

PROPOSED PLAN CHANGE 28: HERITAGE

BACKGROUND REPORT AND ANALYSIS UNDER SECTION 32 OF THE RESOURCE MANAGEMENT ACT 1991

Proposed Plan Change 28 seeks to schedule four additional buildings in the heritage appendix of the District Plan.

1 Introduction

The proposed plan change has been prepared in response to information from the West Auckland Historical Society, one landowner request and as a result of the electrification project for the rail network. Each of the buildings that are proposed for scheduling has been assessed by a qualified heritage architect. An initial report on the proposed listing of these buildings was prepared for the September 2008 meeting of the Planning & Regulatory Committee. In the intervening period, Council's consultant heritage architect has finalised the assessments and contact has been made with the various landowners to ensure their support for the proposed changes.

2 Location and Description of Site /Proposed Plan Change

The proposed plan change lists four buildings across the City. The following buildings have been identified as being suitable heritage listings:

- Brick Villa, 170B Hepburn Road, Glendene legally described as Lot 1 DP 89599 – Category II
- Donner House (category I) and studio (category II) at 50 Kohu Road, Titirangi legally described as Lot 46 DP19360
- Swanson Railway Station building (Category II) at 760 Swanson Road, legally described as : Lot 1 DP 188043.

There will be consequential changes to the Heritage Appendix of the District Plan and District Plan Maps.

3 Assessment under the Resource Management Act 1991

The Resource Management Act 1991 (the Act) provides a legislative framework for the sustainable management of natural and physical resources in New Zealand. The purpose of the Act is to promote the sustainable management of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety. Part II (Sections 5-8) sets out the Purpose & Principles of the Act.

Section 5 (2) defines the purpose of the Act, sustainable management as:

“managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

Section 6 outlines Matters of National Importance that must be recognised and provided for:

“6. Matters of National Importance –

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

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development:*
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development:*
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers:*
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, site, waahi tapu and other taonga:*
- (f) The protection of historic heritage from inappropriate subdivision, use and development.”*

Section 7 sets out Other Matters that must be given particular regard including:

- (a) “Kaitiakitanga;*
 - (b) The efficient use and development of natural and physical resources;*
 - (c) The maintenance and enhancement of amenity values;*
 - (d) Intrinsic values of ecosystems;*
 - (e) Maintenance and enhancement of the quality of the environment;*
- ...”*

Section 8 of the Act requires that the principles of the Treaty of Waitangi be taken in account.

Part IV of the Act relates to functions, powers and duties of Central and Local Government.

Councils' functions are outlined in Section 31 as the control of actual and potential effects of the use, development or protection of land and associated natural and physical resources in order to achieve the purpose of the Act. Council is to establish, implement and review objectives, policies and methods to achieve this and can also include rules, which prohibit, regulate or allow activities. The District Plan is a tool to assist Council in achieving its function. Section 31 of the RMA outlines Council's functions as follows:

- (a) *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
- (b) *The control of any actual or potential effects of the use, development, or protection of land, including the for the purpose of-*
 - (i) *the avoidance or mitigation of natural hazards; and*
 - (ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances;*
 - (iii) *the maintenance of indigenous biological diversity:*
- (c) *The control of the subdivision of land:*
- (d) *The control of the emission of noise and the mitigation of the effects of noise:*
- (e) *The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
- (f) *Any other functions specified in this Act.*

The purpose of a district plan as outlined in section 72 of the Act is to assist Council to carry out its functions. Section 74 (1) of the Act is the statutory basis on which Council undertakes changes to its plan. Section 74(1) states that:

"A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part II, its duty under section 32, and any regulations."

Therefore before adopting an objective, policy or rule or other method in the District Plan a rigorous assessment under Section 32 of the Act must be carried out. Section 32 (3-6) states:

- (3) *An evaluation must examine –*
 - (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
 - (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*
- (4) *For the purposes of this examination, an evaluation must take into account –*

- (a) *the benefits and costs of policies, rules, or other methods; and*
- (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*
- (5) *The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*
- (6) *The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.*

Part V of the Act relates to Standards, Policy Statements and Plans. Section 74 (1) has been mentioned above, however the remainder of that section of the Act is also relevant to plan changes:

- (2) *In addition to the requirements of section 75(2), when preparing or changing a district plan, a territorial authority shall have regard to—*
 - (a) *Any—*
 - (i) *Proposed regional policy statement; or*
 - (ii) *Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
 - (b) *Any—*
 - (i) *Management plans and strategies prepared under other Acts; and*
 - (ii) *repealed*
 - (iia) *Relevant entry in the Historic Places Register; and*
 - (iii) *Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—*
to the extent that their content has a bearing on resource management issues of the district; and
 - (c) *The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*
- (2A) *A territorial authority must, when preparing or changing a district plan, take into account any relevant planning document recognised by an iwi authority, and lodged with the authority, to the extent that its content has a bearing on resource management issues of the district.*
- (3) *In preparing or changing any district plan, a territorial authority must not have regard to trade competition.*

In respect of district plans, Section 75 states that:

- (1) *A district plan must state –*
 - (a) *the significant resource management issues for the district; and*
 - (b) *the objectives sought to be achieved by the plan; and*
 - (c) *the the policies for those issues and objectives, and an explanation of the policies; and*
 - (d) *the methods (including rules if any) to implement the policies; and*
 - (e) *the principal reasons for adopting the objectives, policies, and methods of implementation set out in the plan; and*
 - (f) *the information to be included with an application for a resource consent; and*
 - (g) *the environmental results anticipated from the implementation of those policies and methods; and*
 - (h) *the processes to be used to deal with issues that cross territorial authority boundaries; and*
 - (i) *the procedures used to monitor the efficiency and effectiveness of the policies, rules, or other methods contained in the plan; and*
 - (j) *any other information for the purpose of the territorial authority's functions, powers, and duties under this Act.*
- (2) *A district plan must give effect to any national policy statement or a New Zealand coastal policy statement and must not be inconsistent with –*
 - (a) *a water conservation order; or*
 - (b) *the regional policy statement; or*
 - (c) *a regional plan for any matter specified in section 30(1).*

Section 76(3) requires that in making a rule, a territorial authority is to have regard to the actual or potential effect of activities, particularly adverse effects on the environment.

