

HGI Plan Review: section 32 report for the heritage section

1.0 Executive summary

This report comprises the section 32 evaluation undertaken by the council for the heritage section of the proposed Plan.

The main conclusions are as follows:

- Having evaluated the alternatives, benefits and costs it is considered the objectives of the heritage section of the proposed Plan is the most appropriate means for achieving the purpose of the Act because it will help protect natural and physical resources which have important heritage value, while enabling people and communities to provide for their social, economic and cultural wellbeing.
- The objectives generally seek the recognition and protection of heritage resources. When assessing the benefits and costs of other methods scheduling is considered the most efficient and effective method for achieving the objectives.

2.0 Introduction

2.1 Purpose of this report

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

2.2 Existing & proposed plan provisions

Part 10 of the operative Plan forms the existing heritage section. It addresses trees; buildings, objects, areas and places; and archaeology & Maori heritage. The operative Plan principally uses the method of scheduling for protecting identified heritage items, and discretionary activity consent is required for works to, on or within a scheduled item. Only a limited number of heritage items are identified and scheduled in the operative Plan.

The heritage section in the proposed Plan addresses the following subject areas:

- Archaeological sites;
- Heritage buildings, objects, properties and places of special value;
- Conservation areas;
- Ecological sites;
- Geological sites;
- Maori heritage; and
- Trees.

Each heritage discipline has a specific issue, objective, policies and rules that apply to it. The issues, objectives and policies for each of the heritage disciplines are reasonably similar in their intent. The issues relate to how the heritage resources are adequately protected by the Plan. The objectives for each heritage discipline generally seek the recognition and protection of heritage items. The policies for achieving the objectives generally address the identification and scheduling of the heritage items, recognising that land use and development does not result in damage or destruction to the scheduled item.

Rules specific to each of the heritage disciplines have been developed. For archaeology; buildings, objects, properties and places of special value; geological sites and trees, the heritage items have been broken into two categories, A and B. Category A are those that represent an extremely valuable heritage item, the loss of which would be unacceptable in achieving the purpose of the Act. Category B items are those sites that are less significant than category A, but it is still important for these to be protected from the effects of inappropriate use and development.

For archaeology and geology activity tables outline the consent requirements depending on the proposed activity, the management group type and the category of the scheduled item. For buildings, objects, properties and places of special value and trees the rules have been developed around these categories. For conservation areas, ecologically significant sites and Maori heritage these heritage resources are not broken into categories.

It is noted that while the proposed Plan provisions apply to the entire Hauraki Gulf islands not all heritage resources were able to be researched and identified. The islands that have been researched are identified in the heritage section. It is intended to introduce a variation or plan change when this research has been undertaken.

The main differences between the operative Plan and the proposed Plan are as follows:

- The proposed Plan defines different categories of heritage items (categories A & B);
- A different activity status is specified for different works (eg restricted discretionary, discretionary, non complying etc);
- Assessment criteria have been developed for each of the heritage disciplines;
- The heritage section of the proposed Plan includes ecology, geology and conservation areas, whereas these are not included within the heritage section of the operative Plan; and
- There are a far greater number of heritage items identified in the proposed Plan and they have been accurately mapped.

2.3 Consultation

This section of the report briefly outlines the consultation that the council has undertaken to date and identifies any issues raised of particular relevance to heritage.

2.3.1 Consultation to date

The council undertook consultation in 2005 in preparation for drafting the proposed Plan.

Initial consultation

The main consultation period was from April to July 2005. Consultation during that period consisted of:

- public meetings, workshops, nga hui, and one on one meetings
- a photographic exercise on Waiheke
- inviting written feedback on a consultation document which contained issues and options papers on a wide range of topics.

Focus groups

At the close of consultation, the council analysed the feedback forms received. From these, key issues were identified that subsequently became topics for focus groups on Waiheke. The four topics for the focus groups were:

- landscape
- transport
- sustainability
- future planning (including subdivision, growth, and providing for business activity).

An additional workshop was also held on Great Barrier to give a further opportunity to discuss issues raised through the feedback forms.

Telephone survey

The council commissioned an independent research company to undertake a phone survey in late 2005. The survey was of a randomly selected sample of 1002 on-island residents and off-island ratepayers of Waiheke, Great Barrier and Rakino. The questionnaire used for the survey was designed to get responses on the key issues that had emerged from the consultation process and stakeholder feedback.

The survey provided a means of canvassing the views of a wide range of people who may not have been previously involved in the consultation process.

Consultation with other stakeholders

During the preparation of a proposed plan, the council has also consulted with the following parties:

- the Auckland Regional Council ('ARC')
- the Department of Conservation ('DOC')
- tangata whenua
- network utility authorities
- Ministry for the Environment.

2.3.2 Issues raised during consultation

Heritage

- Support new land unit for public land under 'ownership' approach. Address relationship of crown land with Reserves Act & Conservation Act etc & specific rights under RMA (including Section 4 development rights).
- Kaikoura Island - publicly owned but administered by trust - requires adequate controls for historic & archaeological heritage.
- Blanket rules for all public owned land inappropriate. Rules should vary depending on type of type of reserve [DOC].
- Implement completed assessment for the inner gulf. Introduce subsequent plan change for outer gulf. Seeks opportunity to review the list.
- Continue heritage assessment of the entire HGI. Implement completed assessment for inner islands. Subsequent plan change for outer islands.
- Support completion of ecological survey by the Heritage Dept of Council & incorporation into plan. [ARC].

- Co-ordinated approach for natural & historic heritage protection - link with DOC Conservation Strategy & Auckland Regional Pest Management Strategy.
- Support detailed heritage assessment of HGI.
- Results from heritage assessment which display outstanding values should be identified on planning maps - specific provisions which protect these areas should be included in plan. [DOC].
- Develop ecological protection.
- Effect of development adjacent to Kaitoke wetland.
- Concern about subdivision of ecologically significant land.
- A breakwater should be installed out to bird rock and wharf repaired to original photos (Puriri Bay).
- Identify, recognise, protect and preserve heritage.
- Review boundaries of SES 32, Te Whau.
- Protection and public access to historic, cultural and scenic places.
- Implement completed heritage assessment of the Inner Gulf.
- Identify places of heritage value and protect them.
- Support continuing heritage assessment - could refer to appended heritage report
- Increase protection for heritage sites. Preserve old Onetangi hotel.
- Identify and protect significant exotics.
- Protect European built heritage eg Matiatia kayak boatsheds, old post offices including former Ostend post office (Wharf Road). Protect wrecks around Waiheke coastline.
- Protect natural heritage (for biodiversity and ecology). Map and safeguard wetlands
- Provide for heritage protection. Clearly map and designate all protected objects
- Prioritise heritage assessment for those islands under development pressure i.e. Waiheke needs immediate heritage protection
- Cultural landscapes should be protected
- Continue to maintain the historic context of Onetangi hotel including the open space
- Protect European built heritage eg Matiatia kayak boatsheds
- Identify the value of cultural landscapes (eg heritage sites, modified rural uses). Address cumulative effects in landscape assessments.
- Protect European built heritage eg former Ostend post office (Wharf Road).
- Matiatia should be purchased by council and have a carved Maori and Pakeha gateway.
- Review heritage items on Rakino
- Remove vegetation controls (all trees over particular height and girth) and increase scheduled trees, and ecological protection through heritage controls.
- Recognise vegetation for its contribution to conservation through the natural heritage assessment process. Support protection of exotic trees with heritage significance [DOC]
- Protect natural heritage (for biodiversity and ecology). Map and safeguard wetland.

Iwi Heritage

- Maori heritage assessment should be undertaken in conjunction with natural heritage assessment. Need consistency of protection & should include inner & outer gulf. [DOC]
- Support comprehensive scheduling of heritage sites in the plan. [ARC]
- Need to protect glow worms

- Identify, recognise, protect and preserve iwi heritage
- Attempt a Maori heritage assessment of the entire HGI, in consultation with iwi.
- Continue with Maori heritage assessment of inner islands and protect waahi tapu areas. Ensure that iwi remain engaged in the process of recognition and protection of identified sites.
- Maori Rights - as citizens, from Treaty of Waitangi, customary rights. Protection of Papatuanuku - limit pollution - support recycling. Recognition in plan of significance of Marae. Apply one land unit over all Marae land. Create management / policy plan for Marae development. Marae should be vested to the Maori Marae Committee as Maori Reserve by order in Council. Supports additional protection of mahinga maataitai (areas where seafood resources are gathered). Seeks recognition and protection of areas commonly used by Maori for fishing
- Support heritage assessment of Inner Gulf
- Support Maori heritage assessment in gulf.
- Protect Maori archaeological sites.
- Continue with current Maori heritage assessment of Inner Gulf. Any activity within the resulting defined areas will need a resource consent but should lead to plan changes for the outer islands at a later date.
- Retain the status quo - roll over existing Maori heritage provisions.
- Accurately locate archaeological sites.
- Matiatia should be purchased by council and have a carved Maori and Pakeha gateway.

