

**SECTION 32 REPORT
PROPOSED PLAN CHANGE 217
Isthmus Section of the Operative District Plan 1999
Scheduling of Buildings**

1. EXECUTIVE SUMMARY

This report summarises the evaluation undertaken by the council of plan change 217 in terms of section 32 of the Resource Management Act 1991 (the RM Act).

The main conclusions are as follows:

- Having evaluated the alternatives, benefits and costs the proposed plan change is the most appropriate means for achieving the purpose of the RM Act because it will help protect physical resources which have important heritage value, while enabling people and communities to provide for their social, economic and cultural wellbeing.
- Scheduling the buildings is the most efficient and effective method for achieving the Isthmus Plans' existing objectives which seek the recognition and protection of particular buildings valued as part of the city's heritage.

2. INTRODUCTION

2.1 Purpose of the report

The purpose of this report is to meet the section 32 requirements of the RM Act.

2.2 Proposed plan change provisions

Proposed plan change 217 has been prepared to amend the Isthmus Section of the Operative District Plan 1999 (the Isthmus Plan) to include 8 additional buildings as scheduled heritage items. Part 5C.7.1 (Buildings, Objects, Heritage Properties and Places of Special Value) of the Isthmus Plan outlines the categories for scheduled items and the criteria for determining whether a building is worthy of protection. To ascertain whether a particular building, object or place has sufficient heritage value to warrant scheduling under the Isthmus Plan, any proposed heritage item is researched historically and is then assessed and evaluated against the criteria outlined in Part 5C.7.1.2F.

The criteria for scheduling are numerically based, with an item being required to reach a fixed numeric score based on a range of assessment criteria before being able to be considered for scheduling. Any score over 50 points warrants consideration for scheduling as a category B heritage item, while any score 75 points and over warrants consideration for scheduling as a category A heritage item. In order to ensure consistency of assessments, the system involves peer review by other members of the Heritage Division. The evaluation sheets form **appendix A(i)** of this report.

The proposed plan change is for scheduling the following buildings:

- 123 Grafton Road, Grafton – House
- 1218-1220 Great North Road, Point Chevalier – Ambassador Theatre
- 210 Green Lane West, Green Lane – Building 5: Green Lane Hospital
- 473 Khyber Pass Road, Newmarket – Excelsior Building

- 24 Mountain Road, Epsom – Nurse’s Residential Club
- 537 Mt Eden Road, Mt Eden – Crystal Palace Theatre
- 143-149 Newton Road, Eden Terrace – Orange Ballroom
- 118-126 Ponsonby Road, Ponsonby – Commercial

These buildings will be added to Appendix 1 (Schedule of Buildings, Objects, Heritage Properties or Places of Special Value and those subject to Heritage Orders) of the Isthmus Plan.

2.3 Consultation

Council has a memorandum of understanding with Housing New Zealand (HNZ) to enable ongoing discussion and dialogue between the two parties. As HNZ is the owner of the property at 123 Grafton Road, pre-notification consultation has also been undertaken with its representatives.

In relation to the remaining 7 properties, Council has not undertaken any pre-notification consultation with property owners. These properties are all non-residential, being a variety of commercial / institutional buildings. Pre-notification consultation has to be balanced by the level of risk that such dialogue can impose on a heritage item. Once a plan change is notified, interim protection as per the rules outlined in Part 5C.7.1.3 of the Isthmus plan is extended to the items in question; prior to this notification however the possibility of protection can stimulate reactive applications for demolition which in some cases is a permitted activity under the existing zone’s provisions. Consequently it is council’s existing policy to engage in pre-notification consultation with owners of private residences only, with owners of non-residential properties being actively consulted with at notification stage.

Consultation has also been undertaken with the Auckland Regional Council and the Ministry for the Environment. No response was received at the time of notification.

3. RESOURCE MANAGEMENT ISSUES AND OBJECTIVES

Proposed plan change 217 does not introduce any new issues or objectives into the Isthmus Plan. However, existing issues and objectives are relevant to the proposed plan change.

