

Section 32 report for plan change 145 to the Isthmus Plan Incorporation of the St Heliers centre plan 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 centre plan for the St Heliers town centre. It will introduce a range of controls with an emphasis on the retention and enhancement of the character elements that contribute to making St Heliers 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 procedures for dealing with requests for centre plans and the possibility of a new character overlay in business zones.

In a report to the May 2003 city development committee Council officers recommended progressing two new centre plans for town centre. In June 2003 the combined committees adopted the city development committee resolution that budget be set aside for the two centre plans for St Heliers and Mt Eden.

2.2 Research

Once council had made a decision to develop a centre plan all existing information was gathered on St Heliers. Council then engaged consultants to prepare two separate studies on St Heliers, one on character issues and another on traffic and carparking issues.

The character study made various recommendations on the urban structure, open space, streetscape, building conservation, shopfronts and verandas, paint schemes etc for St Heliers. The reports also identified those buildings that were considered to be either character defining or character supporting.

The recommendations of the traffic and carparking study were also considered as part of the development of the centre plan. However, any changes made regarding on-street carparking issues, pedestrian crossings etc do not form part of any plan change to the Isthmus Plan.

2.3 Consultation

The first round of consultation in October & November 2003 involved random surveys, public open days, public meetings, meetings with stakeholders (property owners, business owners and community groups) and information on the council website. The consultation was successful and open days and meetings were generally well attended. The responses were as follows:

People liked the small seaside village (the word village was often emphasised rather than town centre) feel to St Heliers and the accessibility to shops. Parking and traffic related issues were the

main dislike, with concerns over high rise and building aesthetics second. Through this work, several main themes emerged – the retention of the seaside village character of St Heliers was considered paramount, accessibility to shops, parking and traffic related issues and concerns over high rise and the look of buildings were also main issues.

Using the information obtained during the first round of consultation and from the draft technical reports four scenarios were developed, in conjunction with community board members nominated for the task. While the scenarios highlighted different approaches, it was noted that a combination of each scenario could form the basis of the centre plan.

The scenarios were:

- A character/heritage focused approach
- An accessibility/car parking focused approach
- A moderate change approach
- A status quo approach

The second round of consultation was in February & March 2004 and had open days, individual meetings with stakeholders (property owners, business owners and community groups) and information on the possible scenarios was available at the St Heliers Community Library and on-line at the council website. Again the second round of consultation was very well attended, and the feedback generally positive.

Approximately 80% of those people who responded to the four scenario tick-box thought that the centre plan should focus on the character and heritage of St Heliers village. This response rate was mimicked in the feedback from the public at the open days. Again the preservation of the seaside village character was considered paramount. This did not necessarily mean the preservation of all the existing buildings within the village, but if new development were to occur it should retain the character of the village. The height of new buildings was regularly raised as an issue. People also brought up the issue residential use within the village and the resultant loss of shops/character that ensued. On carparking people thought that further options, such as a carparking building, should be explored to resolve the carparking issue.

Consultation was also undertaken with Ngarimu Blair of Ngati Whatua and Pita Turei of Ngai Tai. Both Mr Blair and Mr Turei were positive about the centre plan proposal.

Given the political and community concerns raised about character and broad heritage protection issues in St Heliers, 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 centre plan for the St Heliers village. 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.....
- (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

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 or 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. Allowing people to establish activities on the sites within the centre plan 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 associated with St Heliers. This reflects the results of technical studies undertaken and the feedback from the public as part of the centre plan work.

The centre plan enables inclusion in the District Plan of particular planning controls for the St Heliers village that better suits its particular characteristics and which aims 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 St Heliers do not directly deal with the broad heritage features and character values of the village. 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 introduction of the centre plan will enable a number of controls to be introduced specifically for St Heliers, without affecting other business-zoned centres within the Isthmus.

It is noted that, while there is one building in the proposed centre plan area that is 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 St Heliers. These buildings are deserving of a higher level of protection than currently exists under the District Plan. 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 centre plan 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. The proposed provisions in the centre plan 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 St Heliers. 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 centre plan.