Specific heritage consultation

The council originally intended to notify a plan change to the heritage section of the operative Plan. Consultation for the review of the heritage section first commenced December 1997, prior to the start of any consultation done as part of the HGI Plan Review. This is outlined as follows:

- In 1997 to 1998 suggestions were forthcoming from residents of the Hauraki Gulf islands as an awareness of the heritage review became public knowledge. Ngati Paoa Trust Board were involved in preliminary discussions concerning a trial area which was being investigated across all heritage disciplines to assist in developing an understanding of heritage resources in a representative area. The results of work done in the trial area enabled the Heritage Division to meet with the combined Community Boards and outline the general direction of the review.
- Dissemination of information concerning the review began to take place in the latter half of 2000. The review process was explained in *Cityscene* with suggestions and comments on the review being invited. At that time only a small number of candidate sites had been identified although successful meetings and consultation had occurred with various interest groups including Vision Waiheke.
- In January 2001 a report to the Waiheke Community Board, Planning and Regulatory Committee and Hauraki Gulf Islands Committee outlined the issues that had arisen from the trial area surveys, the development of appropriate heritage evaluation systems and an estimate of the number of sites at that time which were possible candidates for inclusion in the schedules for the different disciplines.

- Early in 2002 contact was made with the Department of Conservation to advise them of the heritage review project and to assure them of our continued liaison with them.
- Fieldwork began in earnest in 2002. It was at this time that formal letters were sent to large numbers of property owners whose sites were to be included in the assessment process. The letter highlighted the use of precise methods to define and limit sites, more particularly through the use of a Global Positioning System (GPS), thus limiting the extent of areas which would otherwise more likely have been more extensive.
- During 2004 following the substantial completion of fieldwork it became apparent that a small number of property owners were unwilling to allow their sites to be accessed by council's heritage specialists. Letters were sent out during 2004 and again in 2005 requesting permission to enter their properties and in some cases permission was given. However, a small number of owners continued to refuse access.

3.0 Resource management issues and objectives

3.1 Issues

Principal issues

- How to ensure that ecologically significant sites and notable trees which have been depleted by a variety of land uses will be adequately protected by the Plan.
- How to ensure that where the preservation of cultural resources can be ensured and disclosure will not put the items at risk, that they are adequately protected through the Plan.
- How to provide mechanisms in the Plan to encourage and promote the conservation of identified heritage resources, while avoiding the diminution or loss of the resource.
- How to ensure that scientific heritage resources are adequately protected by the Plan.

Archaeology

- How to ensure that the archaeological heritage of the islands which has important scientific, cultural or historic value is adequately protected by the Plan.

Buildings, objects, properties and places of special value

- How to prevent the potential loss of heritage buildings, objects, properties and places of special value which make an important contribution to the heritage of the islands.

Conservation areas

- How to protect areas which are susceptible to change through development which may deplete the collective character that defines them.

Ecological sites

- How to ensure that ecologically significant sites, which have been depleted by a variety of land uses, will be adequately protected by the Plan.

Geological sites

- How to recognise and protect the unique nature of the islands' geological resources.
- How to protect geological items which may be dynamic, extremely fragile or difficult to identify. Development of these items may result in their partial or total destruction, causing them to be lost forever.

Maori heritage

- How to ensure that Maori heritage sites are not accessed or modified in such a way that detracts from their cultural value.

Trees

- How to address the potential loss of trees and subsequent loss to the general environment and amenity values, health and wellbeing of the community and heritage values of the islands.

3.2 Objectives

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

Archaeology

- To protect significant archaeological sites which contribute to the Islands' heritage, knowledge and appreciation of the past.

Buildings, objects, properties and places of special value

- To systematically recognise and protect buildings, objects, properties and places of special value valued as part of the Hauraki Gulf islands heritage.

Conservation areas

- To identify, protect and enhance areas of significant historic, scientific or public interest or value.

Ecology

- To identify, recognise and protect sites of ecological significance and sensitive areas within the Islands'.

Geological items

- To identify, recognise and protect valuable geological items which contribute to the islands' heritage.

Maori heritage

- To recognize and protect sites of spiritual, cultural or tikanga value to Maori.

Trees

- To identify and protect trees and groups of trees which significantly contribute to the islands' arboricultural, community, amenity and historic values.

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

4.1.1 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 Section 2 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 heritage 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	

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 heritage 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

Section 5

The heritage section of the proposed Plan has an overarching objective that applies to the entire section as well as specific objectives that apply to each of the heritage disciplines. The

overarching heritage objective is to recognise and protect heritage resources of natural, cultural and scientific value. The objectives specific to each of the heritage disciplines stem from the overarching objective and generally seek the 'recognition and protection' of the particular resource, whether it be a heritage building, a geological feature or an archaeological site.

The purpose of the Act is to promote the sustainable management of natural and physical resources. The resources addressed by the heritage section of the proposed Plan are both natural and physical. It is considered that 'recognising and protecting' these heritage items, as required by the objectives, promotes sustainable management of natural and physical resources for the following reasons:

The first consideration in achieving sustainable management is to manage the use, development and protection of natural and physical resources in a way or rate that enables people and communities to provide for their social, economic and cultural wellbeing. Due to the high heritage values of the resources identified in the heritage section, the objectives seek their recognition and protection. It is considered that the protection of these heritage resources will enable people and communities to provide for their social, cultural and economic wellbeing as illustrated below.

It is considered that archaeological sites, heritage buildings, geological features and the like contribute positively to people's social and cultural appreciation of a place. Therefore, the objectives that seek the 'recognition and protection' of heritage resources enable people and communities to provide for their social and cultural wellbeing. There are also economic benefits from 'recognising and protecting' heritage resources by increasing the attractiveness of the gulf islands as a visitor destination, which helps provide for people and communities economic wellbeing.

In relation to section 5(2)(a) of the Act the objectives of 'recognising and protecting' natural and physical heritage resources is a means for sustaining their potential to meet the reasonably foreseeable needs of future generations.

In relation to section 5(2)(b) of the Act objective 7.11.2 seeks the identification, recognition and protection of ecologically significant sites which will help safeguard the life-supporting capacity of air, water, soil and ecosystems within the gulf islands.

In relation section 5(2)(c) of the Act the objectives to 'recognise and protect' heritage items facilitates the need for resource consent applications for particular activities on, or within identified heritage sites (and their site surrounds) which ensures that the adverse effects of activities on the environment will be avoided, remedied or mitigated.

Given the above, it is considered that the objectives are appropriate in achieving the purpose of the Act.

Section 6

Section 6, matters of national importance, states that in achieving the purpose of the Act all persons exercising functions and powers under it shall recognise and provide for various matters of national importance. Of particular relevance are the following:

Section 6(a) requires that the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, and their protection from inappropriate subdivision, use and development is recognised and provided for.

It is considered that some aspects of the heritage section, such as ecologically significant sites, geological features and scheduled trees contribute to the natural character of the Hauraki Gulf islands coastal environment. Also, some ecologically significant sites contain wetlands and rivers. The relevant objectives for geological features, ecologically significant sites and scheduled trees seek their recognition and protection. It is considered that these objectives will help preserve the natural character of the coastal environment, and some wetlands and rivers within the scheduled ecologically significant sites, from inappropriate use and development. Therefore, the objectives are consistent with section 6(a) and with the purpose of the Act.

Section 6(b) requires the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development. The objective for geological items is consistent with section 6(b) of the Act because it requires the recognition and protection of valuable geological items, such as Rangitoto, which is also considered to be an outstanding natural feature.

Section 6(c) requires that the protection of significant indigenous vegetation and significant habitats of indigenous fauna is recognised and provided for. The objective for ecologically significant sites is *“to identify, recognise and protect sites of ecological significance and sensitive areas within the Hauraki Gulf islands”*. This specific objective together with the more general objective relating to recognising and protecting natural heritage resources helps achieve section 6(c) of the Act.

Section 6(e) requires that the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga is recognised and provided for. While the objectives, policies and rules have been included within the heritage section the Maori heritage sites were not able to be identified before the Plan was reviewed. However, the Plan contains an objective *“to recognize and protect sites of spiritual, cultural or tikanga value to Maori”* which will help achieve the section 6(e) of the Act. The proposed Plan also contains a specific objective *“to protect significant archaeological sites which contribute to the Hauraki Gulf islands heritage, knowledge and appreciation of the past”*. Many of these are Maori archaeological sites and some are likely to form Maori heritage sites. It is considered that these objectives are appropriate in helping to achieve particular section 6(e) of the Act.

Section 6(f) requires that the protection of historic heritage from inappropriate subdivision use and development is recognised and provided for. 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.