3.1 Issues

Part 5C.2 of the Isthmus Plan lists the heritage issues as follows:

- *Identify those heritage resources worthy of preservation; and*
- *Adopt suitable measures to secure the preservation of identified heritage resources.*

Specifically in relation to buildings and objects Part 5C.2.2 states the following:

A primary consideration in heritage resource management is the need to safeguard heritage buildings and objects from neglect, decay or in the extreme, their destruction. Unsuitable development or use may contribute to this process. Most heritage resources are in private ownership. They may be scheduled in the Plan or subjected to Heritage Orders. The prime issue here arises from the relative fragility of such heritage resources in dynamic and evolving urban situations, their susceptibility to change through renewal or neglect, and the prohibitive cost of public acquisition for

conservation of all but a relative few of the privately owned heritage resources. Consequently, an important issue is the need to provide mechanisms in the Plan to encourage and promote the conservation of identified heritage resources, while avoiding the prospect of outright and extravagant public acquisition or, in the alternative, the diminution or loss of the resource. Effective incentives or compensatory measures should encourage the maintenance, restoration and refurbishment of valued items and assist the sustainability of these elements of the heritage resource.

3.2 Objectives

The Isthmus Plan contains the following relevant heritage objectives:

5C.3.1 Objective

To recognise and protect resources of natural, cultural and scientific heritage value.

5C.7.1.1 Objective

To recognise and protect particular buildings, objects, properties and places valued as part of the district's heritage.

4. STATUTORY REQUIREMENTS UNDER PART II, SECTIONS 31, 32, 72 AND 76 OF THE RESOURCE MANAGEMENT ACT

Section 74(1) of the RM Act 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 2, [a direction given under section 25A(2),] its duty under section 32, and any regulations.

Section 31 sets out the council's functions for the purpose of giving effect to the RM Act. The council's functions include:

- (a) The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:
- (b) The control of any actual or potential effects of the use, development or protection of land...

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....

In achieving the purpose of the RM Act, the council must carry out an evaluation under section 32 of the RM Act before publicly notifying a district plan or a plan change. Section 32(3), (3A) and (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

[[3A] This subsection applies to a rule that imposes a greater prohibition or restriction on an activity to which a national environmental standard applies than any prohibition or restriction in the standard. The evaluation of such a rule must examine whether the prohibition or restriction it imposes is justified in the circumstances of the region or district.]

- (4) For the purposes [[of the examination referred to in subsections (3) and (3A)]], 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.

The statutory requirements, including 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 RM Act
- Whether the policies, rules, or other methods are the most appropriate for achieving the objectives
 - Having regard to their efficiency and effectiveness
 - Taking into account the benefits and costs of policies, rules, or other methods
 - Taking into account the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

5. THE EXTENT TO WHICH EACH OBJECTIVE IS THE MOST APPROPRIATE WAY TO ACHIEVE THE PURPOSE OF THE RM ACT

5.1 The purpose of the RM Act

Section 5 states that the purpose of the RM Act is 'to promote the sustainable management of natural and physical resources'. Section 5(2) states:

- (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 Part 1 of the RMA 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 6 of the RM Act identifies matters of national importance, which need to be recognised and provided for in achieving the purpose of the RM Act. The matters of particular relevance to the current proposal are identified below:

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

Historic heritage is defined in Part I of the RM Act as follows:

- (a) Means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:
 - (i) archaeological;
 - (ii) architectural;
 - (iii) cultural;
 - (iv) historic;
 - (v) scientific;
 - (vi) technological; and
- (b) - includes

- (i) historic sites, structures, places and area; and
- (ii) archaeological sites; and
- (iii) sites of significance to Maori, including waahi tapu; and
- (iv) surroundings associated with the natural and physical resources.

Section 7 deals with 'other matters' which, in achieving the purpose of this RM Act, persons exercising functions and powers under the RM Act shall have particular regard to. The matters of particular relevance to the current proposal are identified below:

Clause		✓
(a)	Kaitiakitanga	
(aa)	The ethic of stewardship	
(b)	The efficient use and development of natural and physical resources	
(ba)	The efficiency of the end use of energy	
(c)	The maintenance and enhancement of amenity values	✓
(d)	Intrinsic value of ecosystems	
(f)	Maintenance and enhancement of the quality of the environment	✓
(g)	Any finite characteristics of natural and physical resources	
(h)	The protection of the habitat of trout and salmon	
(i)	The effects of climate change	
(j)	The benefits to be derived from the use and development of renewable energy	

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).

