

Section 32 report for plan change 132 to the Isthmus Plan Incorporation of the character overlay into the Isthmus Plan

1.0 Summary

This report is a consideration of the alternatives, benefits and costs associated with a plan change to the Isthmus Section of the District Plan (the Isthmus Plan). It has been prepared pursuant to section 32 of the Resource Management Act 1991 (the Act). The plan change is proposed in the form of a character overlay for six town centres. It will introduce a range of controls with an emphasis on the retention and enhancement of the character elements that contribute to making each of the town centres unique. The plan change has been developed after the review of background reports and material, public consultation and with the aid of a working party set up for that purpose.

The section 32 analysis concludes that on balance the benefits of the plan change to the community and the City outweigh the costs and are considered to be greater than the benefits and costs which result from the existing provisions. Therefore, this report recommends that this plan change be endorsed for notification.

2.0 Introduction

2.1 Background

In response to community concerns raised about character and broad heritage issues in traditional town centres the city development committee resolved that Council officers report on the possibility of developing a new character overlay in business zones.

In a report to the May 2003 city development committee Council officers noted that there was merit in undertaking a review of key Business 2 zoned centres (traditional retail areas) that have character and / or urban design elements valued by the community. The committee resolved to prepare a plan change for a new business overlay to be applied to multiple town centres.

In June 2003 the combined committees adopted the city development committee resolution that budget be set aside for the development of a character overlay. It is recommended that the character overlay be applied to the six town centres. These are:

1. Ellerslie
2. Grey Lynn (Surrey Crescent)
3. West Lynn (Richmond Road)
4. Kingsland
5. Upper Symonds Street
6. Eden Valley (Valley/Dominion Roads)

This report recommends that the character overlay is not applied to St Heliers and Mt Eden villages as individual centre plans will be developed for these centres. The character overlay is a more generic approach to character protection, whereas centre plans can allow for a more specific and detailed approach to an individual centre. Therefore, as a specific, individual approach in the form of a centre plan will be developed for both St Heliers and Mt Eden villages it was considered inappropriate to include them within the character overlay.

It is anticipated that once in place the character overlay might be applied to other town centres on the Isthmus, should they have sufficient character to warrant inclusion.

2.2 Research

Once council had made a decision to go ahead with the character overlay all existing information was gathered on each of the centres and meetings were held with key stakeholders. Council then engaged consultants to prepare reports assessing the character and broad heritage features associated with each of the above town centres. These reports were prepared by a combination of firms. These were Boffa Miskell, R.A. Skidmore Urban Design Limited, Matthews & Matthews Architects and Salmond Reed Architects.

The reports were very detailed in their historical analysis of each of the centres, which provided a useful context for the proposed character overlay. The term character was clearly defined, and it was noted from the start that the project was about capturing the flavour and character of each centre so that change could be appropriately managed. It was recognised that while there are a number of key determinants that contributes to each of the centres character and heritage values there was also diversity between the centres. Therefore it is important that the mechanism used to provide broad protection of a centre also provides adequate direction to respond to the distinctiveness of each centre.

The reports made various recommendations on the urban structure, open space, streetscape, building conservation, shopfronts and verandas, paint schemes etc for each of the centres. The reports also recommended the area over which the proposed overlay should occur and identified those buildings that were considered to be either character defining or character supporting.

As a means for retaining the built character of a centre it was decided to develop urban design guidelines. The purpose of urban design guides was not seen as a means for dictating design, but to provide applicants the information they need to design a building that blends in with the identified character of a particular centre.

The various recommendations of these reports in relation to the definable character that each centre had, the buildings, streetscape and open space that made up that centre were used for the development of the character overlay provisions.

2.3 Consultation

Feedback was sought from the community by way of a survey of all property and business owners within the town centre, and with property owners in close proximity to that town centre. The survey sought responses on the following:

- What do you value about the character of this centre?
- How much do you value the character of this centre?
- What do you value about the heritage of this centre?
- How much do you value the heritage of this centre?
- Do you have any other comments on the character or heritage of this centre?