4.1 Section 32 Analysis

In achieving the purpose of the Act Section 32 requires that before notifying a proposed plan change Council must carry out an evaluation of the alternatives, benefits and costs of the proposed plan change. Council's obligations under section 32 are divided into five parts that comprise the following:

- examining the extent to which each objective is the most appropriate way to achieve the purpose of the Act:

- examining whether, having regard to efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives;
- taking into account the benefits and costs of the policies, rules or other methods;
- taking into account the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods; and
- summarising the evaluation and reasons for evaluation.

4.1.1 The extent to which each objective is the most appropriate way to achieve the purpose of the Act (s32(3)(a))

The purpose of the Act as outlined in Part II is the sustainable management of natural and physical resources. It is considered that the proposed plan change is the most appropriate way to achieve the purpose of the Act because in order for Council to sustainably manage the City's heritage resources, these need to be adequately identified in the District Plan. If an item is not listed, then it is harder to ensure that the successive landowners will maintain the heritage values of buildings and trees. There would be no additional costs to landowners if items are listed for protection, as the Council processes all heritage resource and building consents, free of charge. There is a net environmental benefit to the community in maintaining its heritage, as this adds to the community sense of identity and provides a link between the old and new.

Section 6 of the RMA identifies matters of national importance, which need to be recognised and provided for in achieving the purpose of the Act. The following matters are of relevance to the current proposal:

- The proposed plan change seeks to protect items that are identified as having heritage value. Section 6(f) of the RMA has elevated historic heritage to a matter of national importance.

Section 7 deals with other matters which particular regard shall be had to in achieving the purpose of the Act. The matters of particular relevance to this proposed Plan change are as follows:

- Section 7(c) deals with the maintenance and enhancement of amenity values. This is a relevant consideration when listing heritage items as those items that are not listed in the District Plan heritage appendix only require a building consent for their removal or demolition.
- Section 7(g) covers 'any finite characteristics of natural and physical resources.' This section is relevant for Proposed Plan Change 28 in that heritage is a finite physical resource that can be passed onto future generations. Failure to adequately recognise and provide for its protection is contrary to the intent of Part II.

Section 8 provides that in achieving the purpose of the Act, the principles of the Treaty of Waitangi (Te Tiriti O Waitangi) shall be taken into account.

- The proposed plan change will not affect any Treaty matters as all of the items are located on private land.

As the proposed plan change does not seek to amend Objective 12, the objective remains the most appropriate way to achieve the purpose of the Act.

4.1.2 Whether, having regard to efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives (s32(3)(b))

Council is required to have regard to other methods that may be used in achieving the objective of the Proposed Plan Change. This includes non-statutory methods such as education, provision of services, incentives and levying of charges. Other methods could be taking no action at all (i.e. removing all rules) or of retaining the existing rules (the status quo). Council currently operates a mix of regulatory and non-regulatory incentives in the form of its heritage fund that is available for the owners of heritage listed buildings.

The following alternative methods have been identified and are considered below:

- Retain the existing rules (the "status quo" option)
- Have no rules (the "do nothing" option)
- Provide additional advice and information (education)
- Provide for a mix of regulatory and non-regulatory support

4.1.3 Benefits and costs of policies, rules or other methods (s32(4)(a))

The Existing Proposed Rules/Policies/Objectives/Other Methods

This method is considered to be highly effective in achieving the purpose of Part II of the RMA 1991 and is efficient in terms of the ratio of benefits to costs.

Benefits

- The proposed plan change provides certainty about what additional heritage items are worthy of protection in the District Plan and provides a management category for them i.e. Category I, II or III depending on the significance of the item and its ability to withstand modification.
- The landowners have agreed to the heritage listing of their buildings.

Costs

- The costs associated with the Proposed Plan Change are staff time. There is a low risk of appeal to the Environment Court with this Proposed Plan Change because the Council has undertaken preliminary consultation with the landowners who are aware of the listing.

The Status Quo

This method is considered to be moderately effective in achieving the purpose of Part II of the RMA but fails to respond to new information that Council has become aware of i.e. that there are additional buildings worthy of protection.

Benefits

- No additional staff time to prepare a Proposed Plan Change to include any additional items in the Heritage Appendix of the District Plan.

Costs

- There is a hidden cost of not including items of heritage significance known to Council. If those items are destroyed, then they are lost to the community not only the private landowner. This method relies purely on goodwill of the private landowner.

Do Nothing

The do nothing option would involve having no rules in the District Plan to retain heritage. This method would not be very effective at retaining heritage although it would be efficient at delivering the outcomes sought by the specific landowner.

Benefits

- The benefits to the private landowner are that they could decide alone, whether or not to retain items of heritage significance. There would be no certainty to the community that anything would remain intact for future generations. A lack of regulation would lead to greater efficiency for the private landowner but would not provide any certainty of outcome for the community at large. Essentially if you don't own it, you cannot control its future under this option.

Costs

- There would be some benefits to Council with a "do nothing" approach. There would be virtually no need for planning or enforcement staff to consider heritage issues although there would be an increased cost to ratepayers in the short term as unfettered development would lead to a loss of amenity as people would have an ability to destroy or modify heritage items and possibly create a nuisance impacting on their neighbours.

