

**Section 32 Report
Proposed Plan Change 218
Isthmus Section of the Operative District Plan 1999
Scheduling of Buildings**

1.0 Executive Summary

This report summarises the evaluation undertaken by the council of plan change 218 in terms of section 32 of the Resource Management Act. A summary of the plan change, its development and the main conclusions from the section 32 analysis follow.

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 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.

2.0 Introduction

2.1 Purpose of the report

This report is to meet the section 32 requirements of the Resource Management Act.

2.2 Proposed plan change provisions

Proposed plan change 218 has been prepared to amend the Isthmus Section of the Operative District Plan 1999 (the Isthmus Plan) to include four buildings as scheduled heritage items. The proposed plan change is for scheduling the following buildings:

- 75 Parnell Road, Parnell – Mayfair Flats
- 25 Rosebank Road, Avondale – House (former Station Store)
- 317 St Heliers Bay Road, St Heliers – House
- 105 Tamaki Drive, Mission Bay – Garden Court Flats

Council has assessed these buildings against the heritage assessment criteria outline in section 5C.7.1.2F the Isthmus Plan. These four buildings meet the criteria for a scheduled building and are considered to have sufficient heritage value to warrant their protection as scheduled items in the Isthmus Plan.

The proposed plan change seeks to schedule these buildings to ensure that their heritage values are protected from any inappropriate development or removal and to ensure the integrity of Auckland City's heritage resources is maintained.

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

Consultation letters were sent to the Ministry for the Environment and the Auckland Regional Council. A response was received from the Auckland Regional Council, which supports the protection of these items.

It is council's existing policy to engage in pre-notification consultation with the owners of private residences. Details of the consultation with property owners, is outlined below in regards to each private residence:

2.3.1 75 Parnell Road, Parnell – Mayfair Flats

- After heritage officers assessed the building in January 2007, a pre-notification consultation letter (including historic research summary, heritage assessment, Isthmus Plan criteria and information on the plan change process) was sent to the Body Corporate on 9 February 2007.
- Correspondence was received from a Body Corporate member on the 26 February 2007 confirming that a time had been arranged for Body Corp. members to meet with heritage staff, and requesting more information about the implications of scheduling.
- Further information was sent on 2 March 2007 as requested.
- Council's heritage officers met with the body corporate on 7 March 2007.
- On 14 March 2007 heritage officers met with members of the Body Corporate for a second time.
- On 23 March 2007 the heritage division received the written response from a body corporate member on behalf of the Mayfair Committee. This response indicates strong support for the proposed scheduling.
- On 17 August 2007, a heritage officer telephoned the body corporate member, notifying her that a report was to go to council's Environment, Heritage Urban Form committee on 7 September 2007. They appeared comfortable with progress.

2.3.2 25 Rosebank Road, Avondale – House (former Station Store)

- The building was assessed by heritage officers in late 2006; the first pre-notification consultation letter (including historic research summary, heritage assessment, Isthmus Plan criteria and information on the plan change process) was posted to the property's owner, on 4 December 2006.
- On 15 January 2007 a second pre-notification consultation letter was sent as the heritage division had not heard back from the owner.
- In January 2007 a heritage officer had a phone conversation with the owner regarding the letters sent. The implications of possible protection of her property were discussed and the process in terms of reports to committees, plan change process etc. Initial feedback was requested from the owner. The owner indicated that indicated that she would do so.
- On 2 February 2007 an email response was received from property owner stating that they did not wish to have her house involved in the scheduling process. Council responded thanking the owner for their response and asking if it would be possible to meet to discuss.

- In February, the owner was contacted regarding a possible meeting to discuss the scheduling of the property. The owner was to contact the heritage officer within a couple of weeks to finalise a meeting time.
- On 21 March 2007, having not heard again from the property owner, an update email was sent outlining the political process that was to occur. The owner was again invited to get in touch to discuss or provide further feedback.
- On 17 August 2007 and again on 21 August 2007 the heritage officer telephoned the property owner and left a message for them to call Council for an update on this matter. No further contact has been made by the property owner.