5.2 Appropriateness in achieving the purpose of the Act

Sections 5, 6 & 7

The proposed plan change does not introduce new objectives to the Isthmus Plan. However, there are existing objectives in the Isthmus Plan that the proposed plan change is consistent with, which are considered to be the most appropriate means for achieving the purpose of the RM Act. The overarching heritage objective is to recognise and protect heritage resources of natural, cultural and scientific value. The specific objective for buildings is similar to the overarching objective in that it seeks the recognition and protection of particular buildings valued as part of the district's heritage.

The purpose of the RM Act is to promote the sustainable management of natural and physical resources. The buildings subject to plan change 217 are physical resources. One of the policies for achieving the objectives of recognising and protecting heritage resources is by scheduling them in the Plan. It is considered that recognising and protecting these physical heritage resources, by scheduling them, promotes sustainable management for the following reasons:

- It enables people and communities to provide for their cultural wellbeing by protecting valuable physical resources. To give effect to the objective the heritage resources are identified, assessed and scheduled. Scheduling the buildings facilitates the need for resource consent for particular works and activities that have the potential to adversely affect them.

- It will also meet the reasonably foreseeable needs of future generations by helping to sustain a physical resource, as well as possibly avoiding the adverse effects of activities on the environment (through the requirement in the Isthmus Plan to assess any resource consent application against heritage specific assessment criteria).
- There are benefits from sustaining heritage resources by increasing the attractiveness and amenity of the area in which they are located, which helps provide for people and communities social wellbeing.
- The objectives of the proposed plan change does not preclude all development occurring on, or on the properties of, proposed scheduled buildings. Scheduling the buildings as category B items does not prohibit applying for resource consent to modify or demolish them, or to develop other parts of the site. Therefore the use and development of these physical resources is also provided for through a resource consent process, enabling people and communities to undertake a reasonable level of development on these sites.
- The provisions of the proposed plan change have struck a balance between protection and reasonable use. On one hand the needs of the residential and development community are met by the provision of a reasonable level of development on the properties, on the other hand the heritage buildings which contribute to the amenity values of the areas they are in will be protected.

It is therefore considered that the proposal to schedule the buildings is consistent with the relevant existing objectives in the Isthmus Plan and these objectives achieve the purpose of the RM Act.

Section 6 of the RM Act outlines the matters of national importance that need to be recognised and provided for in achieving the purpose of the RM Act. In particular section 6(f) requires the protection of historic heritage from inappropriate subdivision, use and development. Given the buildings subject to the plan change contribute to our understanding and appreciation of New Zealand's history and culture, principally due to their architectural, cultural and historic values as outlined in section 6.0 below, it is considered that they fall within the definition of historic heritage. Protecting the buildings, through scheduling, is a means for protecting historic heritage from inappropriate subdivision, use, and development by requiring a resource consent for any additions or alterations or any application to destroy a category B heritage building. The resource consent process will require consideration of the effects of the proposed works on the heritage item. Therefore it is considered that the plan change is consistent with section 6(f) of the RM Act.

In relation to the statutory framework Council acknowledges that the matter of historic heritage should not be given priority over the overall purpose of the RM Act. As required by section 6, matters of national importance, it is considered that the council is 'recognising and providing' for historic heritage by notifying Plan Change 217. However, the Council is mindful that development of the plan change must be guided by the overarching purpose of the RM Act, the promotion of the sustainable management of natural and physical resources. The buildings subject to the plan change 217 are a physical resource that must be managed sustainably. In achieving this, protecting their heritage values from 'inappropriate use and development' was 'recognised and provided for' and then considered as a matter of national importance in determining whether Plan Change 217 promotes sustainable management.

Section 7, other matters, requires that in achieving the purpose of the RM Act particular regard will be had to the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment.

Part I of the RM Act defines amenity values as those natural or physical qualities and characteristics of an area that contribute to peoples appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. While what contributes to

“amenity values” may differ from person to person it is considered that the retention of the buildings subject to the plan change will maintain the existing amenity values experienced in the immediate locality of each particular building, as well as in Auckland as a whole. Furthermore, it is considered that the quality of the existing physical environment will also be maintained by scheduling the buildings.