In summary the result were as follows:

- When asked what they valued about the particular character of a centre the majority stated they liked the intimate village and community atmosphere, and the buildings that made up the centre. They also thought the streetscape and open spaces were important and that one could derive a sense of Auckland's history through the buildings.
- When asked how much do you value the character of a particular centre the majority stated that change should be allowed to occur, but only when it preserves the character of the centre.

- When asked what they valued about the particular heritage of a centre the majority stated they thought the historic architecture was important and that this should be preserved.
- When asked how much do you value the heritage of a particular centre the majority stated that change should be allowed to occur, but only when it preserves the heritage of the centre.
- Miscellaneous comments referred to ensuring that new buildings are sensitive to the surroundings and didn't change the sense of place.

Therefore, the responses indicated that change should be allowed to occur, but only when it respected the character, heritage and sense of place associated with the particular centre/village.

Meetings were also held with property owners and mainstreet managers that may be affected by the proposed character overlay on the 5th and 6th of May 2004 at the Eden Activity Centre, Mt Eden War Memorial Hall, Dominion Road. The meeting involved an explanation of existing mechanisms under the Isthmus Plan for heritage and character protection and how the character overlay might compare to these; background on why the character overlay has come about; a description of what it might involve and an overview of the plan change process.

Overall the response from property owners was in favour of developing the overlay so that the character of each of the six town centres could be preserved. Property owners considered the character of the centres as means of differentiating themselves from suburban shopping centres, or malls. Concerns were raised about the impact further regulatory control might have on property rights and how the character overlay would be administered.

Consultation was also undertaken with Ngarimu Blair of Ngati Whatua and Pita Turei of Ngai Tai. The consultation involved two half days (8 & 9 December 2003) of visits to the areas likely to be subject to the plan change and areas in close proximity to the plan change which are important to tangata whenua. Maori history of the areas was described and discussed as were the objectives for the character overlay. Both Mr Blair and Mr Turei were positive about the character overlay proposal.

Given the political and community concerns raised about character and broad character protection issues, the feedback from the consultation process and the recommendations from the technical consultants it was decided by the Auckland City's city development committee to proceed with developing a character overlay for the town centres. This will involve introducing additional regulations into the Isthmus Plan.

3.0 Part II, Sections 31, 32, 72 and 76 of the Resource Management Act

3.1 Statutory Requirements

The Act sets out the obligations and functions of council and in particular the evaluation that must be undertaken before the notification of a change to a District Plan. Before adopting an objective, policy, rule or other method in the District Plan, the council must ensure that the proposed provisions meet the requirements of the Act through an assessment of the matters outline in section 32 of the Act. Section 32 has recently been amended by the Resource Management Amendment Act 2003 and the assessment undertaken here takes into account these changes.

Section 74(1) of the RMA states as follows:

“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”.

Section 31(b) outlines the functions of territorial authorities under this Act. Included is:

“The control any actual or potential effects of the use, development, or protection of land”.

Section 72 states as follows:

“The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act”.

The following provisions of section 76 are also relevant:

- (1) “A territorial authority may, for the purpose of –
 - (a) Carrying out its functions under this Act; and
 - (b) Achieving the objectives and policies of the plan, - include rules in a district plan.
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- (3) In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities, including, in particular, any adverse effect”.

Before adopting an objective, policy or rule or other method of the District Plan, an assessment under section 32 of the Act must be carried out. Section 32(3) and 32(4) state as follows:

- (3) “An evaluation must examine –
 - (a) the extent to which each objective is the most appropriate way to achieve the purpose of the 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.”