Other Methods

The other method commonly used is non-regulatory assistance in the form of financial assistance or grants to reward good behaviour.

Benefits

The benefits of this method are that it rewards good behaviour and Council can also obtain good public profile through providing economic incentives to landowners.

Costs

There are costs associated with administering and having a fund or financial incentives available. However, it generally represents good value for money.

4.1.4 The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods (s32(4)(b))

It is considered that Council has both certain and sufficient information, and has utilised this information in the preparation of the Proposed Plan Change, regarding the subject matter (including policies, rules and other methods) of this Plan Change. Therefore, it is not considered necessary to investigate the risk of acting or not acting as outlined in s32(4)(b) of the Act, and ultimately no further assessment is deemed necessary in this regard.

4.1.5 Summary of evaluation and reasons for evaluation

The evaluation above has examined the merits of the proposed plan change versus various alternative methods. The proposed plan change will complement the existing District Plan framework and is consistent with that method of heritage protection. It provides the community with certainty about what is protected and is part of a mix of regulatory and non-regulatory controls and incentives that the Council employs to encourage the long term preservation of historic heritage.

It is considered that the above evaluation fulfils Council's requirements with regard to section 32 of the Act, and that the analysis of alternatives benefits and costs has been carefully undertaken and summarised accordingly. Further, this evaluation will be available for public inspection at the same time as the Proposed Plan Change is publicly notified.

4.2 Assessment of Potential Adverse Effects

Under Section 31 of the Act Council's function includes "*the control of any actual or potential effects of the use, development, or protection of land*". Section 76(3) requires that in making a rule, a territorial authority is to have regard to the actual or potential effect of activities on the environment. Likewise, section 5(2)(c) provides for avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Potential adverse effects from the Proposed Plan Change include:

- Potential delays to applicants in terms of having to obtain building and resource consents for additions and alterations to heritage items.
- Some neighbours of heritage listed properties may have an expectation that those heritage listed properties will never be re-developed. This is not the express policy intent of the District Plan as policies and rules relating to heritage do not prevent subdivision where the Human Environment Rules support greater density.

4.3 Assessment under Sections 74 and 75 of the Act

The Auckland Regional Policy Statement is in the process of being reviewed and a new Regional Policy Statement is likely to be publicly notified in late 2009. However, the proposed plan change is considered to be consistent with the current Regional Policy Statement.

The proposed plan change is not entirely consistent with District Plans of adjacent Councils such as North Shore, Rodney or Auckland City. In Rodney, North Shore and Auckland City there are entire heritage precincts with a consistent

neighbourhood character where the subdivision rules and heritage rules are closely linked to limit the amount of infill housing in those areas. The Auckland City Isthmus Plan has particular heritage character areas in the Residential 1 & 2 zones. However, Waitakere City’s development was largely rural until the post-war era with little consistency across the suburbs. This has led to a different approach to heritage protection. However, the broad concept of protection of historic heritage is consistent and satisfies Part II of the Act. None of the items proposed to be listed are currently listed by the NZ Historic Places Trust. The proposed plan does not have any impact on any national policy statement, conservation order or planning documents relating to iwi.

5.0 Waitakere City District Plan

5.1 Existing District Plan Issues/Objectives/Policies/Rules

It is considered that Proposed Plan Change 28: Heritage is consistent with the following objectives of the District Plan, for the following reasons:

Objective	Consistency with Proposed Plan Change
<p>To manage the effects of landuse on the environment and, in particular, avoid, remedy or mitigate effects on the quality and quantity of the City’s water resource, including maintaining;</p> <ul style="list-style-type: none"> • the life-supporting capacity of water; • the ability to use aquatic ecosystems as a food source; • the availability of water as a healthy place of recreation. 	<p>The proposed plan change lists specific built heritage items that will not impact on water quality issues.</p>
<p>To protect the City’s native vegetation and fauna habitat, including protection:</p> <ul style="list-style-type: none"> • the quality and resilience of the resource; • the variety and range of species and their contribution to the biodiversity of the City; their ecological integrity; • their healthiness as a potential source of harvest for cultural purposes. 	<p>The proposed plan change will not have an adverse effect on native vegetation or fauna habitat. The historic buildings to be listed have been in their current locations for at least 50 years.</p>
<p>To maintain the life-supporting capacity of the City’s land resource.</p>	<p>The existence of heritage listed buildings will not detract from the ability to use the surrounding land for either productive or housing purposes.</p>
<p>To manage the effects of land use on the environment and, in particular, to maintain air quality, including contributing to the maintenance of the atmosphere at a local, national and global level.</p>	<p>The proposed plan change will not affect air quality or carbon emissions.</p>