2.3.3 317 St Heliers Bay Road, St Heliers – House

- After the building was assessed by heritage officers in late 2006, the first pre-notification consultation letter (including historic research summary, heritage assessment, Isthmus Plan criteria and information on the plan change process) was posted to the trustees of the Trust (property owners) on 4 December 2006.
- A telephone call was received from a trustee, in December in regards to the letter. At this time the implications of possible heritage protection were discussed further. The trustee advised that a meeting would be held shortly between the trustees, where the proposal would be discussed, and that they would send a response letter prior to the end of January.
- On 15 January 2007 a second pre-notification consultation letter was sent in follow-up to the previous telephone call again requesting owner feedback on possible scheduling.
- On 1 February 2007 Carolyn Hill received a letter from Russell McVeagh, who acts for the trustees of the Trust, indicating that the trustees were considering their advice on the matter and that after they had done so, they would appreciate the opportunity to meet with heritage officers.
- On 19 February 2007 the meeting was held. At this meeting the implications of scheduling were discussed further. They indicated that the trust was keen to sell the property. They agreed to provide a written response to the proposed scheduling.
- A follow-up email on 21 March 2007.
- On 30 March 2007 a response was received stating that they wish to put the property on the market and it was not appropriate for the trustees to take a position on the heritage issues. The response also stated that prospective buyers will be notified of the proposed heritage protection.
- On 2 April, a council heritage officer replied by email, stating that she was happy for all details to be passed on to prospective buyers.
- By 16 May 2007 telephone conversation with a trustee confirmed that the dwelling had been sold.
- On 16 August 2007 a council heritage contacted the real estate agent for the sale, who confirmed that all prospective owners, including the final purchaser, had been informed that the house was "*in the process of being scheduled as a heritage building*" and the implications of this, and were provided with council's historic research, heritage assessment, correspondence etc.
- On 20 August 2007 a heritage officer left a telephone message for the new owner. A response is yet to be received.

2.3.4 105 Tamaki Drive, Mission Bay – Garden Court Flats

- After the building was assessed by heritage officers in late 2006 a pre-notification consultation letter (including historic research summary, heritage assessment, Isthmus Plan criteria and information on the plan change process) was posted to the Chairperson of Garden Court Flats Ltd. on 4 December 2006.
- On 8 January 2007 a preliminary response letter was received from the Chairperson of Garden Court Flats Ltd. This indicated general opposition to the proposal to schedule the building, and invited heritage officers to attend a Special Meeting with the shareholders in February.
- In the intervening time prior to the meeting, a heritage officer received a number of telephone calls from the Chairperson where the implications of possible scheduling were discussed further. In these conversations the Chairperson indicated a general shifting of shareholders to a position of support for possible heritage protection. Heritage officer's attendance at the Special Meeting was confirmed, along with the opportunity beforehand for heritage officers to be taken through the buildings interior.
- On 13 February 2007 heritage officers met with shareholders who took them through the building and some of the apartments. The Special Meeting was then held where the implications of possible scheduling were discussed further. The shareholders indicated general support for scheduling but expressed various levels of opposition to protection being extended to their private apartments, although with possible support indicated for common space protection. The shareholders undertook to prepare a preliminary written response on possible scheduling in the subsequent few weeks.
- On 19 February 2007 the heritage division received a further written response from the Chairperson of Garden Court Flats Ltd., indicating that the shareholders had no objection to the exterior of the building, including the five internal entrance foyers being scheduled. However the letter stated that they do not wish the individual internal flats to be included in this heritage protection.
- On 17 August 2007 the Chairperson was updated of the political process, that a report is to go to the Environment, Heritage and Urban Form committee in September 2007 and briefly outlined again the process from here towards possible plan change notification. The Chairperson appeared comfortable with the update.

It is also council's policy that all buildings being proposed for scheduling must have an appraisal undertaken by a registered valuer prior to any recommendations for scheduling made to committee. This process was undertaken by TelferYoung (Auckland) Limited on each of the four private residences addressed in this report.

No consultation has been undertaken with tangata whenua.

3.0 Resource management issues and objectives

Proposed plan change 218 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 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.

4.0 Statutory Requirements under Part II, sections 31, 32, 72 and 76 of the Resource Management Act

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 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 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 Act, the council must carry out an evaluation under section 32 of the RMA 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 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.

4.1 The extent to which each objective is the most appropriate way to achieve the purpose of the Act

4.1.2 The purpose of the Act

Section 5 states that the purpose of the 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 RMA identifies matters of national importance, which need to be recognised and provided for in achieving the purpose of the 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 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 Act, persons exercising functions and powers under the Act shall have particular regard to. The matters of are 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).

4.1.2 Appropriateness in achieving the purpose of the Act

4.1.2.2 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 Act. The overarching heritage objective is:

“To recognise and protect resources of natural, cultural and scientific heritage 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 Act is to promote the sustainable management of natural and physical resources. The buildings subject to plan change 218 are physical resources. The policies for achieving the objectives of recognising and protecting heritage resources is generally 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 social, economic and cultural wellbeing by protecting valuable physical heritage 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.
- 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.
- It also meets the reasonably foreseeable needs of future generations by sustaining heritage resources, and seeks to avoid, remedy or mitigate adverse effects on these heritage resources by requiring an assessment of the effects on the heritage resource through the resource consent process. However, it is noted that 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.

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 Act.

Section 6 of the Act outlines the matters of national importance that need to be recognised and provided for in achieving the purpose of the 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, 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 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 Act.