It is considered that the proposal to schedule the buildings subject to the plan change is consistent with the relevant objectives of the Isthmus Plan and that the objectives are consistent with the purpose of the RM Act. By scheduling these buildings, the heritage value and historic elements of the buildings should be preserved for current and future generations. A resource consent will be required for works to the buildings, which allows Council to be satisfied that any proposed works do not detract from or alter the valued heritage characteristics of the buildings.

6. WHETHER THE POLICIES, RULES, OR OTHER METHODS ARE THE MOST APPROPRIATE FOR ACHIEVING THE OBJECTIVES OF THE ACT

- Having regard to their efficiency and effectiveness
- Taking into account the benefits and costs of policies, rules, or other methods
- Taking into account the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

In the preparation of the proposed plan change the buildings proposed to be scheduled were evaluated against a set of proven and standard heritage criteria outlined in Part 5C.7.1.2F of the Isthmus Plan. The evaluations have confirmed that the buildings have sufficient heritage value to warrant scheduling in the Isthmus Plan.

6.0 The heritage value of the buildings proposed

The heritage criteria outlined in Part 5C.7.1.2F of the Isthmus Plan cover a range of aspects including architecture, history, environment, usefulness and integrity. The heritage value of buildings is examined under each of these areas to determine whether the item meets a quantified threshold to warrant scheduling. The buildings proposed have been verified as meeting this threshold, with their most significant heritage aspects briefly outlined below. The evaluation sheets for each building subject to plan change 217 forms **appendix A(i)**.

123 Grafton Road, Grafton – House (Proposed Category B)

- the house is a very good example of a two storied Italianate villa constructed c.1882, with good design detailing in its form and architecture. It is the only remnant of pre-1900 grand villas in Grafton Road and is intimately connected with the social and cultural history of the area,
- it was closely associated with the construction of Grafton Bridge, being the house retained directly adjacent to the bridge site and occupied for the duration of construction by the city engineer W.E. Bush. It is a prominent aspect of many of the early photos of the bridge,
- it is a familiar landmark in the locality with notable visual amenity value.

1218-1220 Great North Road, Point Chevalier -Ambassador Theatre (Proposed Category B)

- constructed c.1929, the building is designed in the classic 1920's cinema style with minimal Italianate features and classical form, with some good design features retained in detailing,
- the originators were Albert Beazley and John Francis Punch, who were partners and co-directors of cinema at the time, with Albert Beazley's building firm undertaking its

construction. Punch died in 1941 but the building remained in their company ownership until 1973,

- it is closely associated with the social and economic development of Point Chevalier as a suburban centre and remains a significant and visually prominent remnant of suburban cinematic history.

210 Green Lane West, Green Lane – Building 5:Green Lane Hospital (Proposed Category B)

- the building is a good example of the Queen Anne Revivalist style, being first built in 1907 then with a second storey added in 1915. It has a very good level of design retention in the integrity of its form and detailing,
- it is a significant aspect of the hospital site's history, with close associations with hospital practice and its development through the 20th century,
- it is a significant landmark in the locality, with significant visual amenity value.

473 Khyber Pass Road, Newmarket – Excelsior Building (Proposed Category B)

- designed by the notable architectural firm C Arnold & R Abbott, the building is a good example of inter-war commercial retail / office style, constructed in exposed patterned brick and concrete with some timber detailing. It has significant design features in its composition and detailing, particularly as a prominent corner building,
- it is associated with the Kent family, being owned by the children of George Kent (Mayor of Newmarket) until c.1950, and closely associated with the development of Newmarket as an important retail center,
- it is a prominent building in the locality, being built to match the Kent building on the far corner of the block, between them forming a significant visual landmark on the street.

24 Mountain Road, Epsom – Nurse's Residential Club (Proposed Category B)

- designed by Clinton Savage, the institutional building is a now relatively uncommon example of a post-Edwardian two-storied English bungalow. There are good design features and aspects of Arts & Crafts in its jettied window forms and use of various materiality's,
- it is closely associated with the Auckland branch of the New Zealand Trained Nurses Association, with significant members such as Grace Houchen, Amelia Bagley and Ethel Anne Kidd playing roles in the building's history,
- it is a significant part of the development of public health services in Auckland and is still in medical use as the Northern Health School as well as being a significant landmark in the local area.

