with the owner of the heritage building on 24 April 2002. This purchase agreement is conditional, and will take effect if this resource consent is granted.*

*As part of that agreement, the Council agreed on 2 July 2001 to meet the requirements of the additional information request that had been issued under section 92 of the Resource Management Act 1991. This information was supplied on 19 August 2002 by Dave Pearson and Andrew Marriott. Dave Pearson is a Heritage Architect, and Andrew Marriott is a Registered Engineer. They have provided reports on the heritage values associated with the building, how to protect those values should the building be relocated, and the structural issues associated with ensuring the building is not damaged during the relocation process. Their recommendations form several recommended conditions placed on the resource consent, and these would apply if the application is granted ....”*

Therefore the actions taken by the Council, while not being wholly in keeping with the second bullet point in Policy 12.2 (in that the sale and purchase agreement that the Council entered into with the applicant has not been agreed to by the New Zealand Historic Places Trust), have sought to achieve the intention of Objective 12 and Policy 12.2.

#### **8.2.1.2 Rules and Assessment Criteria: Heritage**

Heritage Rule 2.4 is the relevant Rule that applies to this proposal to remove the heritage building from 285A Great North Road and to relocate the heritage building at Tui Glen Reserve.

Rule 2.4 states that any activity which is not a permitted activity or a limited discretionary activity or a discretionary activity shall be deemed a non complying activity. In terms of Assessment Criteria within Rule 2, which are useful as a guide, the following are considered to be relevant when assessing the proposal.

Heritage Rules Assessment Criteria	Assessment For Removing Heritage Building From 285A Great North Road	Assessment For Relocating Heritage Building At Tui Glen Reserve
<p><b>2(a)</b></p> <p>The extent to which the <i>design</i> of the proposal and the assessment of effects take into consideration the following:</p> <p>(i) 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;</p> <p>(ii) any New Zealand Historic Places Trust registration and the reasons for this registration of the heritage item under the Historic Places Act 1993;</p> <p>(iii) the policies of any conservation plan and/or heritage survey field sheet relating to the heritage item;</p> <p>(iv) the associated significance (if any) of the land surrounding the heritage item;</p>	<p>The Report prepared by Dave Pearson bases its assessment of 285A Great North Road on the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (1993) (attached in Appendix).</p> <p>The building is not registered by the New Zealand Historic Places Trust.</p> <p>The Conservation Report prepared by Craig Cairncross for Waitakere City Council details policies that relate to the fabric, condition, repair, maintenance, conservation standards and the Building Act. These policies are further expanded upon in the Cairncross Report, and are reflected (but not acknowledged) in the report prepared by Dave Pearson Architects Limited. There is no heritage survey field sheet relating to the heritage building.</p> <p>The land surrounding the heritage item is of significance, in terms of the heritage building being on its original site. The significance of the land surrounding 285A Great North Roads has been considerably reduced by the more recent subdivision and development surrounding the building.</p>	<p>The Report prepared by Dave Pearson bases its assessment of Tui Glen Reserve on the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (1993) (attached in Appendix).</p> <p>The heritage site is not registered by the New Zealand Historic Places Trust.</p> <p>There is no conservation plan or heritage survey field sheet relating to the Tui Glen Reserve.</p> <p>The land surrounding the relocation site for the heritage building is of significance, in terms of all of Tui Glen Reserve being a heritage site. The inclusion of the heritage building at Tui Glen Reserve will not detract from the heritage values of the site, as the heritage building has historical links with Tui Glen Reserve.</p>