Objective	Consistency with Proposed Plan Change
<p>To protect processes of natural regeneration within the City, and promote and maintain links between areas of significant and outstanding native vegetation and fauna habitat, so that their resilience is protected and enhanced.</p>	<p>The heritage listing of various buildings recognises the role of cultural heritage within its broader setting (bush living, or urban environment).</p>
<p>To maintain the form, integrity and extent of the City's outstanding natural features (landforms, geological sites, representative and high fertility soil types) and, in the case of the City's high fertility soils, to maintain their availability for use by future generations.</p>	<p>The protection of historic heritage will not affect the City's outstanding natural features (landforms and versatile soils).</p>
<p>To preserve and enhance the natural character of the City's coastal environment and lakes, rivers and wetlands and their margins, including preserving the action on the land of those processes which form that natural character.</p>	<p>The protection of cultural heritage items complements the preservation of natural heritage including wetlands, lakes and their margins.</p>
<p>To protect and maintain those aspects of the environment that are of significance to tangata whenua, including:</p> <ul style="list-style-type: none"> • protecting the spiritual dimension and the mauri (life force) of natural and physical resources and of humans; • recognising and protection the kaitiaki of these resources and significant sites and waahi tapu within the City; • providing for those institutions that are integral to the relationship of tangata whenua with their environment; <p>in a way that promotes the expression and practice of kaitiakitanga (guardianship).</p>	<p>The heritage items that are to be scheduled through the proposed plan change relate to post-European contact heritage. However, the District Plan protects archaeological sites and waahi tapu that are of concern to tangata whenua.</p>
<p>To protect the quality and significance of the City's outstanding landscapes, including maintaining:</p> <ul style="list-style-type: none"> • 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. 	<p>The proposed plan change will not adversely impact on any outstanding landscapes.</p>
<p>To maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers, including maintaining:</p> <ul style="list-style-type: none"> • an acceptable lever of quiet and freedom from nuisance created by noise, odour, dust and vibration; 	<p>Proposed plan change 28 will result in the protection of additional buildings in the City. This will contribute towards the amenity enjoyed by residents. However, it will not alter human – induced aspects of amenity relating to noise, dust, levels of darkness or air quality. Those matters are already protected in the Citywide rules of the District Plan.</p>

Objective	Consistency with Proposed Plan Change
<ul style="list-style-type: none"> • adequate levels of daylight and sunlight in dwellings; • adequate levels of darkness for sleep; • a safe environment; • an accessible environment, which includes enhancing public access to and along the coast and waterways and between areas of public land; • adequate levels of on-site privacy; • healthy air quality. 	
<p>To achieve a quality of settlement and associated activities within each of the City's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area, including maintaining and enhancing:</p> <ul style="list-style-type: none"> • the quality and character of different patterns of settlement within the City's intensively settled residential areas; • the pedestrian-orientated amenity values of the town centres and the character of those areas as retail centres; • the utilitarian nature and character of the industrial areas; • the natural and physical features that give each rural and coastal village its particular and unique character; • the pastoral/rural character of the northern parts of the City; • the complex, mixed landscape of the foothills. 	<p>The protection of historic heritage enhances the community by providing a tangible link between the past and present. All of the buildings proposed to be listed are at least fifty years old and are established in their respective communities.</p>
<p>To manage the effects of activities on the City's valued heritage in a way that:</p> <ul style="list-style-type: none"> • 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. 	<p>The proposed plan change will assist Council to maintain the variety and complexity of heritage resources in the City.</p>

5.2 Summary of Proposed District Plan Rules/Policies

The proposed plan change will not seek to amend the following:-

- the Citywide heritage rules of the District Plan
- the subdivision rules of the District Plan contained in the District Plan Rules Part II
- The Natural Areas Rules of the District Plan

The proposed plan change will include four additional items into the Heritage Appendix of the District Plan and result in minor amendments to the maps reflecting new listings.

Waitakere Ranges Heritage Area Act 2008

5.3 Waitakere Ranges Heritage Act 2008

The Proposed Plan Change has applicability on a City Wide basis, although there are only two items proposed to be scheduled that are located in the Waitakere Ranges Heritage Area. This includes its application within the Waitakere Range Heritage Area. Section 11 of the Waitakere Ranges Heritage Act 2008 requires that:

11 District plans

(1) When preparing or reviewing a district plan that affects the heritage area, a territorial authority must give effect to the purpose of this Act and the objectives.

(2) The requirements in subsection (1) are in addition to the requirements in sections 74, 75, and 79 of the Resource Management Act 1991.

(3) When evaluating a proposed district plan, change, or variation that affects the heritage area, a territorial authority must examine whether the plan, change, or variation is the most appropriate way to achieve the objectives (having regard to the purpose of this Act).

(4) The requirements in subsection (3) are in addition to the requirements in section 32(3) of the Resource Management Act 1991.

The purpose of the Waitakere Ranges Heritage Area Act 2008 is:

to –

- (a) recognise the national, regional, and local significance of the Waitakere Ranges Heritage Area; and*
- (b) promote the protection and enhancement of its heritage features for present and future generations. (section 3 Waitakere Ranges Heritage Area Act 2008)*

The Proposed Plan Change seeks to schedule items of heritage significance on private land, which includes the consideration of the heritage features identified in section 7 and the heritage objectives identified in section 8 of the Waitakere Ranges Heritage Area Act 2008.

The Proposed Plan Change better provides for the protection and enhancement of the heritage features within the Waitakere Ranges Heritage Area and therefore gives effect to the purpose and objectives of this Act.

The proposed policy and method of the Plan Change are considered the most appropriate way to achieve the objectives of this Act. A detailed consideration of this Act is provided in Appendix 2 of this Report.

It is also noted that pursuant to section 13(1) and 13(3), all resource consent applications in the Waitakere Ranges Heritage Area are to be considered against the purpose and objectives of this Act. These requirements operate as an overlay to the City-wide rules and particularise character and amenity values which are important and unique to the Heritage Area. The generality of the City-wide controls is reinforced by these additional matters that must be considered in respect to section 13 of this Act.

6.0 Other Statutory Assessments

6.1 Auckland Regional Policy Statement

The Regional Policy Statement (RPS) seeks to maintain a quality environment for the Auckland Region and at the same time, maintain and enhance opportunities for the region's future growth. The RPS comprises four parts: Regional Overview and Strategic Direction; Resource Management Matters of Significance to Iwi; Transport and Energy; and Environmental Protection. Each part identifies issues, objectives, policies, methods, reasons and the environmental results anticipated as a result of implementation of the RPS.