537 Mt Eden Road, Mt Eden – Crystal Palace Theatre (Proposed Category B)

- the building is a reasonably good example of the stripped classical style typical of the era in which it was built (1928),
- it exhibits a distinctive design with detailing well retained at the upper floor and a relatively high level of intactness internally,
- it was originated by M.J. and Joseph Moodabe and also associated with Epi Shalfoon who operated a ballroom here from 1935 – c.1954,
- it is a prominent example of a suburban cinema of the 1920's, being used for ballroom, jazz and cabaret over its lifetime and now continuing its entertainment tradition as a specialist 'Bollywood' cinema.

143-149 Newton Road, Eden Terrace – Orange Ballroom (Proposed Category B)

- the building is a good example of inter-war stripped classical architecture, designed by the notable Auckland architect A. Sinclair O'Connor,
- it is an important remnant of Auckland's 20th century dance traditions, with close associations with various musicians such as Tom Sharlin, also Bill Sevesi, noted for

winning the Pacific Islands artist award in 1997, who played at the 'Orange' for 23 years,

- it is also closely associated with the history of the Orange Lodge who were the originators of the hall. The Auckland Orange Hall Society continue to hold ownership.

118-126 Ponsonby Road, Ponsonby – Commercial (Proposed Category B)

- constructed in 1902, the building is a very good example of 2-storey Italianate commercial terrace architecture, with elaborate ornamentation well preserved including some intact aspects of the interior,
- it is a significant example of the history of retail development along Ponsonby Road, as old timber buildings were replaced in brick and concrete construction, and it demonstrates a good example of unpainted 'ashlar' plaster finish, now less common in its original state,
- it is loosely associated with Johan Klisser, the founder of Vogels Bread in NZ, who joined Ernst Reizenstein's bakery there in 1951 and trained under him,
- it is a notable and conspicuous building on Ponsonby Road, with significant visual amenity value.

These buildings have demonstrated heritage values warranting of protection as scheduled heritage items in the Isthmus Plan.

6.1 Examination of policies, rules or other methods

Scheduling as a tool is the primary method of heritage protection in the Isthmus Plan. Consequently, if an alternative option other than scheduling was to be adopted for protection of these buildings and future identified heritage buildings, the policies and provisions of the Isthmus Plan may be undermined. As such, any other means of protecting heritage buildings, other than scheduling, may have significant costs in terms of the integrity of the Isthmus Plan. Notwithstanding this, and in accordance with the requirements of the RM Act, the benefits and costs of other methods have been given consideration.

Option 1 – Status quo

The 'status quo' approach involves retaining the existing Isthmus Plan provisions.

<i>Benefits</i>	<i>Costs</i>
This approach has the advantage of not imposing additional controls and associated costs on developers/property owners/occupiers associated with the requirement for resource consent applications to be made for additions, alterations or demolition of heritage buildings. There, would, therefore, be certainty to developers and property owners that the removal of buildings of heritage value would only be required to comply with the existing Isthmus Plan provisions.	The buildings subject to plan change 217 have been evaluated against a set of proven and standard criteria which are outlined in the Isthmus Plan. The assessment of these buildings indicates that the heritage values and features of the buildings are of such significance that if they were destroyed, damaged, unsympathetically altered or added to, valuable elements of the City's heritage resources would be lost. Given that protection of these heritage resources is considered consistent with the purpose of the RM Act the status quo is not considered an appropriate option.
The existing Isthmus Plan controls already protect the character and amenity for some sites subject to plan change 217 through for example, the Residential 1 & 2 zone, the Ponsonby	While some of the existing controls may protect character and amenity values specific to particular areas they do not allow for a thorough assessment of the individual items heritage attributes nor

centre plan and the character overlay. These controls protect some historic attributes, character and amenity values of particular areas.	provide the most appropriate form of specific protection of each property and its contextual site surrounds.
---	--

Taking into account the risk of acting or not acting it is considered that there is sufficient information on the heritage merits of the 12 buildings to proceed with the plan change for scheduling them.

Option 2 – Non regulatory methods

Non-regulatory methods include advocacy, voluntary heritage preservation, education, training, providing information and brochures.