Section 32 matters are assessed below under the following headings:

- The extent to which each objective is the most appropriate way to achieve the purpose of the Resource Management Act;
- Whether, having regard to their efficiency and effectiveness, the proposed policies, rules and other methods are the most appropriate for achieving the objectives;
- The benefits and costs of the proposed policies, rules or other methods and 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

3.2 The extent to which each objective is the most appropriate way to achieve the purpose of the Resource Management Act

The plan change proposes one new objective and it is therefore necessary to examine the extent to which this objective is the most appropriate way to achieve the purpose of the Act.

The objective proposed to be included in the Isthmus Plan is:

“To protect, maintain and enhance the identified character of traditional town centres throughout the Auckland Isthmus.”

3.2.1 Purpose of the Act

Section 5 of the Act describes its purpose to be:

- “(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, “sustainable management” means 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.”

Environment is defined in Section 2 of the Act as including:

- “(a) Ecosystems and their constituent parts, including people and communities; and
- (b) All natural and physical resources; and
- (c) Amenity values; and
- (d) The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.”

Section 2 of the Act defines “amenity values” as

“those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.”

Section 6 of the Act 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 proposed plan change:

- (e) “The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
- (f) The protection of historic heritage from inappropriate subdivision, use and development.”

Section 7 deals with ‘other matters’ which, in achieving the purpose of this Act, persons exercising functions and powers under the Act shall have particular regard to. The following ‘other matters’ are considered to be of particular relevance to the proposed plan change:

- “(b) The efficient use and development of natural and physical resources:
- (c) The maintenance and enhancement of amenity values:
- “(f) Maintenance and enhancement of the quality of the environment:
- (g) Any finite characteristics of natural and physical resources.”

Section 8 provides that in achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi).

3.2.2 Extent to which each objective is the most appropriate way to achieve the purpose of the Act

The aspects of the purpose of the Act which are relevant to the proposed plan change are that of enabling people to provide for their social and economic well-being, while sustaining physical resources for the reasonably foreseeable needs of future generations. Also the avoiding, remedying or mitigating any adverse effects of activities on the environment. In particular, the proposed objective seeks to maintain, protect and enhance the identified character of specified town centres for future generations. Allowing people to establish activities on the sites within the character overlay area meets the enabling purpose. However, the proposed plan change seeks to avoid, remedy or mitigate any adverse effects of these activities on the broad heritage features, character qualities and amenity values. This reflects the results of technical studies undertaken and the feedback from the public as part of the character overlay work.

The character overlay enables inclusion in the District Plan of particular planning controls for the six town centres that better suits their particular characteristics and which aim to create a regulatory environment which best meets the needs and interests of the community. It is considered that the rules in the District Plan that currently apply to the six town centres do not directly deal with the broad heritage features and character values of the area. As such, the plan change will help to achieve section 6(f) of the Act with regards to Council recognising and providing for the protection of historic heritage from inappropriate subdivision, use and development. For example, presently, removal of buildings other than those scheduled in the District Plan is a permitted activity and any replacement building has only the standard development controls within the District Plan to consider/comply with. The proposed plan change seeks that reference to the uniqueness of the six town centres will be required for the replacement or redevelopment of buildings within the character overlay areas. The introduction of the character overlay will enable a number of controls to be introduced specifically for these areas, without affecting other business-zoned centres within the Isthmus.

It is noted that, while there are some buildings in the proposed character overlay areas that are specifically scheduled in the District Plan, the majority of historic/character buildings do not merit such protection, nor could they be justified as requiring such a level of protection or controls. It is considered, however, that a level of protection is necessary to ensure retention of the special qualities of the six town centres. It is clear that, within these areas, there exist some buildings that have experienced few alterations or additions and some that are still intact. These buildings are deserving of a higher level of protection than currently exists under the District Plan. In other places, where a great deal more redevelopment has occurred, little of the original character of the area remains, however, these areas still have the potential to impact on the higher quality areas. Some control on redevelopment is, therefore, appropriate. The proposed plan change is considered to be consistent, therefore, with the concept of the efficient use and development of physical resources by encouraging the retention and reuse of these buildings.