As noted in section 7.2 the heritage section of the Plan addresses a various subject areas which fall within the broad definition of heritage. Many of these are considered to fall within the definition of historic heritage defined above. The general objective to recognise and protect heritage resources of natural, cultural and scientific value, as well as specific objectives for various heritage disciplines, contributes to achieving section 6(f) of the Act.

Therefore, it is considered that the objectives help achieve the matters of national importance.

Section 7

Section 7 of the Act, other matters, states that in achieving the purpose of the Act all persons exercising functions and powers under it shall have particular regard to a number of issues. These are outlined below:

Section 7(c) requires that particular regard be had to the maintenance and enhancement of amenity values. 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. It is considered that heritage resources generally contribute positively to the amenity value of a place and as such the objective to recognise and protect heritage resources of natural, cultural and scientific value is consistent with section 7(c).

Section 7(d) requires particular regard be had to the intrinsic values of ecosystems. It is considered that the objective for ecologically significant sites, which requires the identification, recognition and protection of sites of ecological significance and sensitive areas helps ensure particular regard is had to the intrinsic value of ecosystems.

Section 7(f) requires particular regard be had to the maintenance and enhancement of the quality of the environment. The general objective to recognise and protect heritage resources of natural, cultural and scientific value will help ensure that regard is had to maintaining and enhancing the quality of the environment.

Section 8

Section 8 of the Act states that in achieving the purpose of the Act all persons exercising functions under it shall take into account the principals of the Treaty of Waitangi. It is considered that the objective “to recognize and protect sites of spiritual, cultural or tikanga value to Maori” takes into account the principals of the Treaty of Waitangi.

It is therefore considered that the objectives for the heritage section are appropriate in achieving the purpose of the Act.

Section 31

Section 31 of the Act sets out the functions of territorial authorities. Section 31(a) seeks the establishment, implementation and review of objectives, policies and methods to achieve the integrated management of the effects of the use, development or protection of natural and physical resources.

As noted, the principal objective for the heritage section seeks the recognition and protection of natural, cultural and scientific heritage resources. The specific objectives for each of the heritage disciplines also generally seek the recognition and protection of the heritage items. These objectives have been established to achieve the protection of natural and physical heritage resources in the gulf islands. The implementation of the objectives allows for territorial authorities to achieve integrated management of effects in accordance with section 31(a) and control of the actual and potential effects in accordance with section 31(b).

Section 31(1)(b)(iii) of the Act requires control of the actual or potential effects of the use, development, or protection of land, including for the purpose of the maintenance of biological diversity. It is considered that the objective to identify, recognise and protect ecologically significant sites, as well as the policies and rules that give effect to that objective, will help maintain biological diversity.

It is therefore considered that the objectives of the heritage section of the proposed Plan assists the council in carrying out its functions as set out in section 31 of the Act.

Sections 72 & 74

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 prepare and 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 objectives of the heritage section in section 4.1 of this report indicates that the objectives are appropriate in achieving 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 heritage section has been prepared in accordance with the requirements of section 32. Therefore, it is considered that the objectives of the heritage section of the proposed Plan have been prepared in accordance with the requirements of sections 72 and 74 of the Act.

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

As the heritage section of the proposed Plan is broken down into the various heritage disciplines the appropriateness of the policies, rules and methods in achieving the objectives have been assessed in relation to each individual discipline.

4.2.1 Archaeological sites

The policies for achieving the objective are as follows:

1. By identifying and scheduling archaeological sites significant for their historic, cultural, scientific and visual amenity value.
2. By retaining scheduled archaeological sites which contribute to the historic, cultural, scientific and visual amenity values of the islands.
3. By ensuring that land use and development does not result in the damage or destruction of scheduled archaeological sites and their scheduled site surrounds.
4. By avoiding a reduction in the heritage values associated with scheduled archaeological sites and their scheduled site surrounds.

The rules relating to archaeological sites are detailed in the activity tables and are specific to the activity sought to be undertaken, the management group type and the category of the scheduled item. These policies, rules and methods are considered the most efficient and effective means for achieving the objective for the following reasons:

Policy 1 is a procedural policy which identifies scheduling as the method for achieving the objective. The process for scheduling an archaeological site requires its accurate identification, research into its heritage values and assessment against set criteria. If the item does not meet a defined threshold then it will not be considered for scheduling. This is the most efficient and effective means for achieving the objective because it enables the assessment of all archaeological sites against a standard set of criteria, which ensures that only significant archaeological sites that have particular attributes are protected, as well as providing consistency and transparency in the process. Therefore not all archaeological sites that were researched were considered to have sufficient archaeological merit to warrant scheduling under the Plan. Those sites that remain unscheduled within the Plan still remain protected by the Historic Places Act.

The other policies are also efficient and effective means for achieving the objective because they provide guidance on the position of the consent authority on the use or development of the heritage resource. It is clear from policies 2 and 3 that to achieve the objective scheduled archaeological sites need to be retained and that land use cannot result in their damage or destruction. This provides efficient and effective guidance for the consent authority and any applicant about what needs to be done to achieve the objective. Policy 4 states that any reduction in the values for which the site was scheduled needs to be avoided. Given the level of research that goes into determining whether an archaeological site warrants scheduling and its assessment against the standard criteria, it is possible to determine whether a resource consent application will result in a reduction in its heritage values. This means the consent authority can effectively measure whether the application has the ability to achieve the policy, and subsequently the objective.

A matrix approach has been developed which specifies different consent requirements depending on a combination of factors, such as the heritage value of the archaeological site (i.e., whether it is category A or B); the management group type (e.g. whether it is a Pa,

burial ground or midden etc); and the activity the applicant is seeking to undertake (e.g. erect a building, construct a road, undertake an archaeological investigation etc). This approach is considered the most efficient and effective means for achieving the objective because it has the benefit of permitting certain activities where the level of anticipated effects are negligible, requiring restricted discretionary consents for other activities that are unlikely to be notified etc, rather than having a blunt ‘catch-all’ type approach that requires consent for all activities or works within scheduled areas regardless of the circumstances.

Assessment criteria have been outlined for restricted discretionary and discretionary consents so proposed activities can be appropriately assessed against relevant criteria. Certain activities have been made non-complying due to the potential effects generated by the activity. These non complying activities are not anticipated being undertaken by the Plan. In specific circumstances when there is a combination of factors, such as a particularly valuable site which is fragile and susceptible to modification, which may irreversibly change its heritage values, particular works have been prohibited. Prohibited activity status is only used where the circumstances are such that the activity can never occur in any circumstances.

The following options are the main alternatives council has considered as a means for achieving the objectives in relation to archaeological sites:

Option 1 – Status quo

The ‘status quo’ approach involves ‘rolling over’ the existing archaeological provisions from the operative Plan into the proposed Plan.

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 for works within newly scheduled archaeological sites. There would therefore, be certainty to developers and property owners that only an authority to modify an archaeological site would be required under the Historic Places Act 1993 for archaeological sites not currently identified within the operative Plan.	Many of the sites that will be scheduled in the proposed Plan are not protected in the operative Plan because they were not identified and mapped for the operative Plan. This means that the existing controls do not provide any regulatory protection under the operative Plan for a significant number of important archaeological sites. Given that the protection of these archaeological sites is considered consistent with the purpose of the Act the status quo is not considered an appropriate option.
Retaining the existing Plan provisions would retain familiarity with the existing objectives, policies and rules.	The existing provisions do not allow for differentiation of activity status based on the category of the site, the type of archaeological feature and the activity the applicant seeks to undertake. It is considered the new objectives, policies and rules better achieve the sustainable management of archaeological heritage resources.
	The existing provisions for archaeology also apply to Maori heritage sites, when these have been split up within the heritage section for the proposed Plan. It is considered that the provisions for archaeology and Maori

	heritage need to be differentiated due to their different heritage values.
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Therefore, taking into account the risk of acting or not acting it is considered that there is sufficient information on the archaeological sites to protect them under the proposed Plan.

Option 2 – Non regulatory methods

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

Benefits	Costs
Considerable research has been undertaken to identify the location and the heritage values of the sites suitable for scheduling. The provision of information to the property owners would provide them with an idea as to the location, and values of the archaeological sites. Providing this information will help educate owners and occupiers of the heritage values of the site, and may encourage protection of the resource	Council will provide the property owners with the research information on their properties. However, consideration of this information would be at the owner's discretion. Therefore, regardless of the information that has been provided property owners may apply to modify archaeological sites under the Historic Places Act. It is considered that council would not be achieving its functions as required by section 31 of the Act, or the sustainable management of natural and physical resources.

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, and help council achieve its functions under the Act.

Option 3 – Other regulatory methods

Scheduling archaeological sites is not the only approach for providing regulatory protection.