A130

A21-A24

<p><b>2(c)</b></p> <p>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 <i>heritage item</i> has been listed.</p>	<p>The Report prepared by Dave Pearson provides significant detail about how the actions required to restore the heritage building will be undertaken to ensure that the restoration does not detract from the building's heritage values.</p>	<p>The addition of the heritage building to a grouping of other heritage buildings will not detract from the existing heritage values at Tui Glen Reserve. The exact location will require appropriate landscaping to ensure that the visual amenity values of Tui Glen Reserve are maintained.</p>
<p><b>2(d)</b></p> <p>The extent to which alterations and additions to the exterior of any <i>heritage item</i> are to be carried out in a way that takes account of, is sympathetic to and protects the following elements:</p> <ul style="list-style-type: none"> <li>• <i>heritage value</i> and <i>neighbourhood character</i>;</li> <li>• style and character of the <i>building</i>;</li> <li>• scale, form and detailing, including roof form, roof angles and eaves;</li> <li>• minimum loss of historic fabric, significant materials and original craftsmanship;</li> <li>• original materials, including cladding profiles, colour and texture;</li> <li>• original setting, including protection and maintenance of surrounding trees and gardens.</li> </ul>	<p>The Report prepared by Dave Pearson provides significant detail about how the actions required to restore the heritage building will be undertaken. This will help to ensure that the restoration does not detract from the building's heritage values.</p>	<p>The Report prepared by Dave Pearson provides significant detail about how the actions required to restore the heritage building will be undertaken. This will help to ensure that the restoration does not detract from the heritage values and neighbourhood character of the Tui Glen Reserve.</p> <p>The inclusion of the building adjacent to Glen Oaks Cottage will help to maintain the original setting of the Tui Glen Reserve, and avoid more than minor effects on the Reserve's trees and gardens.</p>
<p><b>2(e)</b></p> <p>The extent to which alterations and additions to the interior of any <i>heritage item</i> 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 <i>heritage item</i> and protects the following elements:</p> <ul style="list-style-type: none"> <li>• original floor plan;</li> <li>• scale, form and volume of internal spaces;</li> <li>• detailing of joinery and decorative features;</li> <li>• significant architectural elements;</li> <li>• significant finishes.</li> </ul>	<p>The Report prepared by Dave Pearson provides significant detail about how the actions required to restore the heritage building will be undertaken to ensure that the restoration does not detract from the building's heritage values.</p>	<p>Not applicable to the wider Tui Glen Reserve heritage site.</p> <p>The Report prepared by Dave Pearson provides significant detail about how the actions required to restore the heritage building will be undertaken. This will help to ensure that the restoration does not detract from the visual amenity values of Tui Glen Reserve.</p>

A153-A156

A153-A156

<p><b>2(f)</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>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;</li> <li>whether the building can be economically adapted for re-use;</li> <li>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;</li> </ul>	<p>In terms of the heritage significance of the building, refer to Section 8.1.11.</p> <p>There has been no change to any circumstances that may have resulted in a reduction of the significance of the heritage building. Rather, as time passes, the significance of the heritage building increases. As discussed above, while the building is in a run down state, it retains its structural integrity and therefore its heritage significance.</p> <p>The building has been tenanted for a number of years. With on-going maintenance, residential or non residential use (perhaps a light commercial activity) may be able to be continued at both 285A Great North Road or at Tui Glen Reserve. The building could be adapted internally for re-use.</p> <p>The heritage building can be relocated off the site. The advice received from Dave Pearson Heritage Architects and Gary Chester Consultants indicates that the adverse effects of the relocation in terms of the building's heritage significance can be mitigated.</p>	<p>There has been no change to any circumstances that may have resulted in a reduction of the significance of the Tui Glen heritage site.</p> <p>Not applicable to the Tui Glen Reserve heritage site.</p> <p>Not applicable to the Tui Glen Reserve heritage site.</p>
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A158

<ul style="list-style-type: none"> <li>whether any alteration to the area can be made that retains the heritage significance of the item while accommodating the objectives of the applicant.</li> </ul>	<p>The general area adjacent to the heritage building is fully developed for residential, light commercial and non-residential activities. There are no obvious sites available in close proximity that would enable development opportunities that could accommodate the objectives of the applicant (the demolition or removal of the building from the site).</p> <p>The applicant has previously indicated that should the application to remove the heritage building from 285A Great North Road be approved, she wishes to re-subdivide 285/285A Great North Road into three lots.</p> <p>No information has been supplied by the applicant regarding whether it is possible to retain and restore the heritage building on the site and still achieve the necessary subdivision to achieve three lots.</p> <p>The Proposed District Plan does not enable this type of subdivision as a permitted activity. This subdivision would be assessed as a discretionary activity. Whether such a subdivision would be approved would require consideration of the merits of the proposed activity against the relevant Objectives, Policies and Rules of the Proposed District Plan, as part of a separate consent. The applicant has not pursued this option.</p>	<p>Not applicable to the Tui Glen Reserve heritage site.</p>
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### Open Space

Objective 9 and Policy 9.5 are the key Objective and Policy that relate to both the proposal to relocate the heritage building to the Tui Glen Reserve Reserve.

