

## Waitakere Ranges Heritage Area Act 2008 and Resource Consents

9 June 2008

The Waitakere Ranges Heritage Area Act 2008 [**"The Act"**] creates a distinct statutory identity for the Waitakere Ranges Heritage Area and a framework to recognise its local, regional and national significance, to highlight its key values and to protect these for present and future generations.

The Act provides an overarching and complementary layer of policy and objectives providing guidance to Waitakere City Council, Auckland Regional Council and Rodney District Council when making decisions that relate to the Heritage Area under legislation such as the Resource Management Act 1991 and Local Government Act 2002 and documents such as the Auckland Regional Growth Strategy.

### ***How does the Act work?***

- In effect from Wednesday 9 April 2008;
- Establishes the Waitakere Ranges Heritage Area (refer section 3 of Act), covering a land area of approximately 27,000 hectares which includes the Waitakere Ranges Regional Park, residential areas around Titirangi, the foothills of the Ranges, coastal villages such as Piha, Huia and Karekare and parts of south-west Rodney District;
- Defines the purpose of the Act to help interpretation (refer section 3);
- Identifies a set of heritage features that are individually and collectively valued (refer section 7);
- Sets out objectives for the Heritage Area (refer section 8);
- Works largely within the RMA framework by overlaying the Act's purpose and objectives (including consideration of the heritage features) on the RMA process;
- Specifies additional matters for consideration in decisions on resource consents (refer sections 13 and 14);
- Is forward looking – it only applies to resource consents and planning documents lodged or notified on Wednesday 9 April 2008 onwards.

### ***Identifying whether a site is in the Heritage Area***

There are a number of ways to find out whether a site is within the Heritage Area:

- Refer to the attached map
- Contact customer services on 839 0400.
- Refer to the online District Plan Human Environment Maps on the Council's web-site [www.waitakere.govt.nz](http://www.waitakere.govt.nz) where the Heritage Area boundary is recorded as an information annotation (future hard copy updates of the District Plan will include the boundary).

### ***The two key ways the Act impacts on resource management processes are:***

1. via the planning documents (district plans, regional plans, policy statements)
2. via individual resource consent applications and new designations

There are different **mandatory** requirements for plan and resource consent processes.

### **What does the Act mean for resource consent applications?**

Sections 3, 7, 8, 13 and 14 of the Act are the most relevant to the preparation of resource consent applications for activities in the Heritage Area. The Act does not generate new resource consent triggers and relies on the District Plan to determine whether consent is required or not, and where consent is required its activity status. For activities that require resource consent it adds additional matters for consideration by Council in making a decision.

The Council expects that applications within the Heritage Area will be prepared giving particular consideration to the tests established by Section 13 of the Act. These are:

#### **13 Resource consents**

- (1) *When considering an application for resource consent for a **discretionary or non-complying activity** in the heritage area, a consent authority—*
  - (a) *must have **particular regard** to—*
    - (i) *the purpose of this Act and the relevant objectives; and*
    - (ii) *the relevant provisions of any national policy statement or New Zealand coastal policy statement; and*
  - (b) *must consider the objectives having regard to any relevant policies in the regional and district plans.*
- (2) *The requirements in subsection (1)(a)(i) are in addition to the requirements in the Resource Management Act 1991.*
- (3) *When considering an application for resource consent for a **controlled activity or a restricted discretionary activity** in the heritage area, a consent authority must consider the purpose of this Act and the relevant objectives **as if they were matters specified in the plan or proposed plan** over which the local authority has reserved its control or has restricted the exercise of its discretion.*  
[emphasis added]

### **What should be included in the AEE to address the requirements of the Act?**

To achieve the requirements of the Act the Council suggests that the assessment of environmental effects accompanying a resource consent application should:

1. **Identify the relevant heritage features** within or adjoining the site (refer Section 7 for a list of heritage features).
2. **Identify the relevant objectives** from Section 8 of the Act, noting that Objectives 8a, 8b, 8c & 8d will always be relevant and the consideration of other objectives will depend on the location and type of activity.
3. **Provide an assessment of the proposal** and its effects against the relevant objectives to evaluate how these are achieved.

### **Information and Contacts**

Council will be developing fact sheets to assist in the use and interpretation of the Act, including the identification of heritage features and objectives. These will be available on the Council's website [www.waitakere.govt.nz](http://www.waitakere.govt.nz) in the future.

For enquiries please contact customer services on 839 0400 and ask to speak to a planner.



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# Waitakere Ranges Heritage Area

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