Benefits	Costs
<i>Relying on the Historic Places Act 1993</i>	
Rather than schedule some of the archaeological sites in the proposed Plan, council could rely on the Historic Places Act 1993 and the 'authority to modify' required under that legislation. This would mean that an application would only have to deal with the Historic Places Trust, rather than both the Trust and Council.	Archaeological sites within the gulf islands are currently not accurately identified in many locations. Therefore, many property owners may not know they have an archaeological site on their property. Sites can therefore be inadvertently damaged or destroyed.
	By not scheduling sites under the proposed Plan, council would not be achieving the purpose of the Resource Management Act, as well as its own functions as outlined in section 31.

<i>Heritage orders</i>	
Council is a heritage protection authority and could consider placing a heritage order on each of the sites. This would provide interim protection of the sites until the statutory process is finalised, and then it would provide permanent protection.	Developing heritage orders for every archaeological site that will be scheduled under the proposed Plan would be time consuming and an inefficient use of council resources.
	Scheduling the sites allows for differentiating between category A and B items, and affording them appropriate protection based on their heritage values.

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 sites is the most appropriate method of heritage protection.

Option 4 – Financial incentives

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

Benefits	Costs
Council already offers a waiver of resource consent fees for the heritage aspect of resource consent applications. It also provides free advice from heritage specialists through the scheduling process and on any consent which may be lodged in relation to a heritage item. 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 items.	While financial incentives are useful they do not require consideration of the heritage values of the item through a statutory process. Therefore, regardless of the financial benefits the property owner may decide not to retain the heritage item. This approach could result in a loss of valuable heritage resources, and is not considered appropriate in achieving the purpose of the Act.
Council could consider rates relief for property owners whose properties may have heritage items located on them which may reduce their development potential.	The council may consider rates relief, however this will not be done through the district plan process. Also, as with other financial incentives the owner may not decide to retain the heritage item.

Taking into account the risk of acting or not acting it is considered that there is sufficient information about financial incentives to acknowledge that scheduling the sites is the most appropriate method of heritage protection.

4.2.2 Buildings, objects, properties and places of special value

The policies for achieving the objective are as follows:

1. By identifying, evaluating and scheduling buildings, objects, properties and places of special value that have heritage significance.
2. By avoiding the substantial demolition of scheduled buildings, objects, properties and places of special value.
3. By avoiding any modification of scheduled buildings, objects, properties and places of special value that detracts from the heritage values for which the item is scheduled.

4. By ensuring that land use and development does not detract from the values, or result in the damage or destruction of scheduled buildings, objects, properties or places of special value and their scheduled site surrounds.
5. By providing for the reuse of scheduled buildings, objects, properties and places of special value while ensuring that the heritage values and features for which they are scheduled are not impaired or destroyed.
6. By controlling activities and works in defined areas surrounding scheduled buildings, objects, properties or places of special value to ensure that they do not detract from the heritage values for which the item is scheduled.

The rules for buildings, objects, properties and places of special value are based on the activity and the category of the scheduled item. These policies, rules and methods are considered the most efficient and effective means for achieving the objective for the following reasons:

Policy 1 is procedural and identifies the process for achieving the objective. That is, identification and evaluation of buildings, objects etc then scheduling those buildings that have been evaluated as having heritage value. If the item does not meet a defined threshold then it will not be considered for scheduling. This is the most efficient and effective means for achieving the objective because it enables the assessment of all buildings, objects etc against a standard set of criteria. This ensures that only buildings, objects etc with significant heritage values are protected, as well as providing consistency and transparency in the process.

The other policies are also efficient and effective means for achieving the objective because they provide guidance on the position of the consent authority on the use or development of the heritage resource. Policies 2 and 3 seek the avoidance of the substantial demolition of scheduled buildings, and modification that detracts from their heritage values. This is a clear statement that, in achieving the objective, these particular effects are unacceptable.

Policy 4 refers to ensuring that land use and development does not detract from the values of the scheduled item, and policy 6 recognises the importance of controlling activities within site surrounds to ensure the values of heritage item are 'recognised and protected'. Policy 5 is a process whereby council seeks to encourage the reuse of heritage buildings, because reuse encourages their retention.

The rules for scheduled buildings, objects etc were developed around the category of the scheduled item and the works the applicant is seeking to undertake. The rules are considered the most effective and efficient means for achieving the objective because some 'minor' works on scheduled buildings are permitted when they are unlikely to detract from the values for which the item was scheduled. This means that unnecessary consent activity is not generated. The majority of works will require discretionary consent because the effects have the potential to extend beyond the boundary of the site.

Substantial demolition of category A buildings is a non complying activity. This approach ties in with the policy that seeks avoidance of substantial demolition of heritage buildings, which in turn is a means for achieving the objective of protecting heritage buildings. The total demolition of a category A building is a prohibited activity. Category A buildings, objects, properties or places of special value have architectural, historical and social

significance well beyond their immediate environs. In achieving the purpose of the Act it is considered that the demolition of a category A building, object etc can never occur.

The costs and benefits of the following methods were considered as means of achieving the objectives:

Option 1 – Status quo

The ‘status quo’ approach involves ‘rolling over’ the provisions within the operative Plan.

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 for works on scheduled buildings, objects etc. There would, therefore, be certainty to developers and property owners that only the buildings currently scheduled within the operative Plan would be protected.	Many of the buildings that will be scheduled in the proposed Plan are not protected in the operative Plan because their heritage values were not known at the time of notifying the operative Plan. Given the protection of these buildings is considered consistent with the purpose of the Act the status quo is not considered an appropriate option.
Retaining the existing Plan provisions would retain familiarity with the existing objectives, policies and rules.	The criteria for scheduling buildings have been considerably refined for the proposed Plan and provides more certainty and robustness in the process.
	The policies of the proposed Plan provide more guidance for achieving the objective and the rules differentiate between different categories of buildings, objects etc with activity statuses reflecting anticipated level of effects.

Taking into account the risk of acting or not acting it is considered that there is sufficient information on the buildings, objects, properties and places of special value to protect them under the proposed Plan.

Option 2 – Non regulatory methods

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

Benefits	Costs
Research has being undertaken to identify the location and the heritage values of the buildings, objects etc are suitable for scheduling. Providing this information to the property owners would give them with an idea as to the values of the buildings, objects etc. Providing this information will help educate owners and occupiers of the heritage values of the item, and may encourage protection of the resource	Council will provide the property owners with the research information on their properties. However, consideration of this information would be at the owner’s discretion. Therefore, regardless of the information that has been provided property owners may decide not to retain heritage buildings, objects etc.

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 the buildings, objects, properties and places of special value is not the only approach for providing regulatory protection.

Benefits	Costs
<i>Relying on the Historic Places Trust</i>	
Rather than schedule some of the buildings, objects etc in the proposed Plan council could rely on the Historic Places trust to 'register' the building, or as a heritage protection authority place a heritage order on them. This would mean that an application would only have to deal with the Historic Places Trust, rather than both the Trust and Council.	When the NZ historic Places Trust 'registers' a building, it does not actually provide it with statutory protection. Placing a heritage order on a building would afford it statutory protection, however, the Trust does not have the resources to places heritage orders on all heritage buildings, objects etc in the Hauraki Gulf.
	Relying on the Trust would mean that council is not achieving its functions in terms of section 31 of the Act, nor would it promote the sustainable management of natural and physical resources, because many heritage buildings could be destroyed.
<i>Heritage orders</i>	
Council is a heritage protection authority and could consider placing a heritage order on each of the sites. This would provide interim protection of the sites until the statutory process is finalised, and then it would provide permanent protection.	Developing heritage orders for every scheduled building under the proposed Plan would be time consuming and an inefficient use of council resources.
	Scheduling the sites allows for differentiating between category A and B buildings, and affording them appropriate protection based on their heritage values
<i>Other District Plan controls</i>	
Other regulatory controls such as conservation areas could provide some protection of the buildings attributes. The effects of any proposed works or activity would be considered through a resource consent process.	Conservation areas are applied to historic areas rather than specific heritage buildings and would therefore not be an appropriate method in this case.

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, objects, properties and places of special value is the most appropriate method of heritage protection.

Option 4 – Financial incentives

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

Benefits	Costs
Council already offers a waiver of resource consent fees for the heritage aspect of resource consent applications. It also provides free advice from heritage specialists through the scheduling process and on any consent which may be lodged in relation to a heritage item. 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 items.	While financial incentives are useful they do not require consideration of the heritage values of the item through a statutory process. Therefore, regardless of the financial benefits the property owner may decide not to retain the heritage item. This approach could result in a loss of valuable heritage resources, and is not considered appropriate in achieving the purpose of the Act.
Council could consider rates relief for property owners whose properties may have heritage items located on them which may reduce their development potential.	The council may consider rates relief, however this will not be done through the district plan process. Also, as with other financial incentives the owner may not decide to retain the heritage item.