<i>Benefits</i>	<i>Costs</i>
Staff in the heritage division of Council advocate for heritage protection. Council also promotes the Auckland Heritage Festival, which is a celebration of the City's heritage, and works with the New Zealand Historic Places Trust and the Auckland Regional Council on advocating for heritage protection.	Advocacy does not place regulatory controls on heritage resources and therefore protection of the heritage resource is at the owner's discretion. Advocacy may still result in the loss or diminishment of the heritage resource.
Individuals can voluntarily apply to Council to have their buildings assessed for scheduling or to the Historic Places Trust to have the building registered. This can provide protection to heritage resources.	Only a small number of heritage buildings are volunteered for heritage protection. Relying on voluntary protection would mean that many of Auckland's heritage buildings would remain unprotected.
Making the information on individual heritage items available to the public as well as helping organise events like the Auckland Heritage Festival helps educate people about Auckland City's heritage resources.	While education helps makes people aware of the City's heritage resources it does not require consideration of the items heritage values through a resource consent process which determines the adverse effects on the environment.
Research has been undertaken as part of the assessment process to determine whether the buildings are suitable for scheduling. The provision of information to the property owners would provide them with an idea as to the heritage qualities and history of the buildings.	The consideration of this information would be at the owner's discretion as the existing Isthmus Plan provisions do not protect the heritage values specific to each building.

It is therefore considered that non regulatory measures such as advocacy, education and providing information are useful methods for raising awareness of heritage resources and for encouraging their protection. However, it is considered that these methods need to be undertaken in conjunction with the proposed plan change rather than being the only approach to be taken because they do not require consideration of the heritage values through a resource consent process which can adequately assess the effects of the proposal on the environment. Taking into account the risk of acting or not acting it is considered that there is sufficient information about the possible non regulatory methods to acknowledge that on their own these are unlikely to protect the heritage resources.

Option 3 – Other regulatory methods

Scheduling buildings is not the only approach for providing regulatory protection. Other regulatory mechanisms can achieve the purpose of the RM Act.

<i>Benefits</i>	<i>Costs</i>
<i>Applying a conservation area, a centre plan or a character overlay</i>	
Other regulatory controls such as conservation areas, centre plans or character overlays, which currently exist within the Isthmus Plan, in some cases already provide a broad degree of heritage protection. Consideration could be given to applying these types of controls to the subject sites where they do not already apply. The effects of any proposed works or activity would be considered through a resource consent process.	<p>Conservation areas are applied to historic areas rather than specific heritage buildings and would therefore not be an appropriate method to apply to individual heritage items.</p> <p>As with conservation areas, centre plans and character overlays are applied to areas rather than specific sites and have generally sought to retain character rather than protecting specific heritage resources.</p>
	While these approaches provide a broad degree of heritage protection to specific areas they would not allow for a thorough assessment of the individual items heritage attributes nor provide the most appropriate form of specific protection of each property and its contextual site surrounds.
<i>Applying the residential zones 1 and 2 of the Isthmus Plan</i>	
The residential 1 and 2 zone provisions seek to protect the built historic character of Auckland early neighbourhoods and the spacious and tree-filled qualities of sites characterised by generously sized lots, wide roads and lower densities often with period housing. Some of the sites subject to plan change 217 are zoned residential 1 or 2. Therefore, the Isthmus Plan already provides a degree of protection and the effects of any proposed works or activity would be considered through a resource consent process.	As with character overlays and centre plans these zones are applied to wider residential areas and would therefore not be an appropriate method to apply to individual heritage items.
	While these zones provide a degree of historic character and amenity protection to specific areas they would not allow for a thorough assessment of the individual items heritage attributes nor provide the most appropriate form of specific protection of each property and its contextual site surrounds.
<i>Heritage orders</i>	
Council is a heritage protection authority and could consider placing a heritage order on each of the buildings. This would provide interim protection of the buildings until the statutory process is finalised, and then it would provide permanent protection.	Scheduling the buildings is a more appropriate mechanism which allows for differentiation between category A and B buildings and enables ongoing adaptive reuse within the context of protection based on their demonstrated heritage values.

<i>Benefits</i>	<i>Costs</i>
	The policies for achieving the objectives refer to protecting heritage buildings by scheduling them in the Plan. Therefore placing a heritage order would not necessarily be consistent with the relevant policies of the Isthmus Plan.

Taking into account the risk of acting or not acting it is considered that there is sufficient information about the other regulatory methods to acknowledge that scheduling the buildings is the most appropriate method for heritage protection.