Section 7, other matters, requires that in achieving the purpose of the 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 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 Act. By scheduling these buildings, it is ensured that the heritage value and historic elements of the buildings will 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 works proposed do not detract from or alter the valued heritage characteristics of the buildings.

4.2 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.

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 Plan.

Scheduling as a tool is the accepted 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 Act, the benefits and costs of other methods have been given consideration.

4.2.1 Option 1 – Status quo

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

Benefits	Costs
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 the 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.	As indicated, these buildings have been evaluated against a set of proven and standard criteria. The assessment of these buildings indicates that the heritage values and features of the buildings are of such significance, that if they were destroyed or unsympathetically altered or damaged, valuable elements of the City’s heritage resources would be lost. The existing Isthmus Plan provisions do not provide any regulatory protection of these heritage values for which the buildings were scheduled. Given the protection of these heritage resources is considered consistent with the purpose of the Act the status quo is not considered an appropriate option.

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

4.2.2 Option 2 – Non regulatory methods

Non-regulatory methods could include research, education, training, providing information and brochures.

Benefits	Costs
Research has been undertaken as part of the assessment process to determine whether the buildings are suitable for scheduling. The	Council will provide the property owners with the research information on their properties. However, consideration of this information

provision of information to the property owners would provide them with an idea as to the qualities and special nature of the buildings and which aspects need to be preserved.	would be at the owner's discretion as the existing plan provisions do not protect the heritage values of the buildings. It is considered that providing property owners with this information should be done in conjunction with the proposed plan change rather than being the only approach to be taken.
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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.

4.2.3 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 Act.

Benefits	Costs
<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, could provide some protection of the buildings attributes. 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 in this case.</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. These methods would not allow for a thorough assessment of the heritage attributes of the buildings.</p>
<i>Applying the residential zones 1 and 2 of the Isthmus Plan</i>	
Other regulatory controls such as conservation areas, centre plans or character overlays, which currently exist within the Isthmus Plan, could provide some protection of the buildings attributes. The effects of any proposed works or activity would be considered through a resource consent process.	Again, these zones are applied to specific residential areas that exhibit particular built form, streetscape, patterns of subdivision and landscape qualities rather than site-specific heritage buildings.
<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.	<p>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.</p> <p>Heritage orders tend to be used when the heritage values are under threat through demolition or inappropriate alteration. None of the proposed buildings is under any known threats in relation to demolition.</p> <p>Scheduling the buildings allows for differentiating between category A and B buildings, and affording them appropriate protection based on their heritage values.</p>

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.

4.2.4 Option 4 – Financial incentives

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

Benefits	Costs
<p>Providing financial benefits to property owners of heritage buildings would help with the ongoing costs of maintenance and upkeep of heritage buildings which are often old.</p> <p>Council already 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.</p>	<p>While financial incentives are useful they do not require consideration of the heritage values of the building through a statutory process. Therefore, regardless of the financial benefits the property may decide not to retain the heritage item.</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 scheduling the buildings is the most appropriate method for heritage protection.

4.2.5 Conclusion

The benefits of scheduling these buildings are clear. The Isthmus Plan would provide protection of the buildings on an ongoing basis. 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. Such a loss would be contrary to the provisions of the Act, the 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.

4.3 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 the proposed plan change is consistent with the relevant sections of the Act.

4.3.1 Section 31

Section 31 of the Act 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 carrying out its functions set out in section 31 of the Act.

4.3.2 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 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 the plan change in section 5.1 of this report indicates that it is consistent with the 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 its duties under section 32. Therefore, it is considered the plan change is consistent with section 72 and 74 of the 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 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.

4.3.3 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
- ...

4.3.4 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.

It is considered that the New Zealand Coastal Policy Statement and the Hauraki Gulf Marine Park Act 2000 are not relevant to the plan change.

5.0 Regional Planning Documents

5.1 The Auckland Regional Policy Statement

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

“2.5.1 Strategic Objectives

- 7. To preserve and protect a representative range of the Region's heritage resources.*

6.3 Objectives

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

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 criteria in Policies 6.4.7-1 and 2, and 6.4.13-1 and 6.4.16."*

The proposed plan change seeks to schedule a range of heritage buildings, with varying heritage attributes. 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.

The proposed plan change is therefore in keeping with the section 75(2) of the Act, which states:

"A district plan must give effect to any national policy statement or a New Zealand coastal policy statement and must not be inconsistent with-

- (a) a water conservation order; or*
- (b) the regional policy statement; or*
- (c) a regional plan for any matter specified in section 30(1)"*

6.0 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 heritage buildings.
- Monitoring complaints and enforcement actions.

7.0 Conclusion

It can be seen that the necessity for this plan change is drawn from the fact that the proposed buildings 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. It is therefore considered that a plan change to schedule these buildings is required.