Taking into account the risk of acting or not acting it is considered that there is sufficient information about financial incentives to acknowledge that scheduling the buildings, objects, properties and places of special is the most appropriate method of heritage protection.

4.2.3 Conservation areas

The policies for achieving the objective are as follows:

1. By identifying, assessing and documenting appropriate localities as conservation areas.
2. By ensuring that land use and development within the conservation area does not detract from the values for which it was protected.
3. By retaining the heritage character and value of the conservation area.

The rules for conservation areas are based on the nature of the activity the applicant is seeking to undertake. These policies, rules and methods are considered the most efficient and effective means for achieving the objective for the following reasons:

Policy 1 notes the need to identify and assess conservation areas within the gulf islands. At the time of notification only one conservation area was identified in the proposed Plan. However, further areas that meet the criteria might be added in the future. Policies 2 and 3 provide guidance in assessing consent applications and on what needs to be considered in achieving the objective. Like other heritage items within the heritage section of the proposed Plan, conservation areas are researched and assessed against set criteria, enabling the consent authority to analyse whether their use or development will detract from the values for which the area has been protected.

The rules are divided into permitted and restricted discretionary activities. These are considered efficient and effective means for achieving the objective because the permitted activities allow some works of a ‘minor’ nature within conservation areas that are unlikely to

detract from its heritage values. However, the modification or demolition of resources within the conservation area requires consent, which will be considered against assessment criteria. Restricted discretionary consent is required in recognition of the fact that conservation areas apply to certain areas that collectively have sufficient heritage character that warrant protection. However, the individual resources may not have sufficient heritage value to warrant scheduling on their own, and therefore a 'lesser' activity status can be used to address the effects.

The costs and benefits of the following methods were considered as means of achieving the objectives:

Option 1 – Status quo

There are no conservation areas in the operative Plan. The 'status quo' approach would mean not introducing a conservation area into the proposed Plan.

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 within these areas. There would, therefore, be certainty to developers and property owners that only the provisions of the land unit would need to be complied with.	This means that there is no regulatory protection under the operative Plan of those collective heritage values of the conservation area. Given the protection of the conservation area 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 conservation area to incorporate it within the proposed Plan.

Option 2 – Non regulatory methods

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

Benefits	Costs
Research has been undertaken on the collective heritage values of the conservation area. The provision of information to the property owners and occupiers located within the conservation area would provide them with details about its collective values. Providing this information will help educate owners and occupiers of the heritage values of the conservation areas, and may encourage protection of the resource	Council will provide the property owners with the research information on the conservation area. However, consideration of this information would be at the owner's discretion. Therefore, regardless of the research and information that has been provided people may undertake activities and works that reduce the heritage character of the conservation area.

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

Introducing a conservation area is not the only approach for providing regulatory protection.

Benefits	Costs
<i>Policy areas or land units</i>	
A policy area could be applied to the conservation area. Use of a policy area would have some consistency with the operative Plan which includes eight policy areas. These were designed to cover specific areas because of their particular values.	While policy areas are used in the operative Plan they will not be used in the proposed Plan. Use of this approach would therefore be inconsistent with the proposed Plan.
A land unit for the entire conservation area would be consistent terminology with the proposed Plan.	Various land units will apply to the conservation area. These will still be used to control the bulk and location of buildings and particular activities. However, land units are not used in the proposed Plan to protect heritage values. Therefore, it is considered that a conservation area 'overlaid' over the land units is the preferable approach.
<i>Scheduling the buildings, trees etc within the conservation area.</i>	
Scheduling all of the buildings and trees within the conservation area would provide them with protection under the proposed Plan and allow for consideration of the heritage issues.	The individual items within the conservation areas do not generally have sufficient heritage value to warrant scheduling under the proposed Plan. It is their collective merit that warrants the use of a conservation area.
<i>Heritage orders</i>	
Council is a heritage protection authority and could consider placing a heritage order on each of the sites within the conservation area. This would provide interim protection of the sites until the statutory process is finalised, and then it would provide permanent protection.	Developing heritage orders for every different heritage aspect of the conservation areas would be time consuming and an inefficient use of council resources. It is also unlikely that the individual resources within the conservation area have sufficient heritage value to warrant individual heritage orders.

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 the introduction of a conservation area is the most appropriate method of heritage protection.

Option 4 – Financial incentives

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

Benefits	Costs
Council already offers a waiver of resource consent fees for the heritage aspect of resource consent applications. It also provides free advice from heritage specialists through the scheduling process and on any consent which may be lodged in relation to a heritage item. The waiver of fees provides a financial benefit to the property owner and	While financial incentives are useful they do not require consideration of the heritage values of the item through a statutory process. Therefore, regardless of the financial benefits the property owner may decide not to retain the heritage item. This approach could result in a loss of valuable heritage resources, and is not considered

the free advice from specialist experts is helpful in addressing the issues associated with scheduled items.	appropriate in achieving the purpose of the Act.
Council could consider rates relief for property owners whose properties may have heritage items located on them which may reduce their development potential.	The council may consider rates relief, however this will not be done through the district plan process. Also, as with other financial incentives the owner may not decide to retain the heritage item.

Taking into account the risk of acting or not acting it is considered that there is sufficient information about financial incentives to acknowledge that the conservation area is the most appropriate method of heritage protection.

4.2.4 Ecologically significant sites

The policies for achieving the objective are as follows:

1. By identifying, evaluating and protecting sites of ecological significance and sensitive areas in public and private ownership.
2. By protecting sites of ecological significance and sensitive areas in a manner that retains the value of the scheduled item.
3. By ensuring that land use and development does not result in damage to sites of ecological significance and sensitive areas.
4. By avoiding the loss of threatened or protected species within sites of ecological significance and sensitive areas.

The rules for ecologically significant areas generally require discretionary activity consent for works or activities within the identified area, unless specific circumstances apply. These policies, rules and methods are considered the most efficient and effective means for achieving the objective for the following reasons:

Policy 1 is procedural in its nature in that it identifies the process for achieving the objective. That is, the identification and evaluation of ecological areas and their protection within the Plan. To achieve the objective of recognising and protecting ecologically significant sites they need to be identified, evaluated and protected.

The other policies are also efficient and effective means for achieving the objective because they provide guidance on the position of the consent authority on the use or development of the heritage resource. Policy 2 refers to protecting sites so that their ecological values are retained. This can be achieved because the sites of ecological significance were assessed against particular criteria outlined in appendix 4 of the proposed Plan. Policy 3 indicates that ecologically significant sites cannot be damaged if the objective is to be achieved. Policy 4 refers to avoiding the loss of threatened or protected species. The reason why some of these areas are ecologically significant is because of the presence of threatened or rare species. The presence of these species is also a measure of the ecological significance of the area. Therefore, the loss of any rare or threatened species would detract from the areas ecological values. These policies therefore provide efficient and effective guidance for the consent authority and any applicant for achieving the objective.

The protection outlined in the objective is afforded to ecologically significant sites by requiring discretionary activity consent for works or activities within the areas identified and

defined as ecologically significant. This is an effective means for achieving the objective because given the sensitivity of these areas and the complexity of the ecosystems consent is required for all works within these areas.

The costs and benefits of the following methods were considered as means of achieving the objectives:

Option 1 – Status quo

The ‘status quo’ approach involves ‘rolling over’ the existing provisions within the operative Plan.

Benefits	Costs
The operative Plan identifies sites of ecological significance and sensitive areas throughout the gulf islands, but not in the heritage section of the Plan. 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 through the identification of new ecologically significant sites.	For all the inner gulf islands apart from Ponui the ecologically significant sites within the operative Plan are not as accurately mapped as the proposed Plan, which used high quality orthorectified aerial photography backed up by extensive field surveys. Using the proposed Plan data will reduce the possibility of areas being incorrectly denoted as being ecologically significant for the majority of the inner gulf islands.
	New ecologically significant areas have been introduced through the proposed Plan. If these were not protected under the proposed Plan council would not be achieving its functions in terms of section 31 of the Act, nor would it promote the sustainable management of natural and physical resources.
Retaining the existing Plan provisions would retain familiarity with the existing objectives, policies and rules.	The policies and assessment criteria of the proposed Plan provide more guidance for achieving the objective through the consent process.

Taking into account the risk of acting or not acting it is considered that there is sufficient information on the ecologically significant areas to protect them under the proposed Plan.

Option 2 – Non regulatory methods

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

Benefits	Costs
Research has been undertaken to identify the ecological values of particular parts of the gulf islands. The provision of information to the property owners would provide them with an idea as to the exact location and values of the ecologically significant sites. Providing this information will help educate	Council will provide the property owners with the research information on the ecological values of their properties. However, consideration of this information would be at the owner’s discretion. Therefore, regardless of the information that has been provided property owners may

owners and occupiers of the ecological values of the item, and may encourage protection of the resource	decide not to retain the ecologically significant sites.
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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.