Option 4 – Financial incentives

Council could consider financial incentives to help property owners of heritage sites.

<i>Benefits</i>	<i>Costs</i>
<p>Council offers a waiver of resource consent fees for the heritage aspect of resource consent applications, and also provides free advice from heritage specialists through the scheduling process and any consent which may be lodged in relation to a heritage building. The waiver of fees provides a financial benefit to the property owner and the free advice from specialist experts is helpful in addressing the issues associated with scheduled buildings. Council also provides a built heritage fund which provides grants to assist people to conserve, restore and protect aspects of Auckland's built heritage.</p> <p>Providing financial benefits to property owners of heritage buildings helps with some of the costs associated with scheduling, resource consent applications and potentially maintenance and upkeep of heritage buildings.</p>	<p>While financial incentives are useful in helping owners of heritage buildings they do not require consideration of the heritage values of the building through a statutory process. Therefore, regardless of the financial benefits the property owner may decide not to retain the heritage item.</p> <p>It is recognised that the existing level of financial support for owners of scheduled heritage items is relatively low and that on its own it is unlikely to provide sufficient financial support to owners who may want to redevelop a site.</p>

Taking into account the risk of acting or not acting it is considered that there is sufficient information about the possible financial incentives to acknowledge that on their own these measures may not result in the retention of the heritage resource and that scheduling the buildings is the most appropriate method for heritage protection. However, financial incentives need to continue in conjunction with scheduling heritage items, rather than being the only approach to be taken.

Conclusion

Having examined the various options, it is considered that the benefits of scheduling the buildings subject to the plan change outweigh the costs. The Isthmus Plan would provide protection of the buildings on an ongoing basis through mechanisms most appropriate to their heritage value. Further, the plan change process will involve public notification, which will allow members of the public to become involved in the process. In terms of risk, the buildings have been identified as having considerable heritage value and if the buildings

were not scheduled then this may result in the loss of a significant part of Auckland's heritage. It is considered that such a loss would be contrary to the provisions of the RM Act, the Auckland Regional Policy Statement and the Isthmus Plan. It is considered that other available mechanisms would not be as successful in protecting the City's heritage resources. Overall, scheduling of the buildings is the most effective and efficient way of ensuring the continuing protection of the City's built heritage.

7. WHETHER THE PROPOSED RULES ASSIST THE COUNCIL TO CARRY OUT ITS FUNCTION OF CONTROL OF ACTUAL OR POTENTIAL EFFECTS OF THE USE, DEVELOPMENT OR PROTECTION OF LAND

The plan change does not introduce any new rules into the Isthmus Plan. However, it is considered that it is consistent with the relevant sections of the RM Act.

Section 31

Section 31 of the RM Act requires the establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district. Plan change 217 does not introduce new objectives, policies or methods. However, it is considered that the plan change to schedule the buildings is a method for implementing the existing relevant heritage objectives and policies, which generally seek the recognition and protection of heritage resources. It is also considered that the plan change helps achieve the integrated management of the effects of the use, development or protection of land and associated natural and physical resources.

Section 31 of the RM Act also states that a function of Council is to control any actual or potential effects of the use, development, or protection of land and associated natural and physical resources of the district. As a means for carrying out these functions, the Isthmus Plan provides for the technique of scheduling for heritage items. The control of actual or potential effects in this context is achieved through the requirement of a resource consent for works to any scheduled heritage building, item, object or place. This enables the Council to be satisfied that works proposed to any scheduled item do not detract from or destroy its heritage values. It is considered that the proposed plan change assists the council in controlling any actual or potential effects on these heritage resources in accordance with section 31 of the RM Act.

Sections 72, 74 & 76

Section 72 states that the purpose of preparing district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RM Act. Section 74 states that a territorial authority shall change its plan in accordance with its functions as set out in section 31, the provisions of part 2 and its duty under section 32.

An assessment of plan change 217 in section 5.2 and 7 of this report indicates that it is consistent with the RM Act's purpose and the functions for a territorial authority set out in section 31. Based on the evaluation of the alternatives, costs and benefits included within this document it is considered that the proposed plan change is consistent Council's duties under section 32. Therefore, it is considered the plan change is consistent with section 72 and 74 of the RM Act.