The character overlay seeks to minimise any adverse effects arising from future developments and it is considered that the proposed provisions will assist in providing a level of coherence in building design with its surroundings, which is relevant to the maintenance and enhancement of amenity values. This coherence does not currently exist in all parts of these centres. The proposed provisions in the character overlay will avoid, remedy or mitigate any adverse effects on the amenity values of the surrounding neighbourhood/environment and will assist in minimising the impact of redevelopment on the various centres. The retention of the existing development controls and activity provisions should assist in avoiding any potential effects on the amenity of the surrounding environment/neighbourhood along with the additional provisions proposed for inclusion in the District Plan through the proposed character overlay.

Part 8.6.2.1 Objective C of the Business 2 zone (being the business zone of the majority of sites included in the character overlay area) seeks to encourage business and community groups to become actively involved in identifying the specific character of individual centres and the future

direction of them. The policy to achieve this objective is by introducing the concept of centre plans for individual centres. The four centre plans developed so far under the Isthmus Plan are for Onehunga, Otahuhu, Parnell and Ponsonby. These have all focused on the broad heritage and character features of each of the centres. Rather than develop a centre plan for each of the six town centres a generic character overlay approach offers a faster and more achievable visual amenity protection mechanism, able to be applied quickly to individual centres with a minimum of customisation. Therefore the character overlay is another regulatory mechanism which can achieve the objective of identifying the specific character of individual centres and the future direction of them.

Part 8.6.2.1 Objective D of the Business 2 zone acknowledges the role of suburban centres as focal points for community interests and activities. A policy for achieving this is by recognising that the physical resources of existing viable centres are an important resource in the City. One of the physical resources that contributes to the viability and vitality of these centres is their buildings and the character and broad heritage features associated with those buildings. Therefore the character overlay is a regulatory mechanism which can help to achieve Objective D.

Business 4/Mixed Use is the other business zone which some of the sites (especially Upper Symonds Street) are subject to. Plan change 71 introduced the Mixed Use zone to former business zoned areas of the city which are located in close proximity to the central area or to existing Business 2 or 3 zoned centres and which are experiencing an increase in residential activity. Plan change 71 is currently under appeal. The expectation of the Mixed Use zone is to lead to a quality urban environment which provides for a mix of residential, retail and business activities close to the central area or existing retail centres.

Part 8.6.10.1 Objective C of the Mixed Use zone seeks to encourage mixed use development that contributes to the amenity of the surrounding neighbourhood in terms of streetscape appearance. Given that the character overlay introduces a visual amenity protection mechanism aspect that seeks to retain the built character of the six town centres it is considered that the character overlay will help to achieve Objective C of the Mixed Use zone.

All of these factors highlight the necessity for rules in the Plan that will deal with the effects of alterations/additions, and redevelopment of buildings/sites within the character overlay area. These rules are necessary in order for Council to carry out its function under the Act in terms of controlling any actual or potential effects of the use, development or protection of land within six town centres. The features/content of the character overlay will be discussed in more detail below.

3.3 Whether, having regard to their efficiency and effectiveness, the proposed policies, rules and other methods are the most appropriate for achieving the objectives

Other methods can include non-statutory means such as the provision of information, services, or incentives, and the levying of charges (including rates).

The following alternative means are considered under headings below:

- Status quo (retain existing rules);
- Non regulatory methods;
- A character overlay that takes another approach;
- Application of centre plans for each of the town centres;
- Scheduling additional buildings
- Related proposed plan changes prepared by Council

1. Status Quo

The 'Status Quo' approach involves retaining the existing plan provisions. This approach has the advantage of not imposing additional controls and associated costs on developers/property owners/occupiers, such as the requirement for resource consent applications to be made for the removal of existing buildings or for additions or alterations to buildings. There would, therefore, be certainty to developers and property owners in that the removal of buildings of historic or character interest would continue to be a permitted activity and that compliance to the standard District Plan provisions had only to be considered.