It is considered that Proposed Plan Change 28: Heritage is consistent with the following objectives of the RPS for the following reasons:

Objective	Consistency with Proposed Plan Change
To ensure that provision is made to accommodate the Region's growth in a manner which gives effect to the purposes and principles of the Act, and is consistent with these strategic objectives and with provisions of the RPS.	The proposed plan change does not impact on the regional growth strategy as outlined in regional planning documents.
To preserve or protect a diverse and representative range of the Auckland Region's heritage resources.	The proposed plan change ensures that a diverse range of heritage resources is protected such as railway, modernist architecture and housing associated with early patterns of settlement.
To maintain, enhance or provide public access to the Region's resources consistent with their ownership and maintenance of their heritage value.	The proposed plan change only lists one building where public access is available. That is the Swanson railway station building. The rest of the heritage items are privately owned.
To protect and restore ecosystems and other heritage resources, whose heritage value and/or viability is threatened.	The proposed plan change protects historic heritage, some of which may otherwise be potentially threatened by inappropriate development.
To maintain the overall quality and diversity of character of the landscapes of the Auckland Region.	Many of the buildings to be protected form part of a broader cultural heritage landscape. For example, the former Donner House in Titirangi is

Objective	Consistency with Proposed Plan Change
	iconic and the Bush Living Rules of the District Plan and Natural Areas rules already preserve vegetation in the area.

6.2 Auckland Regional Plan: Air, Land and Water

The proposed plan change will not affect those matters canvassed by the Auckland Regional Plan: Air, Land and Water. That document is concerned with controlling the effects of discharges of contaminants to air, land and water. It is focussed on ensuring that the region maintains its existing baseline values. Therefore discharges should be proportionate to the quality of the receiving environment.

6.3 Reserve Management Plan(s)

The proposed plan change does not affect any heritage resources on Council owned reserve. The Swanson railway station is surrounded by a local reserve and park and ride facility.

7.0 Non-statutory Planning Assessments

7.1 Agenda 21 and The Eco City

Agenda 21 was the outcome of the United Nations “Earth Summit” held in Rio de Janeiro, Brazil in 1991. The summit established an international agreement to integrate environmental and developmental concerns to achieve sustainable development. The implementation of this is encapsulated in a document entitled Agenda 21.

As part of Waitakere's eco-city concept, Waitakere City Council agreed to implement at the local level the goals and programs proposed under Agenda 21.

Principle 4 of Agenda 21 states :

“In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.”

Waitakere City's District Plan was developed in the context of an emerging consciousness of the environment and ecosystems with their inherent values. The proposed plan change essentially recognises that historic heritage forms part of the environment that we live in. Its importance lies in its ability to inform current and future generations about patterns of settlement, past technologies and design philosophies.

Principle 7 of Agenda 21 clarifies that developed countries have a greater role to play in reducing environmental degradation. It states:

“...States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth’s ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command.”

It is considered that the proposed plan change is consistent with Agenda 21.

7.2 Waitakere Long Term Council Community Plan

The 10 year Long Term Council Community Plan (LTCCP) covers the first decade of Council’s 20 year Strategic Direction. The purpose of the LTCCP is to:

- describe the activities of the Council;
- describe the community outcomes desired for the city;
- provide integrated decision making (between the Council and the community) and co-ordination of resources;
- provide a long term focus for the Council’s decision and activities;
- provide a basis for accountability to the Waitakere City community; and
- provide an opportunity for community participation.

The LTCCP comprises five priorities and nine strategic platforms. The Urban and Rural Villages Platform is relevant to this proposed plan change. The Council’s vision is:

“Town centres are thriving places, providing exciting options for people to live, work and play. Public facilities, places and spaces teem with people; the streets are alive and busy.”

The proposed plan change is in line with the Council’s strategic direction.

7.3 Waitakere City Parks Strategy

The Waitakere City Parks Strategy is not relevant to this proposed plan change.

7.4 Auckland Regional Growth Strategy

The Auckland Regional Growth Strategy is a non-statutory policy guideline that provides a framework for land and resource planning in the Auckland Region. It seeks to ensure that there is a consistent approach to managing the social, economic, and environmental effects of future growth across the Region. The Auckland Regional Growth Strategy has a 50-year time horizon, with an emphasis on an integrated approach to the long-term management of the Auckland Region.

The Regional Growth Strategy identifies that:

“Cultural heritage areas are central to our identity and help define our place in history. Cultural heritage areas such as waah tapu, buildings, objects and artefacts are vulnerable to the effects of development – either directly or indirectly through development occurring in the vicinity... The process of development needs to be carefully managed to ensure the adverse effects of urban development and urban land uses are avoided, remedied or mitigated to the greatest possible extent to ensure the benefits of growth can be optimised.”[p23]

The proposed plan change is consistent with the Auckland Regional Growth Strategy.

8 Consultation

Clause 3 to the First Schedule to the Act states that during the preparation of a proposed plan, a local authority shall consult with the Ministry for the Environment, other Ministers of the Crown deemed to be affected, other Local Authorities deemed to be affected and the tangata whenua of the area. Clause 3 also states that a local authority may consult anyone else during the preparation of a proposed plan.

Consultation with affected parties is a key component of the plan change process. The Council has consulted on all aspects of Proposed Plan Change 28: Heritage, and has received input from the local community to this process.

8.1 Consultation with Community

Extensive consultation has been undertaken with the community with respect to proposed plan change 28. This has included:

- phone calls and letters to the owners of the specific heritage items;
- heritage assessments of the specific buildings;
- The proposed plan change has been the subject of two reports to the Planning & Regulatory Committee; and
- Correspondence with the NZ Historic Places Trust, Auckland Regional Council and Ministry for the Environment.