Objective 9 states:

*To protect the quality and significance of the City's outstanding landscapes, including maintaining:*

- the form and significance of those landscape elements that define each landscape;*
- the landscape character that is associated with each landscape and contributes to its uniqueness and value for residents.*

The proposal to relocate the heritage building at 285A Great North Road to Tui Glen does meet Objective, in that the heritage building is of a size and shape that will not intrude into the landscape thereby protecting the quality and significance of the City's outstanding landscapes.

Policy 12.2 states:

*Structures should be of a height, scale and form that is compatible with the scale of buildings located within the City's outstanding landscapes.*

*Explanation*

*One of the landscape elements that contributes to the overall nature of these landscapes is the scale and form of buildings that are located within them. In the past, settlement in these areas involved either houses associated with timber milling or farming, or baches for summer visitors. Most of the timber-milling buildings have disappeared and what remains is domestic in scale. These buildings have become an element in the landscape - especially the coastal landscapes - and it is important that any future building remains in keeping with the small-scale, relatively unobtrusive structures.*

The proposal to relocate the heritage building at 285A Great North Road to Tui Glen does meet Policy 9.5, in that the heritage building is of a height and scale that will be comparable to the other buildings in Tui Glen Reserve.

The Open Space Rule 2.4 is the relevant Rule that applies to the proposal to relocate the heritage building to Tui Glen Reserve. Rule 2.4 states that any parks building which is not a permitted activity or a limited discretionary activity or a discretionary activity shall be deemed a non complying activity.

In terms of Assessment Criteria within Rule 2, which are useful as a guide, the following are considered to be relevant when assessing the proposal.

Open Space Rules Assessment Criteria	Assessment For Relocating The Heritage Building To The Tui Glen Reserve Open Space Environment
<p><b>2(a)</b></p> <p>The extent to which parks buildings are of a height which avoid adverse effects on neighbourhood character.</p>	<p>The heritage building at 285A Great North Road is a single storey building, and so its height will not adversely affect the neighbourhood character, which is generally that of single storey buildings.</p>
<p><b>2(b)</b></p> <p>The extent to which parks buildings are of a height which does not physically dominate or intrude into the privacy of adjoining sites.</p>	<p>The heritage building will not physically dominate Tui Glen Reserve, as it is surrounded by trees and vegetation, and the building will not intrude into the privacy of adjoining sites.</p>
<p><b>2(c)</b></p> <p>The extent to which parks buildings are of a height which avoids, where possible, interruption of views from sites in the vicinity.</p>	<p>The low height of the heritage building will ensure that it will not interrupt views from adjacent sites in the vicinity.</p>
<p><b>2(d)</b></p> <p>The extent to which parks buildings detract from the open space character of reserves.</p>	<p>The area into which the heritage building will be relocated is enclosed by vegetation and other buildings. As such it will not detract from the existing open space character that other parts of the Tui Glen Reserve currently has.</p>

### 8.3 Auckland Regional Policy Statement (104(1)I)

A175-A179 The Auckland Regional Policy Statement 1999 contains objectives and policies that are designed to avoid, remedy or mitigate adverse effects on cultural heritage resources. These policies are contained in Section 6 of the Policy Statement, and in particular Policies 6.4.1 and 6.4.4 and 6.4.16, as attached at pages A175 to A179. The Policy Statement seeks the preservation and protection of significant heritage items and the avoidance of a significant reduction in the value of those significant heritage resources.

The retention on site or the relocation rather than the demolition of the heritage building will meet the objectives of the Regional Policy Statement. This is further articulated by the Auckland Regional Council in its submission on this application, which states that it wishes to retain the heritage building on site and have it restored, but if no other practical option is found, that the building be relocated.