This approach would not offer any guidance as to what form development should take within the character overlay areas and there is the possibility of poor quality developments occurring. Even with few District Plan constraints, however, it still needs to be considered that it is likely that, given market forces and land values in the six town centres, some good quality development would occur.

The approach taken in the District Plan presently is to provide liberally for activities and building development within the majority of the business zones throughout the Isthmus. This approach is satisfactory in many of the commercial centres in the City that may not have an identifiable physical character or amenity value. This is less satisfactory, however, in areas like the six town centres subject to the character overlay that have heritage or character values that sets them apart from other commercial centres in the City. It is noted that there is little support for this approach has been highlighted through the consultation process.

2. Non regulatory methods

Non-regulatory methods could include research, education, training, providing information, and brochures. Research, including the commissioning of appropriate reports/studies, has been undertaken as part of the character overlay study. This has highlighted the issues affecting the six town centres subject to the overlay and possible solutions, however, this method cannot be considered by itself as the way to address the resource management concerns. Similarly, the provision of education and information can not effectively deal with all of the identified issues and effects alone.

Brochures, for example, would provide developers and property owners with an idea as to the qualities and special nature of the six town centres and what aspects need to be preserved, however, consideration of these matters would be at their discretion as they would be non-statutory. It is considered that these methods could be used in conjunction with the proposed Plan change rather than being the only approach to be taken. In terms of increasing the awareness of the matters covered in the character overlay, however, education and information sharing will be needed once this plan change is notified and included in the District Plan.

Council could consider purchasing of buildings of historic or character value or the provision of monetary incentives. Council does not have the funds to purchase those buildings that are considered to be of heritage or character interest in the six overlay areas, especially with the high land costs, nor has this approach been taken in other centres. Similarly, the use of monetary incentives to those owners of such buildings is not be possible due to the absence of any such budget and has not been used by this Council to date.

3. A character overlay that takes another approach

The character overlay plan change that has been recommended is not the only method that could be used for providing some kind of character protection. One option could be to make the removal of any character building within the character overlay area require non complying activity consideration to illustrate that removal or modification of character buildings is not provided for in the District Plan. It is considered that this approach would be difficult to justify in terms of the effects-based Resource Management Act. Also a non-complying category would signal that modification or removal of character buildings is inappropriate. This is not the intent of the plan

change. The character overlay seeks to retain and enhance the character of the traditional town centres. This can still be achieved even when character buildings are modified or removed when their replacements are designed to positively contribute to the character of the town centre.

An alternative approach may have been to make all applications within the character overlay area require controlled activity consent. This approach does not differentiate between the differing quality of buildings and afford them varying levels of protection. Also controlled activity resource consent applications must be granted, however they may be subject to conditions. As the removal of some of the buildings within the overlay may result in a loss of character to that centre which has more than minor effects it is considered necessary for Council to have the ability to decline applications, if the assessment criteria are not satisfied.

The proposed character overlay does not require a resource consent application for the removal of buildings that are not noted as being character supporting or character defining. To require such an application, the Council would need to be satisfied that there are adverse effects that will result from their removal. It is considered that it is more appropriate in such a situation to allow the removal of the building to proceed without assessment but to 'control' any new building(s) that is/are proposed to take their place or any additions/alterations to the existing building. The proposed plan change seeks that the construction and/or relocation of new buildings and addition/alterations to the existing 'character' buildings should, therefore, be assessed to ensure that any 'change' is within keeping with the intent of the character overlay.

4. Application of centre plans for each of the town centres

Centre plans are a high-level mechanism not necessarily appropriate for all centres, require considerable resources and time to produce, and that this reality may actually delay character protection on a broad basis across the city. Therefore, the character overlay approach offers a faster and more achievable generic character protection mechanism, able to be applied quickly to individual centres with a minimum of customisation. Given this and the number of centres the character overlay will apply to it was considered that this approach was more efficient and effective than developing individual centre plans for each of the centres.