8.2 Consultation with Iwi

Council will consult with iwi over the Proposed Plan Change. However, it is unlikely that it will raise any issues given that no iwi resources are affected.

8.3 Consultation with Auckland Regional Council

Consultation with Auckland Regional Council staff has been limited to written notification of the proposed plan change given the minor nature of the proposed plan change.

9 Conclusion

Proposed Plan Change 28: Heritage seeks to list additional heritage buildings into the District Plan. The changes to the District Plan include amendments to the heritage appendix of the Citywide Rules, Volume 1 and Maps.

The section 32 analysis concludes the proposed plan change is the most efficient and effective method of protecting new heritage items. The statutory protection provided is complemented by non-regulatory methods employed by Council.

The Proposed Plan Change is consistent with any relevant statutory or non-statutory documents as discussed above. This includes the Auckland Regional Policy Statement , Regional Air, Land and Water Plan and the Auckland Regional Growth Strategy.

A summary of consultation undertaken to date has been provided and it is evident that the individual landowners support protection of heritage buildings.

To conclude, the Proposed Plan Change will list additional heritage buildings and provide regulatory protection for those items.

Appendix 1 – Proposed Plan Change 28 and Amendments to Maps

Appendix 2 – Assessment Under the Waitakere Ranges Heritage Act 2008

The Comments Section below are based upon an assumption that the Proposed Plan Change will be applied to future resource consent applications for specific sites. These applications will be either associated with a previously consented building, or with a new building.

The Proposed Plan Change does not seek to re-identify any operative or proposed Human Environment in the District Plan. If the Human Environment identification of a specific area of land was being changed, that Plan Change would have its own section 32 report where a site specific assessment of the Waitakere Ranges Heritage Act 2008 would occur.

National Significance & Heritage Feature of the Heritage Area	Relevance of the Feature to this Plan Change	Comments on relevance or otherwise of each heritage feature identified in section 7(2) of the Waitakere Ranges Heritage Area Act
a) its terrestrial and aquatic ecosystems of prominent indigenous character that –		
i) include large continuous areas of primary and re-generating lowland and coastal rainforest, wet land, and dune systems with intact ecological sequences:	Of limited relevance	Activities that infringe the District Plan Sale of Liquor Rules are unlikely to directly affect this feature. Bulk and location infringements will be assessed under the operative District Plan provisions
ii) have intrinsic value:	Of limited relevance	Activities that infringe the District Plan Sale of Liquor Rules are unlikely to directly affect this feature. Bulk and location infringements, and

		infrastructure requirements (such as drainage) will be assessed under the operative District Plan provisions
iii) provide a diversity of habitats for indigenous flora and fauna:	Of limited relevance	Activities that infringe the District Plan Sale of Liquor Rules are unlikely to directly affect this feature. Building coverage and impermeable surface infringements, and infrastructure requirements (such as drainage) will be assessed under the operative District Plan provisions
iv) collect, store, and produce high quality water:	Of limited relevance	Activities that infringe the District Plan Sale of Liquor Rules are unlikely to directly affect this feature. Building coverage and impermeable surface infringements, and infrastructure requirements (such as drainage) will be assessed under the operative District Plan provisions
v) provide opportunities for ecological restoration:	Of limited relevance	Activities that infringe the District Plan Sale of Liquor Rules are unlikely to directly affect this feature. Ecological restoration requirements (such as re-planting and weed management) will be assessed under the operative District Plan provisions
vi) are of cultural, scientific, or educational interest:	Of limited relevance	Activities that infringe the District Plan Sale of Liquor Rules are unlikely to directly affect this feature. Effects on features of cultural, scientific or educational interest will be assessed under the relevant operative District

		Plan provisions
vii) have landscape qualities of regional and national significance:	Of limited relevance	Activities that infringe the District Plan Sale of Liquor Rules are unlikely to directly affect this feature. Bulk and location infringements, will be assessed under the operative District Plan provisions
viii) have natural scenic beauty:	Of limited relevance	Activities that infringe the District Plan Sale of Liquor Rules are unlikely to directly affect this feature. Bulk and location infringements, will be assessed under the operative District Plan provisions
b) the different classes of natural landforms and landscapes within the area that contrast and connect with each other, and which collectively give the area its distinctive character:	Of limited relevance	Activities that infringe the District Plan Sale of Liquor Rules are unlikely to directly affect this feature. Bulk and location infringements, will be assessed under the operative District Plan provisions
c) the coastal areas, which –		
i) have a natural and dynamic character; and	Of limited relevance	Activities that infringe the District Plan Sale of Liquor Rules are unlikely to directly affect this feature. Bulk and location infringements in coastal areas will be assessed under the operative District Plan provisions
ii) contribute to the area's vistas; and	Of limited relevance	Activities that infringe the District Plan Sale of Liquor Rules are unlikely to directly affect this feature. Bulk and location infringements in vistas will be assessed under the operative District Plan provisions

iii) differ significantly from each other.	Of limited relevance	Activities that infringe the District Plan Sale of Liquor Rules are unlikely to directly affect this feature. Bulk and location infringements in coastal areas will be assessed under the operative District Plan provisions
d) the naturally functioning streams that rise in the eastern foothills and contribute positively to downstream urban character, stormwater management, and flood protection:	Of limited relevance	Activities that infringe the District Plan Sale of Liquor Rules are unlikely to directly affect this feature. Building coverage and impermeable surface infringements, and infrastructure requirements (such as drainage) will be assessed under the operative District Plan provisions
e) the quietness and darkness of the Waitakere Ranges and the coastal parts of the area:	Relevant	Activities associated with the sale of liquor have the potential to affect quietness and darkness.
f) the dramatic landform of the Ranges and foothills, which is the visual backdrop to metropolitan Auckland, forming its western skyline:	Of limited relevance	Activities that infringe the District Plan Sale of Liquor Rules are unlikely to directly affect this feature. Bulk and location infringements, will be assessed under the operative District Plan provisions
g) the opportunities that the area provides for wilderness experiences, recreation, and relaxation in close proximity to metropolitan Auckland:	Relevant	Many activities associated with the sale of liquor relate to recreation and/or relaxation in proximity to metropolitan Auckland
h) the eastern foothills, which -		
i) act as a buffer between metropolitan Auckland and the forested ranges and coasts; and	Of limited relevance	Activities that infringe the District Plan Sale of Liquor Rules are unlikely to directly affect this feature. Bulk and location