Option 3 – Other regulatory methods

Scheduling the ecologically significant areas is not the only approach for providing regulatory protection.

Benefits	Costs
<i>Relying on the indigenous vegetation protection provisions</i>	
Rather than protect ecologically significant areas through the heritage section council could rely on the indigenous vegetation protection provisions. Resource consent is generally required to modify or remove native vegetation greater than 3m in height in the gulf islands.	The indigenous vegetation protection provisions provide protection to trees based on their height, not their ecological values. While their ecology will be considered as part of the consent process they are also protected in the proposed Plan because of their landscape and amenity values.
	Some of the vegetation in ecologically significant areas may be less than 3m in height and therefore not protected by the indigenous vegetation controls.
	Some areas are considered to be ecologically significant because of the fauna, which is not covered by the general tree protection rules.
<i>Scheduled trees</i>	
The council could attempt to schedule all the trees within the ecologically significant areas.	Trees are scheduled for a variety of reasons as outlined in appendix 4 of the proposed Plan. The importance of the tree ecologically is only a small part of the reason why they are scheduled.
	It would not be an efficient and effective use of council resources to schedule every tree within the gulf islands for its ecological values

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 ecologically significant sites is the most appropriate method of ecological protection.

Option 4 – Financial incentives

Council could consider financial incentives to help property owners of properties with ecologically significant sites on them.

Benefits	Costs
Council already offers a waiver of resource consent fees for the heritage aspect of resource consent applications. It also	While financial incentives are useful they do not require consideration of the heritage values of the item through a statutory

provides free advice from heritage specialists through the scheduling process and on any consent which may be lodged in relation to a heritage item. 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 items.	process. Therefore, regardless of the financial benefits the property owner may decide not to retain the heritage item. This approach could result in a loss of valuable heritage resources, and is not considered appropriate in achieving the purpose of the Act.
Council also has a heritage fund for natural areas under which funds have been set aside annually for landowners to carry out conservation works.	There is a lack of certainty as this is not guaranteed beyond each financial year because it has to go through the annual plan process.
Council could consider rates relief for property owners whose properties may have heritage items located on them which may reduce their development potential.	The council may consider rates relief, however this will not be done through the district plan process. Also, as with other financial incentives the owner may not decide to retain the heritage item.

Taking into account the risk of acting or not acting it is considered that there is sufficient information about financial incentives to acknowledge that scheduling the ecologically significant sites is the most appropriate method of heritage protection

4.2.5 Geological items

The policies for achieving the objective are as follows:

1. By assessing, evaluating and scheduling geological items significant for their scientific and geological context, integrity, educational and historical association value.
2. By ensuring that land use and development does not result in the damage or destruction of scheduled geological sites and their scheduled site surrounds.
3. By avoiding a reduction in the heritage values associated with scheduled geological sites and their scheduled site surrounds.

The rules for geology are detailed in the activity tables and are based on the activity, the management group type and the category of the scheduled item. These policies, rules and methods are considered the most efficient and effective means for achieving the objective for the following reasons:

Policy 1 is procedural in its nature in that it identifies scheduling as the method for achieving the objective. The process for scheduling a geological item site requires its accurate identification, research into its heritage values and its assessment against set criteria. If the item does not meet a defined threshold then it will not be considered for scheduling. This is the most efficient and effective means for achieving the objective because it enables the assessment of all geological sites against a standard set of criteria, which ensures that only significant geological sites that have particular attributes are protected, as well as providing consistency and transparency in the process.

The other policies are also efficient and effective means for achieving the objective because they provide guidance on the position of the consent authority on the use or development of the heritage resource. Policy 2 states that to achieve the objective land use cannot result in damage or destruction of geological items. This provides efficient and effective guidance for

the consent authority and any applicant about what needs to be done to achieve the objective. Policy 3 states that any reduction in the values for which the item was scheduled needs to be avoided. Given the level of research that goes into determining whether an item warrants scheduling and its assessment against the standard criteria, it is possible to determine whether a resource consent application will result in a reduction in its heritage values. This means the consent authority can effectively measure whether the application has the ability to achieve the policy, and subsequently the objective.

A matrix approach has been developed to allow for a variety of consent activity status's depending on a combination of factors, such as the heritage value of the geological item (i.e., whether it is category A or B); the management group type (e.g. whether it is a hornito, lava cave or boulder field etc); and the activity the applicant is seeking to undertake (e.g. erect a building, construct a road, earthworks etc). This approach was considered the most efficient and effective means for achieving the objective because it has the benefit of permitting certain activities whereby the level of anticipated effects are negligible, requiring restricted discretionary consents for other activities that are unlikely to be notified etc, rather than having a blunt 'catch-all' type approach that requires consent for all activities or works within scheduled areas.

Assessment criteria have been outlined for restricted discretionary and discretionary consents so applications can be appropriately assessed against relevant criteria. Certain activities have been made non complying due to the potential level of effects. These non complying activities are not anticipated being undertaken by the Plan. In specific circumstances when there is a combination of factors, such as a valuable item which is fragile and susceptible to change, which may irreversibly damage its heritage features, particular works have been prohibited. Prohibited activity status is only used where the circumstances are such that the activity can never occur.

The following options are the main alternatives council has considered as a means for achieving the objectives:

Option 1 – Status quo

The 'status quo' approach involves 'rolling over' the existing heritage provisions in the operative Plan.

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 for works within scheduled geological sites. There would, therefore, be certainty to developers and property owners that only the controls of the relevant land units or settlement areas would apply.	There are no identified geological items in the operative Plan. This means that the existing provisions do not provide any regulatory protection under the operative Plan of those heritage values for which the items were scheduled. Given the protection of these geological items 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 geological sites to protect them under the proposed Plan.

Option 2 – Non regulatory methods

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

Benefits	Costs
Research has been undertaken to identify the location and the heritage values of the items are suitable for scheduling. The provision of information to the property owners would provide them with an idea as to the location, and values of the geological sites. Providing this information will help educate owners and occupiers of the heritage values of the site, and may encourage protection of the resource	Council will provide the property owners with the research information on their properties. However, consideration of this information would be at the owner's discretion. Therefore, regardless of the information that has been provided property owners or occupiers may damage geological items.

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 geological sites is not the only approach for providing regulatory protection.

Benefits	Costs
<i>Heritage orders</i>	
Council is a heritage protection authority and could consider placing a heritage order on each of the sites. This would provide interim protection of the geological items until the statutory process is finalised, and then it would provide permanent protection.	Developing heritage orders for every geological site that will be scheduled under the proposed Plan would be time consuming and an inefficient use of council resources.
	Scheduling the geological items allows for differentiating between category A and B items, and affording them appropriate protection based on their heritage values.

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 geological items is the most appropriate method of heritage protection.

Option 4 – Financial incentives

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

Benefits	Costs
Council already offers a waiver of resource consent fees for the heritage aspect of resource consent applications. It also provides free advice from heritage specialists through the scheduling process and on any consent which may be lodged in relation to a heritage item. The waiver of fees provides a	While financial incentives are useful they do not require consideration of the heritage values of the item through a statutory process. Therefore, regardless of the financial benefits the property owner may decide not to retain the heritage item. This approach could result in a loss of valuable

financial benefit to the property owner and the free advice from specialist experts is helpful in addressing the issues associated with scheduled items.	heritage resources, and is not considered appropriate in achieving the purpose of the Act.
Council could consider rates relief for property owners whose properties may have heritage items located on them which may reduce their development potential.	The council may consider rates relief, however this will not be done through the district plan process. Also, as with other financial incentives the owner may not decide to retain the heritage item.

Taking into account the risk of acting or not acting it is considered that there is sufficient information about financial incentives to acknowledge that scheduling the sites is the most appropriate method of heritage protection.

4.2.6 Maori heritage

At the time of notification of the Plan, Maori heritage sites had not been accurately identified, and it is acknowledged that some tangata whenua do not want such sites to be accurately identified. In partnership with tangata whenua, a variation or plan change may be introduced to the Plan so that these heritage resources can be afforded appropriate recognition and protection in a manner that recognises the principles of the Treaty of Waitangi.

Notwithstanding this, objectives, policies and rules have been developed for Maori heritage so that when Maori heritage sites are introduced into the Plan via a plan change or variation then the appropriate statutory framework will already exist.

The policies for achieving the objective are as follows:

1. By identifying and protecting, in consultation and partnership with tangata whenua, significant Maori spiritual, cultural or tikanga sites.
2. By avoiding a reduction in the historical, cultural and spiritual values associated with Maori heritage sites.
3. By ensuring that tangata whenua (and other relevant iwi authorities) will be consulted over the use, development or protection of natural and physical resources where these affect Maori heritage sites.