5. Scheduling additional buildings

Another alternative to that of the proposed plan change could be that of adding more buildings to the list of Scheduled buildings within the District Plan. Clause 5C.7.1.2.F of the District Plan outlines the criteria used to determine whether a building, object, property or place is worthy of such protection. Such criterion includes architecture (style, age, architect, design); history (association with any persons, organisations or institutions, events); environment (setting, continuity); usefulness; and integrity (condition and whether alterations have occurred). Given these criteria, it is not considered to be possible to add all those buildings identified as being of character supporting or character defining in the overlay areas as few would be of the required standard to meet the relevant tests used.

6. Related proposed plan changes prepared by Council

Currently there are three other plan changes that are being considered by Auckland City that, if approved, will affect future development within some parts of the proposed centre plan area. These are outlined below:

- Plan Change 141

Plan change 141 has been drafted to introduce safety and more specifically crime prevention through environmental design provisions into the Isthmus Plan. The intended outcome of this is that places will feel safer for people while opportunities for crime to occur are minimised. This plan change is to be public notified in the near future. As a result of this plan change it is not

considered necessary to contain separate “personal safety” rules and criteria in the proposed character overlay as the proposed rules in plan change 141 will apply across the Isthmus.

- Plan Changes 153 and 154

Plan Change 153 will apply to some residential development in the Residential 6 and 7 zones. The plan change proposes to link such proposals to the “Residential Design Guide for Developments in the Residential Zones in Specified Growth Areas”. The purpose of the plan change is to include greater design control over multi-unit developments within the Residential 6 and 7 zones. The character overlay contains several sites that are zoned Residential 6. This proposed plan change will therefore apply to any proposal which involves the development of four or more residential units.

Plan Change 154 applies to the Business 2 and 3 zones and seeks to provide for greater design, location noise control over residential activity within the zone. The plan change includes the following provisions:

- Requiring the location of residential units and parking areas away from street frontages at ground level;
- Achieving an acceptable noise level within residential units
- Requiring minimum standards of daylight admission, visual privacy and private open space provision

Much of the character overlay is zoned Business 2. Any future applications for residential units within this zone will be affected by this plan change when it is notified. The plan change complements the provisions of the character overlay because it provides for a continuity of commercial/retail premises at ground floor by requiring the location of residential units and parking away from street frontages.

3.4 The benefits and costs of the proposed policies, rules or other methods and 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

For the purposes of this examination, an evaluation must take into account the benefits and costs of the proposed policies, rules or other methods and 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.

The Proposed Plan Change

Benefits associated with this proposed plan change include:

- The new rules will result in the maintenance and enhancement of the character and amenity of the six town centres retail/commercial centre;
- Development which occurs within the area affected by the character overlay, including signs, will be assessed in terms of design and appearance criteria which are intended to protect the character of the area;
- The proposed controls will still allow development to occur within sites affected by the character overlay but to a standard that will not adversely affect the important features/elements of those areas;
- There will be the opportunity to have an exemption from the standard carparking rules in Part 12 of the District Plan. This will make adaptive reuse of existing historic/character buildings a more viable option than any replacement that would need to comply with parking requirements;

- Property values may increase to some extent as the historic and character values are prized by the community and are built upon as time passes;
- The provisions of the proposed character overlay will allow the Council to consider developments/activities on a case by case basis and determine the appropriateness of development in particular circumstances and whether or not conditions should be placed on the activity to deal with effects;
- The Council will be able to decline applications for the removal or demolition of specifically identified buildings unless it can be demonstrated that the effects on the streetscape/character of the centre meet the assessment criteria in the District Plan.