### 8.4 Any Other Matters the Consent Authority Considers Relevant (104(1)(i))

There are two matters that are relevant in terms of the supporting material contained within the resource consent application. These are the state of the heritage building and the reasonable use of the heritage building. These are discussed below.

A2 The applicant raises in Section 2.0 of the application the view that the building is in poor condition and unsuitable for continuing use as a residence, as attached at page A2. The heritage building was, however, tenanted at the time of the lodgement of the application. The Cairncross Report also indicates that the building retains its structural integrity. In the light of these points, it appears that the issue of the suitability of the building for use as a residence is not related to the historical significance, nor to the structural integrity. Rather, it appears that maintenance of the building is required immediately, and combined with regular maintenance on an on-going basis would render the building suitable for ongoing use. Given the age of the building, the maintenance requirements are likely to be more onerous than the maintenance associated with a younger building. However, the costs associated with maintaining the heritage building are not a compelling reason for the demolition of the building. It is also apparent that minimal maintenance of the heritage building has occurred in the past, which may have adversely affected its heritage values.

A5-A6 Reasonable use issues are raised by the applicant in Section 5.6 of their report, as attached at pages A5 to A6. The term "reasonable use" is defined as a use where the actual or potential adverse effects of that use on the environment are not significant. Therefore, what amounts to reasonable use of land will depend on the particular Proposed District Plan Human Environment in which the activity is located.

Section 85 of the Resource Management Act enables any person with an interest in land to challenge a district plan provision. This challenge occurs when that person considers that a provision or proposed provision in a plan will render their land incapable of "reasonable use". The provision must be challenged by lodging a submission on a proposed plan, or by applying to the Council for a plan change.

As noted in Section 8.2.1 above, the applicant did not make a submission against the inclusion of the heritage building in the Proposed District Plan. The Resource Management Act 1991 imposes an onus on individuals to participate in the development of district plans. Given that the reasonable use provisions of a plan may only be challenged through reference of those provisions to the Environment Court, there is an assumption that those parties who have chosen not to raise issues through this process perceive that the district plan provisions do not prevent the reasonable use of their properties.

It is considered that reasonable use can be made of the heritage building, with appropriate maintenance. Should this resource consent application to remove and relocate the heritage building to Tui Glen Reserve be granted, the restoration and maintenance indicated in the reports by Heritage Architects Limited and Gary Chester Consultants Limited will be undertaken, and thereby enable reasonable use of the building to occur.

### **8.5 Any Other Relevant Non-Statutory Documents**

There are no other relevant statutory documents that need to be considered as part of this resource consent application.

### **9.0 PART II OF THE ACT**

It is considered that the proposal to demolish the heritage building would be inconsistent with Sections 5, 6, 7 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 Act. 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. In particular, the Act requires under Section 7(e) that heritage values and the quality of the environment are to be recognised and protected.

It is considered that the proposal to remove and relocate the building would be consistent with Section 7(e) of the Resource Management Act 1991 in that the relocation will ensure that the recognised heritage values are protected.

By itself, relocation will not achieve the purpose of the Resource Management Act 1991. The purpose of the Resource Management Act 1991 will, however, be achieved via relocation and subsequent restoration, combined with the availability of suitable interpretative information. Appropriate conditions will be imposed on the resource consent to achieve the purpose of the Resource Management Act 1991.

### **10.0 EVALUATION IN ACCORDANCE WITH SECTION 105 OF THE ACT**

The threshold test in Section 105(2A) 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 (105(2A)(a)) or the activity will not be contrary to the objectives and policies of a plan or proposed plan (105(2A)(b)). As discussed in Section 7.1 of this report, very little weight shall be given to the objectives, policies and rules of the Transitional Plan, as the Proposed Plan is considered to be the dominant document.

It is considered that the threshold test for a non-complying activity (the demolition of the heritage building) has not been met, as the proposal does not satisfy Section 105(2A). The adverse effects on the environment of the proposal to demolish the heritage building will be more than minor and the proposal is contrary to the relevant objectives and policies of the Proposed District Plan.