		infringements that may occur in the buffer area, will be assessed under the operative District Plan provisions
ii) provide a transition from metropolitan Auckland to the forested ranges and coast:	Of limited relevance	Activities that infringe the District Plan Sale of Liquor Rules are unlikely to directly affect this feature. Bulk and location infringements that may occur in the buffer area, and blur the transition will be assessed under the operative District Plan provisions
iii) the subservience of the built environment to the area's natural and rural landscape, which is reflected in –	Of limited relevance	Activities that infringe the District Plan Sale of Liquor Rules are unlikely to directly affect this feature. Bulk and location infringements that may affect the natural and rural landscape will be assessed under the operative District Plan provisions
iv) the individual identity and character of the coastal villages and their distinctive scale, containment, intensity, and amenity; and	Relevant	Activities associated with sale of liquor provide components of the identity and character of coastal villages. The built form and hours of operation of such activities contribute to the scale, containment, intensity, and amenity
v) the distinctive harmony, pleasantness, and coherence of the low-density residential and urban areas that are located in regenerating (and increasingly dominant) forest settings; and	Relevant	Activities associated with sale of liquor provide components of the harmony, pleasantness and coherence of low density residential and urban areas.
vi) the rural character of the foothills to the east and north and their intricate pattern of farmland,	Relevant	Activities associated with sale of liquor provide components of the rural character of the eastern

orchards, vineyards, uncultivated areas, indigenous vegetation, and dispersed low-density settlement with few urban-scale activities:		and northern foothills (such as vineyards and wineries with liquor licences).
j) the historical, traditional, and cultural relationships of people, communities, and tangata whenua with the area and their exercise of kaitiakitanga and stewardship:	Relevant	Activities associated with sale of liquor provide components of the historical, traditional and cultural relationships of people, communities, and tangata whenua (for example the wine industry, Returned Servicemans Associations, and Surf Lifesaving Clubs).
k) the evidence of past human activities in the area, including those in relation to timber extraction, gum-digging, flax milling, mineral extraction, quarrying, extensive farming, and water impoundment and supply:	Of limited relevance	Activities that infringe the District Plan Sale of Liquor Rules are unlikely to directly affect this feature. Earthworks and current day use of heritage buildings will be assessed under the operative District Plan provisions
l) its distinctive local communities:	Relevant	Activities associated with sale of liquor provide components of the local communities, as they often form a meeting place and an opportunity for social and recreational connection. They can also have an impact on the community if inappropriately managed.
m) the Waitakere Ranges Regional Park and its importance as an accessible public place with significant natural, historical, cultural, and recreational resources:	Relevant	Activities that infringe the District Plan Sale of Liquor Rules can affect the quietness and darkness (feature 7(2)(e)) which is predominantly reflected in the un-built Open Space Environment administered by the Auckland Regional Council, As the Waitakere Ranges Regional Park. Bulk and location

		infringements that may occur in the Regional Park will be assessed under the operative District Plan provisions. Compliance with noise and lighting standards are provided for in the operative District Plan provisions.
n) the public water catchment and supply system, the operation, maintenance, and development of which serves the people of Auckland.	Of limited relevance	Activities that infringe the District Plan Sale of Liquor Rules are unlikely to directly affect this feature. This area is identified as Open Space Environment, and administered by the Auckland Regional Council. Effects on the water catchment from development will be assessed under the operative District Plan provisions

This Table is derived from Section 8 of the Waitakere Ranges Heritage Act 2008

The Proposed Plan Change has applicability on a City Wide basis. This includes its application within the Waitakere Range Heritage Area. The Proposed Plan Change provides greater policy guidance in relation to the management of the environmental effects associated with the sale of liquor.

The Proposed Plan Change also seeks to provide greater certainty for Plan users about the regulatory environment of this activity. It will therefore provide a more robust basis for the consideration of neighbourhood character and characteristic levels of quiet.

In general it is considered that the Proposed Plan Change better provides for the protection and enhancement of the heritage features within the Waitakere Ranges Heritage Area.

Objectives	Proposed Plan Change giving effect to the Purpose and Objectives of the Waitakere Ranges Heritage Area Act 2008 / Most appropriate way to achieve the Objectives.
a) to protect, restore, and enhance the area and its heritage features:	The Proposed Policy 10.29 recognises the character of all Human Environments within the Waitakere Ranges Heritage Area. It provides guidance on the application of the Proposed Rules, that seek to protect and enhance the heritage features, while enabling the contribution to the social fabric that the sale of alcohol provides. It reinforces the need for the local consideration of character and amenity to determine the appropriateness of the activity and its operation.
b) to ensure that impacts on the area as a whole are considered when decisions are made affecting any part of it:	The Proposed Policy 10.29 enables the assessment of the effects of the sale of liquor on the character of the local area, and thereby the effects on Waitakere Ranges Heritage Area as a whole. The local context and character is placed into context and therefore into a more robust policy and rule framework as a result of the Proposed Plan Change. This matter will also be assessed under section 13(1) of the Waitakere Ranges Heritage Area when resource consent applications associated with the sale of liquor are processed.
c) to adopt the following approach when considering decisions that threaten serious or irreversible damage to a heritage feature: i) carefully consider the risk and uncertainties associated with any particular course of action; and ii) take into account the best information available; and iii) endeavour to protect the heritage features:	The Proposed Policy 10.29 and the Proposed Rule enables the robust assessment of the effects of the sale of liquor on the heritage features of the Waitakere Ranges Heritage Area. Therefore any risks and uncertainties associated with this activity are assessed in a more rigorous manner with a specific policy that provides for the consideration of character and amenity effects. The Proposed Plan Change takes into account the most up to date noise standards and seeks to more accurately reflect the Council's Liquor Licensing Policy.
d) to recognise and avoid adverse potential, or adverse cumulative, effects of	The Proposed Policy 10.29 enables the assessment of the effects of the sale of liquor on the character of the local area, and thereby the effects on Waitakere Ranges