Costs associated with this proposed Plan change include:

- Financial costs associated with the statutory processing and possible defence of this Plan change;
- The necessity to increase awareness of the proposed provisions through 'education' and advice where needed;
- Owners/developers/applicants may incur additional costs and delays for developments because of the additional assessment required with resource consent applications for activities that would otherwise be permitted;
- There will be increased monitoring and enforcement costs;
- Additional restrictions/controls will apply to sites;
- As discretionary applications can be refused consent, this introduces some uncertainty for land owners and developers regarding building style of additions/alterations to character-defining buildings that will be acceptable;
- The parking concession offered for adaptive reuse of buildings may add to the parking problems which already exist in the area, however, it needs to also be considered that consents have been granted in the past for parking shortfalls.

The principal alternative

The principal alternative to this proposed plan change would be for the Council to take no action, that is, not introduce a character overlay for the six town centres and to retain the status quo in terms of regulatory/District Plan provisions.

Benefits associated with this alternative would include:

- Greater certainty
- There would be no additional obligations on property owners/developers as the area would be left to find its own equilibrium within the existing District Plan provisions;
- This alternative recognises that the area will change on its own accord and so maintains maximum flexibility;
- These provisions are already in place and require no further statutory processes or information-sharing;
- The community is familiar with these provisions and, to some extent, is satisfied with the existing development controls.

Costs associated with this alternative would include:

- The effects of activities which the community considers inappropriate will continue to occur within the proposed character overlay area, such as inappropriate redevelopment;
- There would be the continuing potential for the removal and redevelopment of historic/character buildings in the area;
- There is little opportunity to influence the form/design of development within the proposed character overlay areas;

- Changes in activities in buildings that would be considered to be of character or historic interest would need to comply fully with parking requirements, otherwise apply for a resource consent;
- The only protection for buildings in the six character areas would be if they were scheduled under the District Plan;
- The market and individuals would decide on the quality and style of development and whether regard should be had to the special qualities of the six character areas.

On balance, the benefits of the proposed plan change to the community and the City are considered to outweigh the costs and are considered to be greater than the benefits and costs which result from the existing provisions. The proposed plan change is seen as the most effective method of dealing with the resource management issues that have been identified through the character overlay study. Given the detailed level of research undertaken for each of the centres subject to the character overlay it is considered that there is certainly sufficient information to back up the recommendation for their inclusion in the overlay.

4.0 New Zealand Coastal Policy Statement 1994

The New Zealand Coastal Policy Statement 1994 (NZCPS) sets out policies to achieve the purpose of the RMA in relation to the coastal environment. It identifies national priorities for the preservation of the natural character of the coastal environment including protection from inappropriate use, subdivision, use and development. None of the centres are considered to be located within the coastal environment. Given this the proposed plan change is not considered to be inconsistent with the NZCPS.

5.0 Regional Planning Documents

Section 75(2) of the Act states:

- “(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-
- ...
- (b) a regional policy statement; or
- (c) a regional plan for any matter specified in section 30(1)”

Section 30(1) sets out the functions of regional councils including :

- (a) The establishment, implementation, and review of objectives, policies, and methods to achieve the integrated management of the natural and physical resources of the region.

5.1 Regional Policy Statement (Operative 31 August 1999)

The Regional Policy Statement (RPS) provides an overview of the resource management issues of the Auckland region, and policies and methods to achieve integrated management of the natural and physical resources of the region. The RPS contains a number of broadly relevant objectives and policies that relate to the protection of heritage resources throughout the Auckland region. Under section 2.3.7 of the statement it is stated that:

Auckland’s heritage is important because it gives Auckland its uniqueness and sense of identity, but some of this is under threat.

Objective 5.3.1 is to “*preserve or protect a diverse and representative range of the Auckland Region’s heritage resources*”

While these generally relate to natural heritage such as flora and fauna, landscapes etc, the plan change is considered consistent with the general principles regarding the preservation and protection of the diverse range of Auckland’s heritage resources.