It is considered that the threshold test for a non-complying activity (the removal and relocation of the heritage building) has been met, as the proposal satisfies Section 105(2A). The adverse effects on the environment of the proposal to relocate the heritage building from 285A Great North Road to Tui Glen Reserve will not be more than minor, and the proposal is not contrary to the relevant objectives and policies of the Proposed District Plan. Jurisdiction to grant consent to the removal and relocation of the heritage building has therefore been established.

## CONCLUSION

The applicant seeks consent to demolish or relocate the heritage building at 285A Great North Road.

It is considered that the proposal to demolish the heritage building **does not meet** the criteria for granting consent. The potential adverse environmental effects are **more than minor** and **cannot** adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that due to the deteriorated state of the heritage building, the demolition of the building would not lead to a decline in the amenity values of the area, however there would be a more than minor effect on the historical fabric of the City generally and the Henderson area in particular if the heritage building is demolished.

The alternative proposal to remove and relocate the heritage building **would meet** the criteria for granting consent. The relocation of the building will be to a site within the Henderson area, and the new site is 700 metres (as the crow flies) from its current location.

The architectural integrity of the building would be maintained, albeit it a different location. The historical context of Tui Glen Reserve, with its association with Shepherd John McLeod, provides the tangible link with the heritage building, and that will help to maintain the historical fabric of the City. The architectural significance will not change if the heritage building is relocated, and with appropriate interpretative material, the public will have the opportunity to interact with an important element of Henderson's history.

*A128-A160* It is considered that the issues raised by the submitters **can** be adequately addressed through the imposition of appropriate consent conditions. The conditions of consent are partly derived from the reports prepared by Dave Pearson Architects Limited and Gary Chester Consultants Limited (both dated August 2002).

Subject to any additional and/or contrary evidence being presented at the hearing, it is concluded that the application to relocate the building **merits consent** in accordance with Sections 104 and 105 of the Resource Management Act 1991.

## RECOMMENDATIONS

That pursuant to Sections 104, 105, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, **consent be declined** to the application by Nola Sansom to demolish and/or dismantle the heritage building at 285A Great North Road, Henderson, being Lot 1 DP 164683 for the following reasons:

- Demolition of the heritage building would ensure that all heritage values associated with the building and links to the history of Henderson would be removed. This does not meet the purpose and principles of the Resource Management Act 1991, and in particular section 7(e), in that the heritage values of the building and its site will not have been recognised and protected;
- The adverse effects on the environment created by the demolition of the building would be more than minor, and would be contrary to the Objectives and Policies of the Proposed District Plan; and
- Demolition of the heritage building does not meet the requirements of section 105 (2A) of the Resource Management Act 1991, in that the adverse effects on the environment will be more than minor.

That pursuant to Sections 104, 105, 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 Nola Sansom to remove the heritage building from the site at 285A Great North Road, Henderson, being Lot 1 DP 164683 to Tui Glen Reserve Reserve, Henderson, being Pt Lot 12, DP 6760, for the following reasons:

- Although relocation of the heritage building would destroy its links with the 285A Great North Road site, it would ensure that the building is retained within the Henderson area, and enable the community to maintain its links to the past;
- Relocation of the heritage building to Tui Glen Reserve Reserve would provide the opportunity to restore the building and retain its heritage significance and representative architectural style;
- Relocation of the heritage building to Tui Glen Reserve Reserve retains historical connections between Tui Glen Reserve, Shepherd John McLeod and the heritage building;
- Relocation of the heritage building would ensure that the heritage values associated with the building and links to the history of Henderson would be retained. This meets the purpose and principals of the Resource Management Act 1991, and in particular section 7(e), in that the heritage values of the building will have been recognised and protected; and
- Relocation of the heritage building meets the requirements of section 105 (2A) of the Resource Management Act 1991 in that the adverse effects on the environment will be no more than minor.