Part 8.6.2.1 Objective C of the Business 2 zone (being the business zone of the majority of sites included in the centre plan 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. As detailed above in this report, the scenario consultation undertaken provided Council with a clear view that the majority of respondents considered that a centre plan for St Heliers was needed and that it must consider heritage/character issues. Some acknowledged that, in doing so, other issues such as parking shortfalls that occur as a result of redevelopment must be balanced as incentives to encourage/enable building retention.

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 centre plan is a regulatory mechanism which can help to achieve Objective D.

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 centre plan 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 centre plan 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 centre plan that takes another approach;
- Application of the character overlay
- Scheduling additional buildings; and
- 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 centre plan area 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 St Heliers, 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 St Heliers 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 centre plan study. This has highlighted the issues affecting St Heliers 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 St Heliers 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 centre plan, 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 St Heliers, 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 possible due to the absence of any such budget and has not been used by this Council to date.

3. A centre plan that takes another approach

The centre plan 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 centre plan area require non complying activity consent 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 St Heliers centre plan seeks to retain and enhance the character of the St Heliers village. 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 centre plan 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 centre plan area may result in a loss of character which has more than minor effects it considered necessary for Council to have the ability to decline applications, if the assessment criteria are not satisfied.

The proposed centre plan does not to 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 centre plan.

4. Application of the character overlay

Another approach could be the application of the character overlay to St Heliers. The character overlay approach is a more generic form of control than a centre plan, which is more specific. Some of the concerns that were raised during consultation and from the technical studies indicated there were issues specific to St Heliers that needed to be addressed. The specificity of these issues precluded the use of the more general character overlay provisions. Further, the character overlay plan change has not yet being notified and therefore cannot be relied on to provide the statutory protection that the centre plan can afford St Heliers.

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 criteria 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 centre plan area 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 centre plan 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 centre plan contains some 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

Most of the centre plan 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 centre plan 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 St Heliers retail/commercial centre;
- Development which occurs within the area affected by the centre plan, 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 centre plan 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 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 centre plan 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 centre plan for St Heliers 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 centre plan 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 centre plan area;
- 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 centre plan area 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 centre plan area.

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 centre plan studies. Given the detailed level of research undertaken for St Heliers it is considered that there is certainly sufficient information to back up the recommendation for the development of the centre plan.

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. St Heliers is considered to be located within the coastal environment. While the character of the St Heliers village is unlikely to be considered natural, as the intent of the plan change is to protect the character of the village it is not considered to be inconsistent with the NZCPS.

5.0 The Hauraki Gulf Marine Park Act 2000

The Hauraki Gulf Marine Park Act 2000 (HGMPA) emphasises the protection, maintenance and, where appropriate, the enhancement of the life supporting capacity of the environment and the natural and physical resources of the Hauraki Gulf, its islands and its catchments. Also, the protection and, where appropriate, enhancement of natural, historic and physical resources of the Gulf, its catchments and islands with which tangata whenua have a relationship. The St Heliers town centre is considered to be within the catchment area for the Hauraki Gulf. Given the centre plan seeks to retain and enhance the character and historic nature of the village in relation to its seaside location it is not considered to be inconsistent with the HGMPA.

6.0 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.

6.1 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.

6.2 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 marine area 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.

6.3 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.

7.0 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 the St Heliers village 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 centre plan & character overlay plan changes. 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.

8.0 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”.

St Heliers is an area of stability. This is for one or more of the following reasons:

- It is considered to be traditional community that has 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. It is considered appropriate to develop plan rules which will assist in maintaining and enhancing the significant character and heritage qualities in and around St Heliers village that have been recognised in the Growth Management Strategy. The provisions in the proposed centre plan are consistent with the Growth Management Strategy in that this strategy incorporates St Heliers as an area where no great change is planned.

9.0 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 character study 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.

10.0 Conclusions

A plan change is proposed to the Isthmus Plan in the form of a centre plan the St Heliers village. 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.