5.2 Proposed Regional Plan: Coastal (September 1999)

The purpose of the Proposed Regional Plan: Coastal is to provide a framework to promote the integrated and sustainable management of Auckland's coastal environment. The Plan contains a number of objectives and policies relating to protecting the coastal environment from the adverse effects of other activities on adjoining land. It does not have objectives, policies and rules which relate to the built environment, or the character of that built environment. Given this the proposed plan change is considered to be consistent with the Proposed Regional Plan: Coastal.

5.3 Proposed Regional Plan: Air, Land and Water (October 2001)

The Proposed Regional Plan: Air, Land and Water has been prepared to ensure the integrated and sustainable management of natural resources within the Auckland Region. As the name suggests the proposed regional plan relates to issues associated with air quality, discharges to land or water, water allocation and the beds of lakes and rivers. It does not have objectives, policies and rules which relate to the built environment, or the character of that built environment. Given this the proposed plan change is considered to be consistent with the Proposed Regional Plan: Air, Land and Water.

6.0 Historic Places Act 1993

The Historic Places Act 1993 seeks to promote the identification, protection and preservation of the historic and cultural heritage of New Zealand. Given that the proposed plan change seeks to retain the character of specific town centres throughout the isthmus which have broad heritage features the plan change is considered to be consistent with the intent of the Act.

A meeting was held with Historic Places Trust on 6 April 2004 to discuss the character overlay plan change. The Trust's activities relate to the recognition, protection and promotion of New Zealand's historic and cultural heritage. The response from the Trust was positive about the possibility of affording character and or heritage buildings greater protection under the District Plan.

It should also be noted that the Historic Places Trust administer a historic area in Upper Symonds Street. Upper Symonds Street was registered as an historic area under the Historic Places Act. The historic area extends over approximately the same area as the proposed character overlay for that particular centre.

7.0 Auckland Regional Growth Strategy

Auckland City's growth management strategy is interlinked with the Auckland Regional Growth Strategy. The growth management strategy sets a broad strategic direction for urban development within the city, which identifies areas where residential growth will occur – called "Areas of change" and areas where no great change is planned – called "Areas of stability".

Grey Lynn (Surrey Crescent), West Lynn (Richmond Road) and Ellerslie are areas of change. These are considered to be town centres that can provide the services, shops and jobs the growing population needs. The densities will be increased around the town centre so that there are sufficient people and activities to support passenger transport. Also infrastructure will be improved and upgraded to accommodate the higher densities around the centre. Therefore, while the residential areas immediately surrounding the town centres may change, the growth management strategy does not necessarily envisage increased development potential within the town centres themselves. Through the liveable community process improvements may be signalled to the town centres.

The remaining town centres subject to the character overlay are areas of stability. This is for the following reasons:

- They are considered to be traditional communities that have significant character, environmental or heritage qualities that cannot support more growth.
- They have existing zoning that already allows for higher densities.
- They are areas that currently do not have the services or facilities to cater for increased growth.

These areas of stability will continue with the level of growth and development currently allowed for under the District Plan.

8.0 Section 35 of the Act – Duty to Monitor

Under section 35 of the RMA the council has a duty to gather information and monitor how effectively it is carrying out its functions. In order to monitor the effectiveness of the proposed character overlay should it be implemented, it is proposed to commission consultants with expertise in heritage and character issues to carry out an evaluation of the character overlay areas. This would occur approximately five years from the implementation of the plan change. The recent report carried out by Boffa Miskell et al would be used as a base line for the subsequent evaluation. The second part of the monitoring strategy would be to undertake a public consultation phase at around the same time in order to gain feedback regarding the effectiveness of the plan change.

9.0 Conclusions

A plan change is proposed to the Isthmus Plan in the form of a character overlay for six town centres. The plan change introduces a range of controls with an emphasis on the retention and enhancement of those particular elements that contribute to making each of the town centres unique. The plan change has been developed after the review of background reports and material, public consultation, and with the aid of a working party set up for that purpose. The report recommends that this plan change be endorsed for notification.