**Consent shall be subject to the following conditions.**

#### **GENERAL CONDITIONS**

1. The relocation of the heritage building shall proceed in accordance with conditions contained within this resource consent report, and all referenced by Council as RMA 20002320, and the information, including further information, submitted with the application.
2. That the heritage building shall be relocated to the Tui Glen Reserve. The location of the heritage building on the Tui Glen Reserve shall be within the Proposed Accommodation Lease Area (identified in the Draft Henderson Creek Reserve Management Plan), being within Pt Lot 12, DP 6760, and shall be within 40 metres of the southernmost point of the Glen Oaks Cottage, and be southeast of the entrance road to the Tui Glen Reserve.
3. That before the heritage building is physically removed from the site at 285A Great North Road, the transfer of ownership of the heritage building from the applicant to Waitakere City Council be completed, and shall be to the satisfaction of the Manager, Resource Consents.
4. That before the heritage building is physically removed from the site at 285A Great North Road, arrangements (identified in Conditions 5-30) have been made for the restoration of the heritage building to the satisfaction of the Manager: Resource Consents.
5. That should the heritage building be relocated to a temporary storage area prior to its arrival at Tui Glen Reserve, the heritage building must be made safe from vandalism and arson to the satisfaction of the Manager: Resource Consents. The temporary storage area is not subject to Condition 2 (above).
6. Before commencement of any earthworks required to remove the building from the site at 285A Great North Road and relocate at Tui Glen Reserve, adequate sediment and erosion control measures shall be constructed and maintained in accordance with Erosion and Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City Council Proposed District Plan. (Copy attached at Schedule 3)
7. All perimeter controls shall be operational before any earthworks begin.

8. In the event of archaeological evidence being uncovered (eg. artificial material or human bones) work shall cease in the vicinity of the discovery, the area secured, and the Council (Ph 839-0400) contacted. Activity on the site will remain halted until the Manager Resource Consents gives approval for operations to recommence.
9. Footpaths, berms and kerbs shall be protected from damage by crossing or parking vehicles to the satisfaction of the Manager Resource Consents. Any damage which is attributed to any earthworks or the relocation of the building shall be rectified at the cost of the consent holder.
10. The removal and relocation of the building and any necessary earthworks shall be supervised by a Registered Engineer engaged by the consent holder, and the Registered Engineer shall undertake this supervision in consultation with a Heritage Architect and to the satisfaction of the Manager: Resource Consents.
11. All personnel working on the site shall be made aware of and have access to the contents of this consent document.
12. Any damage to adjacent property, or adverse effects on the stability of adjoining property (occurring as a result of any activities undertaken) shall be fully reinstated (to their pre-existing condition) to the satisfaction of Council, within three months of completion of works, or sooner if considered necessary

#### **CONDITIONS RELATING TO WORK PRIOR TO OR DURING RELOCATION**

13. A full photographic record shall be made of the building on its present site before any work commences. This process shall be continued as the cottage is moved to its new site and as it undergoes conservation work. The building shall also be studied as it is prepared for relocation with a view to gaining further information about its history and sequence of construction. This shall be undertaken by a Heritage Architect and shall be to the satisfaction of the Manager: Resource Consents.
14. Measures taken to protect the building shall be in accordance with the report by Gary Chester Consultants Limited, dated August 2002 (refer Condition 28), and shall include:
  - (a) All care shall be taken during relocation to ensure the building is adequately supported;
  - (b) Steel beams shall be provided running the length of the building with outriggers provided at right angles to support the exterior walls;
  - (c) Temporary bracing is required within the building to prevent it racking during the relocation. This will involve the establishment of 100 x 50 cross bracing within the within the larger internal spaces such as the lounge, dining rooms and bedrooms;
  - (d) The building is to be moved in one piece and the roof is not to be removed during the relocation process;
  - (e) The dismantling of the chimney and fireplace prior to relocation shall be undertaken by a qualified mason, in consultation with a Heritage Architect (as required by Condition 13) and shall be to the satisfaction of the Manager: Resource Consents. All care shall be taken to not damage the bricks during the procedure;
  - (f) Prior to dismantling, the chimney shall be fully documented using by photographs and drawings. In particular, evidence shall be sought as to whether or not a second fireplace was located in the dining room. Further documentation should also be undertaken during the dismantling process and the method of construction of the chimney noted. The bricks shall be stored in a secure location and used to re-construct the chimney within the building when it is re-established on its final location;

- (g) The veranda at the front of the building will need to be adequately supported before the building is relocated; and
  - (h) All care will need to be taken of other significant building fabric as the building is relocated. This will include the hood above the lounge window, window and door joinery, facings, fascias and bargeboards.
15. The rear porch and deck and the baseboards may be removed prior to the building being relocated.
16. All other will be undertaken during relocation as detailed in Schedule 1 at the end of this resource consent report.