Policy 1 acknowledges that to achieve the objective of recognising and protecting Maori heritage sites then they must be identified and protected. Council has undertaken considerable research on archaeological sites within the gulf islands. Some of these sites may also be Maori heritage sites. Unlike other heritage disciplines, potential Maori heritage sites will not be measured against set criteria. Available information on archaeological sites will be combined with the historical knowledge of tangata whenua, and then Maori heritage sites will be identified and protected in consultation and partnership with tangata whenua. Policy 3 also provides a method for ensuring that management of Maori heritage sites is undertaken with input from tangata whenua. It will be possible to determine whether policy 2 is achieved by working with tangata whenua when resource consent applications are lodged in relation to Maori heritage sites.

The rules for achieving the objectives require consent application to be made for discretionary activities when an activity requires ground disturbance within a scheduled Maori heritage site. Given the sensitivities of these sites no earthworks are permitted without

the need for resource consent. The assessment criteria for these consents requires input from tangata whenua. Therefore the policies and rules require the input of tangata whenua when determining whether the site should be protected as a Maori heritage site, and if it is, then consultation with them is required as part of the consent process.

The following options are the main alternatives council has considered as a means for achieving the objectives:

Option 1 – Status quo

The ‘status quo’ approach involves ‘rolling over’ the existing Maori heritage provisions within the operative Plan.

Benefits	Costs
This approach has the advantage of protecting some Maori heritage sites that are currently scheduled under the operative Plan.	While the work necessary to schedule Maori heritage sites was not undertaken as part of the proposed Plan it is intended to undertake a plan change or variation to ensure that Maori heritage is afforded appropriate protection under the Plan. This will result in a more detailed analysis of Maori heritage than what currently exists in the operative Plan, and better protection of Maori heritage sites.
Retaining the existing Plan provisions would retain familiarity with the existing objectives, policies and rules.	The objectives, policies, rules and criteria have been made more robust in the proposed Plan, and will better enable a thorough assessment of the issues.

Taking into account the risk of acting or not acting it is considered that there is sufficient information not to ‘roll over’ the existing Maori heritage provisions within the operative Plan.

Option 2 – Non regulatory methods

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

Benefits	Costs
Research has been undertaken to identify the location, type and value of archaeological sites. Some of these may also be Maori heritage sites. However, this cannot be determined until the tangata whenua have had the opportunity to carefully consider this information. The provision of information to the property owners would provide them with an idea as to the location, and values of the Maori heritage sites (when these are accurately determined). Providing this information may help educate owners and occupiers of the heritage values of the item, and may encourage protection of the resource.	The location of Maori heritage sites is often extremely sensitive information. Some tangata whenua do not want sites accurately identified because they are concerned they may be damaged or destroyed. Therefore, providing property owners with the necessary information may not be a means for encouraging protection of the Maori heritage sites. Notwithstanding this, consideration of this information would be at the owner’s discretion. Therefore, regardless of the information that has been provided property owners may decide not to retain heritage item.

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 the Maori heritage sites is not the only approach for providing regulatory protection.

Benefits	Costs
<i>Relying on the Historic Places Act 1993</i>	
Rather than schedule Maori heritage sites in the proposed Plan council could rely on the Historic Places Act 1993 and the ‘authority to modify’ required under that legislation. This would mean that an application would only have to deal with the Historic Places Trust, rather than both the Trust and Council.	By not providing provisions under the proposed Plan council would not be achieving the purpose of the Resource Management Act, as well as its own duties as outlined in section 31.
<i>Heritage orders</i>	
Council is a heritage protection authority and could consider placing a heritage order on each of the sites. This would provide interim protection of the sites until the statutory process is finalised, and then it would provide permanent protection.	Developing heritage orders for every scheduled Maori heritage sites under the proposed Plan would be time consuming and an inefficient use of council resources.

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 Maori heritage sites is the most appropriate method of heritage protection.

Option 4 – Financial incentives

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

Benefits	Costs
Council already offers a waiver of resource consent fees for the heritage aspect of resource consent applications. It also provides free advice from heritage specialists through the scheduling process and on any consent which may be lodged in relation to a heritage item. 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 items.	While financial incentives are useful they do not require consideration of the heritage values of the item through a statutory process. Therefore, regardless of the financial benefits the property owner may decide not to retain the heritage item. This approach could result in a loss of valuable heritage resources, and is not considered appropriate in achieving the purpose of the Act.
Council could consider rates relief for property owners whose properties may have heritage items located on them which may reduce their development potential.	The council may consider rates relief, however this will not be done through the district plan process. Also, as with other financial incentives the owner may not decide to retain the heritage item.

Taking into account the risk of acting or not acting it is considered that there is sufficient information about financial incentives to acknowledge that scheduling the Maori heritage is the most appropriate method of heritage protection.

4.2.7 Trees

The policies for achieving the objective are as follows:

1. By identifying, recognising and protecting scheduled trees and groups of scheduled trees in public and private ownership.
2. By ensuring, where possible, that scheduled trees and groups of scheduled trees that contribute to the heritage values of the islands are retained.
3. By protecting scheduled trees as a habitat and food source to retain and attract valued wildlife.

Policy 1 is procedural in that it identifies scheduling as the method for achieving the objective. The process for scheduling a tree requires its accurate identification and its assessment by a qualified arborist against standard criteria. If the tree does not meet a defined threshold then it will not be considered for scheduling. This is the most efficient and effective means for achieving the objective because it enables the assessment of all potentially important heritage trees against a standard set of criteria, which ensures that only trees that have particular attributes are protected, as well as providing consistency and transparency in the process.

Policy 2 seeks the retention of scheduled trees as a means for achieving the objective. The policy provides efficient and effective guidance for the consent authority and any applicant about what needs to be done to achieve the objective. Policy 3 requires the protection of scheduled trees for habitat and food source reasons.

Option 1 – Status quo

The ‘status quo’ approach involves ‘rolling over’ the existing scheduled tree provisions within the operative Plan.

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 on scheduled trees. There would, therefore, be certainty to developers and property owners that only the provisions of the land unit would need to be complied with.	Many of the trees that will be scheduled in the proposed Plan are not protected in the operative Plan because they were not identified and mapped for the operative Plan. This means that the existing provisions do not provide any regulatory protection under the operative Plan for a significant number of important trees. Given the protection of these trees is considered consistent with the purpose of the Act the status quo is not considered an appropriate option.
Retaining the existing Plan provisions would retain familiarity with the existing objectives, policies and rules.	The criteria for scheduling trees have been considerably refined for the proposed Plan and provide more certainty and robustness in the process.

	The policies of the proposed Plan provide more guidance for achieving the objective and the rules differentiate between different categories of trees with activity statuses reflecting anticipated level of effects.
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Taking into account the risk of acting or not acting it is considered that there is sufficient information on how scheduled trees should be protected under the proposed Plan.

Option 2 – Non regulatory methods

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

Benefits	Costs
Research has been undertaken to identify the type and heritage value of some trees within the islands. The provision of information to the property owners would provide them with an idea as to the heritage values of the trees, and may encourage protection of the resource.	Council will provide the property owners with the research information on scheduled trees on their properties. However, consideration of this information would be at the owner's discretion. Therefore, regardless of the information that has been provided property owners may not retain heritage the heritage item.

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 trees is not the only approach for providing regulatory protection.

Benefits	Costs
<i>Indigenous and exotic tree protection provisions</i>	
Rather than schedule specific trees in the proposed Plan council could rely on the indigenous and exotic tree protection provisions. This would provide regulatory protection to trees over a particular height and girth.	The indigenous and exotic tree protection provisions contained within the development standards do not require the same rigorous assessment for modification or removal of a scheduled tree. It is considered that scheduled trees have particular values that warrant specific protection and assessment.

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 specific trees with heritage value is the most appropriate method of heritage protection.

Option 4 – Financial incentives

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

Benefits	Costs
Council already offers a waiver of resource consent fees for the heritage aspect of	While financial incentives are useful they do not require consideration of the heritage

resource consent applications. It also provides free advice from heritage specialists through the scheduling process and on any consent which may be lodged in relation to a heritage item. 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 items.	values of the item through a statutory process. Therefore, regardless of the financial benefits the property owner may decide not to retain the heritage item. This approach could result in a loss of valuable heritage resources, and is not considered appropriate in achieving the purpose of the Act.
Council could consider rates relief for property owners whose properties may have heritage items located on them which may reduce their development potential.	The council may consider rates relief, however this will not be done through the district plan process. Also, as with other financial incentives the owner may not decide to retain the heritage item.

Taking into account the risk of acting or not acting it is considered that there is sufficient information about financial incentives to acknowledge that scheduling specific trees with heritage value is the most appropriate method of heritage protection.

4.2.8 Conclusion

When assessing the benefits and costs of other methods scheduling is considered the most efficient and effective method for achieving the objectives.