Section 76 states that a territorial authority may include rules in a district plan for the purposes of carrying out its functions under the RM Act and achieving objectives and policies of the plan. While the plan change does not include new rules it will introduce new items to the heritage schedule for the purpose of achieving the existing objectives and policies.

8. NATIONAL AND NZ COASTAL POLICY STATEMENTS

Section 75(3) of the RMA states:

- (3) A district plan must give effect to –
 - (a) any national policy statement; and
 - (b) and any New Zealand coastal policy statement; and
- ...

8.1 Hauraki Gulf Marine Park Act 2000

Section 9(3) of the Hauraki Gulf Marine Park Act 2000, requires the council to ensure that:

... any part of a district plan that applies to the Hauraki Gulf, its islands, and catchments, does not conflict with sections 7 and 8 of this Act.

Section 7 recognises the national significance of the Hauraki Gulf and Section 8 provides management direction for the Gulf. Section 10 of the Act requires that sections 7 and 8 be treated as a New Zealand Coastal Policy Statement under the RM Act.

The areas subject to plan change 217 are located within the Hauraki Gulf's catchments. It is considered that plan change 217 is consistent with the Hauraki Gulf Marine Park Act 2000 because it will protect the physical resources of the Hauraki Gulf and its catchments.

9. REGIONAL PLANNING DOCUMENTS

9.1 The Auckland Regional Policy Statement 1999

The protection of heritage resources as required by the RM Act is also recognised in the Auckland Regional Policy Statement 1999. This includes:

2.6.1 Strategic objective (as modified by change 6)

To maintain and enhance the overall quality of the environment of ~~metropolitan~~ the Auckland Region, including its unique maritime setting, volcanic features, cultural and natural heritage values, and public open space.

6.3 Heritage Objectives

1. *To preserve or protect a diverse and representative range of the Auckland Region's heritage resource.*

6.4.1 Policies: Heritage preservation and protection

3. *The subdivision of land, and use and development of natural and physical resources shall be controlled in such a manner that:*
 - (i) *the values of heritage resources of international, national or regional significance are preserved or protected from significant adverse effects.*

6.4.2 Methods

1. *Regional and district plans shall include provisions which preserve or protect (as appropriate) heritage resources identified in Appendix B of the RPS and the*

values of those identified as significant using the criteria in Policies 6.4.7-1 and 2, and 6.4.1.3-1 and 6.4.16.

2. *In preparing regional, district and annual plans the following mechanisms for the preservation and protection of heritage resources should be considered:*
 - (i) *Advocacy and the provision of information*
 - (iii) *Providing for incentives and economic instruments, e.g., for restoration or fencing;*
 - (iv) *Discretionary controls to facilitate protection, e.g., bush lot subdivision*
 - (v) *Regulatory controls, e.g., volcanic cone site lines, rules, abatement and enforcement orders;*
- 4.0 *With reference to Policy 6.4.1 –1 identification of the significance of heritage resources is to include a statement describing the qualities and value and, where appropriate, location, of each heritage resource which justifies their preservation, protection, maintenance or enhancement.*

The proposed plan change seeks to schedule a range of heritage buildings with a variety of heritage attributes as described in section 6.0 of this report. It is considered that this approach is consistent with the objectives of the Auckland Regional Policy Statement which seek the preservation of a representative range of heritage resources.

It is therefore considered that the proposed plan change is therefore in keeping with the section 75(3) of the RM Act, which states:

A district plan must give effect to –

- a) any national policy statement, and*
- b) any New Zealand coastal policy statement*
- c) any regional Policy Statement*

10. PROCEDURES FOR MONITORING

The council will monitor the effectiveness of the proposed plan change as a means for achieving the objectives and policies by:

- Monitoring resource consents for the proposed buildings, compliance with consent conditions, and the effectiveness of those conditions in relation to the protection of the heritage buildings.
- Monitoring complaints and enforcement actions.

11. CONCLUSION

The necessity for this plan change is drawn from the fact that the buildings proposed to be scheduled have been identified as having heritage value. The value is such that if these buildings were to be destroyed or unsympathetically altered or damaged, valuable elements of the City's heritage would be lost. Having examined the alternatives, benefits and costs it is considered that scheduling these buildings is the most appropriate method of achieving the purposes of the RM Act. It is therefore considered that a plan change to schedule these buildings is required.

Appendix A(i)

Evaluation Sheets