<p>activities on the area's environment (including its amenity) or its heritage features:</p>	<p>Heritage Area as a whole. This gives effect to the objectives in section 8 of the Waitakere Ranges Heritage Area Act. This matter will also be assessed under section 13(1) of the Waitakere Ranges Heritage Area Act when resource consent applications associated with the sale of liquor are processed. In the future Local Area Plans may provide more specific recognition of the capacity of distinctive communities and areas to provide for these activities. In the absence of Local Area Plans, all resource consent applications must be considered against this objective to ensure cumulative effects are avoided, remedied or mitigated and that heritage features are protected, restored or enhanced.</p>
<p>e) to recognise that, in protecting the heritage features, the area has little capacity to absorb further subdivision:</p>	<p>The heritage listing will not have an effect on whether or not subdivision occurs. This subsection is not a relevant consideration.</p>
<p>f) to ensure that any subdivision or development in the area, of itself or in respect of its cumulative effect, -</p>	
<p>i) is of an appropriate character, scale, and intensity; and</p>	<p>The Proposed Policy 10.29 enables the assessment of the effects of the sale of liquor on the character and amenity of the local area, and thereby the effects on Waitakere Ranges Heritage Area as a whole. This gives effect to the objectives in section 8 of the Waitakere Ranges Heritage Area Act. The matters of scale and intensity will also be assessed under section 13(1) of the Waitakere Ranges Heritage Area Act when resource consent applications associated with the sale of liquor are processed.</p>
<p>ii) does not adversely affect the heritage features; and</p>	<p>The Proposed Policy 10.29 and the Proposed Rule enables a more robust assessment of the effects of the sale of liquor on the heritage features of the Waitakere Ranges Heritage Area than that which is operative in the District Plan. Therefore these activities are assessed in a more rigorous manner, considering relevant heritage features.</p>
<p>iii) does not contribute to urban sprawl:</p>	<p>This subsection is not a relevant consideration.</p>

g) to maintain the quality and diversity of landscapes in the area by:	
i) protecting landscapes of local, regional, or national significance; and	The sale of liquor is a land use, not a subdivision. This subsection of section 8 of the Waitakere Ranges Heritage Area Act is not a relevant consideration. Any purpose built buildings (that include the sale of liquor) that may affect the landscapes will be assessed under section 13(1) of the Waitakere Ranges Heritage Area Act.
ii) restoring and enhancing degraded landscapes; and	This subsection is not a relevant consideration.
iii) managing change within a landscape in an integrated way, including managing change in a rural landscape to retain a rural character:	The sale of liquor is a land use, not a subdivision. Any purpose built buildings (that include the sale of liquor) that may affect the landscapes will be assessed under section 13(1) of the Waitakere Ranges Heritage Area Act. Where the effects of the sale of liquor may affect the retention of the rural character, the Proposed Policy and Rule Framework provides a far more robust assessment than the operative District Plan.
h) to manage aquatic and terrestrial ecosystems in the area to protect and enhance indigenous habitat values, landscape values, and amenity values:	This subsection of section 8 of the Waitakere Ranges Heritage Area Act is not a relevant consideration. While the sale of liquor will generate waste water, that matter will be assessed via the land use resource consent associated with the built structure the sale of liquor is occurring within.
i) to recognise that people live and work in the area in distinct communities, and to enable those people to provide for their social, economic, environmental, and cultural well-being:	The Proposed Policy and Rule framework enables the sale of liquor subject to performance standards. This objective needs to be considered in the context of other objectives. This objective, in the context of the Human Environments within the Heritage Area, may enable some sale of liquor activities subject to the consideration of the proposal against the other objectives.
j) to provide for future uses of rural land in order to retain a rural character in the area:	The Proposed Policy and Rule framework enables the sale of liquor, which would support the development of future rural uses such as wineries and other food and

	beverage related activities which are consistent with the retention of long-term rural character.
k) to protect those features of the area that relate to its water catchment and supply functions:	This subsection is not a relevant consideration.
l) to protect in perpetuity the natural and historic resources of the Waitakere Ranges Regional Park for their intrinsic worth and for the benefit, use, and enjoyment of the people and communities of the Auckland region and New Zealand.	The Proposed Policy 10.29 enables the assessment of the effects of the sale of liquor on the character of the local area, and thereby the effects on Waitakere Ranges Heritage Area as a whole. The Waitakere Ranges Regional Park represents two thirds of the land located within the Waitakere Ranges Heritage Area. The local context and character is fitted into a more robust policy and rule framework as a result of the Proposed Plan Change. This matter will also be assessed under section 13(1) of the Waitakere Ranges Heritage Area when resource consent applications associated with the sale of liquor are processed. Features such as quietness and darkness are qualities of the Waitakere Ranges Regional Park which need to be protected, restored and enhanced.