#### **CONDITIONS RELATING TO WORK SUBSEQUENT TO RELOCATION**

17. The required remedial work shall maintain the archaeological and heritage values of the building to the satisfaction of the Manager: Resource Consents. The works shall be supervised by a Registered Engineer engaged by the consent holder, in consultation with a Heritage Architect and be completed to the satisfaction of the Manager: Resource Consents.
18. The building shall be retained in its present form with the various additions. The exception is the rear porch and deck which may be removed before the building is relocated.
19. The chimney shall be reconstructed in its original form, unless evidence comes to hand to enable it to be reconstructed in an earlier form.
20. The handrail shall be rebuilt in a simplified form or reconstructed in an earlier form if evidence is found of that form.
21. The windows to the dining room and lean-to shall be left in their existing form unless evidence is found to allow them to be returned to an earlier form.
22. The front window shall be replaced by a window that replicates its earlier form, as detailed on page 8 of the Report on Heritage Values by Dave Pearson Architects, dated August 2002.
23. Existing trim should be used as a pattern for new trim. This includes skirtings, architraves and ceiling battens.
24. Interior doors that have been added later should be infilled (blocked off) if no longer required.
25. The fireplace and mantelpiece in the lounge shall be reconstructed. A fireplace shall be constructed in the dining room if evidence indicates that this was the case. These fireplaces shall be rebuilt in accordance with the New Zealand Building Code acceptable solution B1/AS3 "Small Chimneys".
26. The bathroom and toilet shall remain in their present location within the Heritage Building.
27. Later linings shall be removed to determine whether or not earlier building fabric has survived. If an earlier style of building fabric is discovered, this type of fabric shall be replicated where appropriate.
28. All remedial and reconstruction work as detailed in Conditions 15 - 28 and within Schedules 1 and 2 to this resource consent are required to be completed within two years from the date that the building is relocated on its site in Tui Glen Reserve.

29. Within six months of re-siting the relocated building, any damage to the relocated building during re-siting shall be repaired to the satisfaction of the Manager: Resource Consents.
30. Within 3 months of re-siting the relocated building, the guttering and down-pipes shall be connected to the storm water system to the satisfaction of the Manager: Resource Consents.
31. A interpretative plaque (with appropriate information) shall be installed on the site of 285A Great North Road, with the exact location to be determined in consultation with the property owner/Council Transport Assets Section, and to the satisfaction of the Manager: Resource Consents.

#### ADVICE NOTES

1. Any earthworks (excavation or deposition) outside the building platform to be minimised to 50m<sup>3</sup> unless a Resource Consent is obtained in accordance with the General Natural Area Rule 3 in the Waitakere Proposed District Plan 1995.
2. This resource consent will lapse two years from the date that it is issued, if it has not been given effect to. If it has not been given effect to within that time period, an extension of time for this resource consent or a new resource consent will be required.
3. The Schedules referred to in Condition 28 are made up of requirements contained within reports dated August 2002 prepared by Dave Pearson Architects Limited and Gary Chester Consultants Limited. These reports should be consulted when meeting the requirements of those two Schedules.
4. A Building Consent under the Building Act 1991 may be required when the building is positioned on its site within Tui Glen Reserve. The building should be restored to meet the requirements of the New Zealand Building Code.
5. The Consent Holder shall consult with the relevant network utility operators regarding the movement of the building and the protection of overhead wires.

Report prepared by: Eryn Shields, Service Planner.