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

Section 31

It is considered that the rules of the heritage section will achieve the integrated management of the effects of the use, development or protection of natural and physical resources because the proposed Plan provides assessment criteria for each of the heritage disciplines for consideration for discretionary consent applications. This means that the effects of the use and development of these heritage resources can be appropriately addressed through the resource consent process and in accordance with the requirements of the Act.

Section 31(1)(b)(iii) of the Act requires control of the actual or potential effects of the use, development, or protection of land, including for the purpose of the maintenance of biological diversity. It is considered that the rules and assessment criteria for ecologically significant sites will help maintain biological diversity.

It is therefore considered that the rules of the heritage section of the proposed Plan assists the council in carrying out its functions set out in section 31 of the Act.

Sections 72 & 74

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 prepare and 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.

The rules and assessment criteria of the heritage section help achieve 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 heritage section is consistent with the requirements of section 32. Therefore, it is considered that the rules of the heritage section of the proposed Plan assist the council to carry out its functions under section 72 and 74 of the Act.

5.0 National planning documents

5.1 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
- ...

The broad thrust of the NZ Coastal Policy Statement is generally the protection of the natural character of the coastal environment from inappropriate subdivision, use and development. It is considered that the protection of the heritage resources outlined in the heritage section of the proposed Plan is consistent with this objective because some of the heritage resources such as geology, ecologically significant sites and scheduled trees contribute to the natural character of the coastal environment and their protection through the proposed Plan contributes to achieving this objective.

In particular policy 1.1.2 states it is a national priority for the preservation of the natural character of the coastal environment to protect significant indigenous vegetation and significant habitats of indigenous fauna. It is considered that Part 7.11 of the heritage section which protects ecologically significant sites is consistent with this policy.

Policy 3.1.2 requires Plans to identify historic areas, areas of spiritual and cultural significance, and scientific features important to district and give them appropriate protection. It is considered that the heritage section of the proposed Plan does identify important historic areas (heritage buildings) and scientific features (geological sites) and provides them with appropriate protection through the Plan.

It is therefore considered that the heritage section of the proposed Plan is consistent with the New Zealand Coastal Policy Statement 1994.

5.2 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 RMA. Sections 7 and 8 are attached as **appendix A**.

Specifically in relation to heritage issues section 8 seeks the protection, and where possible enhancement of the natural, historic and physical resources of the Hauraki Gulf. It is considered that the heritage section of the proposed Plan will protect considerable natural, historic and physical heritage resources such as archaeological sites, geological features etc which is consistent with section 8(b) of the HGMPA. Also, the protection of these natural and physical heritage resources is consistent with section 8 (d) of the HGMPA which seeks the protection of cultural and historic associations of people and communities with the Hauraki Gulf's natural, physical and historic resources.

It is therefore considered that the heritage section of the proposed Plan is consistent with the Hauraki Gulf Marine Park Act 2000.

6.0 Regional planning documents

6.1 Regional policy statement

Section 75(3) of the RMA states:

(3) A district plan must give effect to –

- (a) any national policy statement; and
- (b) any New Zealand coastal policy statement; and
- (c) any regional policy statement.

In relation to heritage issues the Auckland Regional Policy Statement 1999 states the following:

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.

It is considered that the heritage section of the proposed Plan gives effect to strategic objective 2.5.1 and objective 6.3 of the RPS because it protects a wide variety of heritage resources in the gulf islands in a diverse range of heritage disciplines. As indicated, these include numerous archaeological sites, geological features, heritage buildings, objects and places of special value, scheduled trees, ecologically significant sites and conservation areas.

It is also noted that change 8 to the RPS was notified in September 2005 which identifies proposes changes to chapter 6 – Heritage, of the RPS. The proposed objectives, policies and rules for heritage items (in conjunction with other parts of the proposed Plan) are consistent

with change 8 as heritage items are protected from inappropriate subdivision, use and development.

It is therefore considered that the heritage section of the proposed Plan is consistent with the Auckland Regional Policy Statement 1999.

6.2 Regional plan

Section 75 (4) of the RMA states:

- (4) A district plan must not be inconsistent with –
 - ...
 - (c) a regional plan for any matter specified in section 30(1).

The Auckland Regional Plan: Coastal

The Auckland Regional Plan: Coastal, provides the framework to promote the integrated and sustainable management of the Auckland region's coastal environment. As noted, the entire Hauraki Gulf islands are considered to be within the coastal environment. The following objectives are noted:

Objective 4.3.2

To maintain and enhance the diversity, integrity and landscape quality of the coastal environment.

While the aim of the heritage section is not to protect heritage resources for their landscape quality (other parts of the proposed Plan seek to achieve this) it is considered that the retention of ecologically significant areas, geological features, heritage buildings, conservation areas, scheduled trees etc contributes positively to achieving the objective.

Objective 5.3.2

To protect the integrity, functioning and resilience of ecosystems within the coastal environment.

It is considered that the objectives, policies and rules to protect ecologically significant sites in the heritage section of the proposed Plan are consistent with this objective.

Proposed Auckland Regional Plan: Air, Land and Water – June 2005

The proposed Auckland Regional Plan: Air, Land and Water - June 2005 applies to the management of air, land and water resources in the region including air, soil, rivers and streams, lakes, groundwater, wetlands and geothermal water.

Objective 2.1.3

To sustainably manage the quality and diversity of Auckland's natural values by maintaining areas of high environmental quality...

It is considered that the heritage section will help maintain areas of high environmental quality by protecting ecologically significant sites.

Objective 2.2.3.9

To protect the values of significant cultural heritage sites, buildings, places or areas from inappropriate use and development and to retain a diverse and representative range of cultural heritage resources.

It is considered that the heritage section of the proposed Plan is consistent with objective 2.2.3.9 because it seeks the protection of the heritage values of significant heritage items in defined area of the Hauraki Gulf islands.

It is considered that the heritage section of the proposed Plan is consistent with the Auckland Regional Plan: Coastal, and the proposed Auckland Regional Plan: Air, Land and Water - June 2005.

7.0 Other documents

Essentially Waiheke

The main purpose of the strategy is to establish a community approved framework for Waiheke's development and to signpost the directions towards a sustainable future, where opportunities for development are facilitated and the island's community values and outstanding natural environment are respected and nurtured.

The aim for environmental protection is that development will be restricted where there are identified environmental and amenity constraints in order to protect essential and valued resources and maintain public health and safety.

It is considered that the heritage section of the proposed Plan will help protect essential and valued heritage resources, and is therefore consistent with the environmental protection aim of Essentially Waiheke.

8.0 Procedures for monitoring

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

- monitoring resource consents including the number of applications granted consent, compliance with consent conditions, and the effectiveness of those conditions in relation to heritage items.
- monitoring complaints and enforcement actions in relation to heritage items.
- undertaking surveys eg land use surveys, ecological surveys
- monitoring trends through analysing statistics (eg census, accident statistics, building consents)

9.0 Conclusions

The heritage section for the proposed plan will result in a substantial change from the existing heritage section. It will introduce controls for conservation areas, geological features and

move the ecological controls from the permitted activity standards to the heritage section. It will also schedule considerably more heritage items and change the objectives, policies and rules in relation to heritage.

Having evaluated the alternatives, benefits and costs the heritage section of the proposed Plan is the most appropriate means for achieving the purpose of the Act because it will help protect natural and physical resources which have important heritage value, while enabling people and communities to provide for their social, economic and cultural wellbeing. It is also considered that scheduling the heritage resources is the most efficient and effective method for achieving the objectives which generally seek the recognition and protection of heritage resources.

Appendix A

Hauraki Gulf Marine Park Act 2000

Section 7 states as follows:

Recognition of national significance of Hauraki Gulf

- (1) The interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance.
- (2) The life-supporting capacity of the environment of the Gulf and its islands includes the capacity—
 - (a) to provide for—
 - (i) the historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its islands; and
 - (ii) the social, economic, recreational, and cultural well-being of people and communities:
 - (b) to use the resources of the Gulf by the people and communities of the Gulf and New Zealand for economic activities and recreation:
 - (c) to maintain the soil, air, water, and ecosystems of the Gulf

Section 8 states as follows:

Management of Hauraki Gulf

To recognise the national significance of the Hauraki Gulf, its islands, and catchments, the objectives of the management of the Hauraki Gulf, its islands, and catchments are—

- (a) the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments:
- (b) the protection and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:
- (c) the protection and, where appropriate, the enhancement of those natural, historic, and physical resources (including kaimoana) of the Hauraki Gulf, its islands, and catchments with which tangata whenua have an historic, traditional, cultural, and spiritual relationship:
- (d) the protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural, historic, and physical resources:
- (e) the maintenance and, where appropriate, the enhancement of the contribution of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments to the social and economic well-being of the people and communities of the Hauraki Gulf and New Zealand:
- (f) the maintenance and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, which contribute to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf and New Zealand.