## **SCHEDULE 1**

### **RELOCATION REQUIREMENTS**

**FROM:** "REPORT ON STRUCTURAL MEASURES REQUIRED TO PROTECT THE BUILDINGS HERITAGE VALUES DURING RELOCATION OF THE BUILDING"

**BY:** ANDREW MARRIOTT  
GARY CHESTER CONSULTANTS LIMITED

**DATE:** AUGUST 2002

#### **4.0 METHODOLOGY FOR RELOCATING THE BUILDING**

We believe that the Cottage will be able to be transported to its new location in its present layout. There is no need to divide the building into smaller portions as it is of a size that will be able to be transported as it is. This will reduce the potential for damage of items of heritage value.

We comment on the various areas of the Cottage and the works required to prepare them for transporting and reassembly as follows:

##### **4.1 Floor**

The floor is supported on timber bearers onto timber jack studs on concrete piles. The bearers are generally considered to be undersized by today's standards and depending on the proposed use of the building and will need to be replaced. The house removal company should provide steel beams as necessary to support the floor during transporting. Some holes may need to be carefully cut through the flooring in order to install jacks for lifting the building. The position of the holes should be agreed with the Conservation Architect prior to any cutting.

The ground on the South-Eastern corner of the house has been built up in time and is against the house. We could not see the effect of this at the time of our inspection but suspect that when the house is lifted any timber that has been in contact with the ground will be found to have rotted. Some temporary support may be necessary to replace this rotten timber for the move. A more extensive repair may be necessary when the building is resited.

A new foundation system will be required when the building is resited. The size and type of foundations required will depend on the final use of the Cottage. We would recommend at this stage adopting the details in NZS 3604 for 3kPa loading for the foundations and floor joists. This would allow the Cottage to be used for offices, and we would argue for museum purposes if it was to open to the public.

##### **4.2 Exterior Walls**

The exterior walls will need to be temporarily braced back down to the floor for the move to prevent them from spreading during transporting. This could be achieved using timber props nailed at each end with 3/90x3.15 nails. To prevent damage to the flooring the skirtings could be removed for transporting and the brace nailed to the bottom plate of the internal wall.

It was noted that a number of weatherboards had rotted and that holes had formed. On relocation of the Cottage we recommend that the framing and floor adjacent to these areas be investigated and any rotten structure replaced.

##### **4.3 Roof**

The roof should transport safely without additional support.

It was noted however that some of the supporting members were mealy sized and in the long term we recommend they be replaced with more adequately sized members.

#### **4.4 Veranda**

The veranda on the South-Western should be braced back to the building with timber supports in both directions. The base of the corner post has rotted away and will need to be repaired when the cottage is restored. It should be tied at the base and top to support it during the move.

The floor framing to the veranda did not appear to be well connected to the Cottage. A more permanent means of tying the two floors together with say nail plates should be undertaken.

#### **4.5 Interior Walls**

Where interior walls are lined with hardboard the corner beads should be removed for transporting to allow the corner to take up any movement. Similarly the corner of Gib lined rooms should have the wallpaper cut to allow movement to take place.

We understand that the internal linings may be replaced when the building is resited. An allowance should be made for replacing defective studs and plates which may come to light during this work. Where new linings are specified consideration should be made to use these linings to brace the Cottage.

#### **4.6 Fireplace and Chimney**

We understand that neither the fireplace nor the chimney have significant heritage value and therefore recommend that they be removed prior to moving the building.

On resiting the Cottage it is understood that the fireplace and chimney would be rebuilt to match the existing details. In order to make the new chimney safe it should be rebuilt in accordance with the New Zealand Building Code acceptable solution B1/AS3 "Small Chimneys". This requires the chimney to be reinforced and also tied to the structure.

**SCHEDULE 2**

**REMEDIAL WORK REQUIREMENTS**

**FROM: "MCLEOD'S COTTAGE HENDERSON: REPORT ON HERITAGE VALUES"**

**BY: DAVE PEARSON  
DAVE PEARSON ARCHITECTS LIMITED**

**DATE: AUGUST 2002**

**SCHEDULE 3**

**EROSION AND SEDIMENT CONTROL MEASURES APPENDIX**

**WAITAKERE CITY COUNCIL PROPOSED DISTRICT PLAN**