
AUCKLAND UNITARY PLAN

Report To: Political Working Party

Report Name: Issues Paper – Heritage, Cultural & Community Workstream

Executive Summary

This paper summaries the high level issues associated with the Heritage, Cultural and Community Workstream. The topics associated with this workstream are: Treaty of Waitangi, Heritage, Open Space and Recreation and Community and Social Development.

This issue paper forms one of six main issue papers that will assist in guiding the development of Auckland's Unitary Plan. An issue in the context of this paper is either an opportunity or a problem. Problems must be well defined to enable objectives, policies and methods to be able to address the problem. A problem that is defined and measurable in its extent through indicator monitoring is sought where possible. Issues are prioritized within this paper as Council does not have endless capacity to address all issues facing Auckland – emphasis must be given to those issues that are causing the greatest impediment to Council meeting its statutory obligations and achieving its strategic outcomes as defined within the Auckland Plan.

The issues have been identified through review of the Technical Papers and Draft Auckland Plan, the Draft Regional Policy Statement, discussions with internal Subject Matter Experts, and where appropriate, an assessment of existing District Plan provisions from the former Auckland Territorial Local Authorities. Broad approaches are identified to enable the relevant issues to be addressed. This summary paper only refers to regulatory approaches. Non – regulatory approaches are included in the technical papers.

Treaty of Waitangi

The issues identified relating to the Treaty of Waitangi are based primarily on previous consultation with Māori on resource management issues. Ongoing consultation with Māori will continue to be essential to develop a meaningful response to the issues identified in this report. It is expected that Treaty of Waitangi outcomes will be integrated through all parts of the Unitary Plan and will be developed in partnership with Māori (Mana Whenua and Matawaka). For the full version of the report refer to Technical Paper 1 - Issues Paper – Treaty of Waitangi.

Key Issues

1. Early, effective and meaningful consultation with Māori
2. Co-governance
3. Recognition of the Māori view of sustainability
4. Providing an environment for Māori economic development
5. Planning for the development of Māori land/communities, including papakainga
6. Recognising the desire of Māori to connect with their traditions and the land
7. Recognition of the Treaty of Waitangi, Māori and cultural heritage in the sustainable management of our coastal environment
8. Recognising and providing for the role of Māori as kaitiaki in the management of fresh water and natural resources of the region
9. Minimising the impact of hazardous substances and contamination on cultural values
10. Protecting Māori values and the adequate provision of appropriate land and water transport infrastructure

Broad Approaches

Regulatory

Develop a policy framework, cross region rules, development standards and methods that:-

- Integrate Te Ao Māori (Māori values) such as Tikanga and Matauranga Māori through all aspects of the Unitary Plan;
- Acknowledge Māori concepts and indicators as legitimate approaches to sustainable management of certain resources (where supporting Indigenous Research has been undertaken to support this);
- Utilise knowledge contained within existing Iwi Management Plans
- Provide guidance on how and when to engage with Māori in an effective and meaningful way in resource management processes.
- Provide guidance on when a cultural heritage assessment is required;
- Provide guidance on measures to reduce disturbance and modification to culturally significant areas (e.g. pa, papakainga, waahi taonga, waahi tapu, mahinga kai, whai kaimoana) using low impact design and development.
- Provide a flexible approach for traditional land uses such as papakainga and marae to establish and develop in a variety of forms, densities and locations within the Auckland region.
- Explore opportunities for a waiver of development, reserve and other financial contributions on Māori land;
- Translates the outcomes of (finalised) Treaty Settlements within the Plan, and by making provision for Council sponsored Plan changes to incorporate Treaty Settlement legislation to enable Māori to fully realise their social, economic, environmental and cultural aspirations for this land;
- Explore opportunities and techniques for Māori involvement in resource management through co-governance on appropriate matters from section 33 transfer of powers, establishment of Mana Whenua under section 187-188 as heritage protection authorities, or s36(b)-(e) inclusive joint management or other non-regulatory measures such as a memorandum of understanding;
- Develop a clear definition of the concept of co management.

Explore the use of maps / overlays and schedules to:-

- Indicate which groups have a particular interest over a particular area or where an Iwi Management Plan or co management agreement is in place, and provide guidance;
- Identify and map Māori land within the Plan, consider the use of zones or overlays to describe the type of land and to develop a policy framework and provisions that will help to overcome barriers to development;
- Explore options for concept or master planning (iwi spatial plans) of key sites on Māori land or within Growth Areas to enable opportunities for economic development, tourism, protection and enhancement of cultural heritage values, provision of communal infrastructure and community facilities such as papakainga and marae;

Heritage

The Heritage Issues Paper is divided into three parts (natural cultural and historic). For the full version of the report refer to Technical Paper 2 - Issues Paper – Heritage.

Key Issues

Natural Heritage

1. Protecting Outstanding Natural Landscapes and Outstanding Natural Features from Inappropriate Subdivision, Use and Development

2. Protecting the visual integrity of the Volcanic Cones
3. Managing the effects of change on the landscapes and amenity values of Auckland.
4. The need to maintain or upgrade regionally significant infrastructure can result in significant adverse visual effects on the landscape
5. Trees that are identified as significant or notable should be afforded an appropriate level of protection
6. Trees that are not notable or significant ecological features may need some level of protection.
7. Restrictions on the removal or trimming/pruning of trees on private land is contentious and high profile
8. There is a lack of understanding about the relationship between plan provisions relating to trees, and the state of the resource, particularly in urban areas.

Sites of Significance to Māori

1. Development of criteria for identifying Māori sites of significance
2. Identification and management of sites of significance to Māori
3. Management of sites of significance to Māori that are not identified through the Unitary Plan
4. Recognising that cultural landscape values are important in their own right and understanding the relationship with other scheduled features.

Historic Heritage

1. Management, protection and conservation
2. Robust information
3. Shared understanding
4. Development pressures and opportunities.

Broad Approaches

Regulatory

Natural Heritage

Develop a policy framework, cross region rules, development standards and methods that:-

- Develop design guidelines that would be linked to policies to provide guidance on acceptable management approaches within different landscapes.
- Explores the use of controls on establishment of new buildings, vegetation clearance, subdivision, earthworks, riparian planting in line with the direction set by Change 8 to the Auckland Regional Policy Statement, recent legislation (national policy statements) and relevant case law.
- Provides a clear direction on how landscape values can be managed.
- Requires the consideration of landscape values to be a consideration in the design and location of regionally significant infrastructure;
- Explore the use of transferrable development rights in areas most sensitive to change.
- Provide clarity on what type of development is and is not acceptable within the different landscape types and address by way of zone or overlay and provide clear direction on how landscape values can be managed.
- Provide clear guidance on the management and protection of the values of natural heritage features.
- Development of a region wide criteria for assessing the significance of notable trees and an associated methodology.
- Development of a consistent region wide schedule of notable trees, based predominantly on 'rolling over' existing scheduled items and the trees that have been assessed as part of the plan change process currently being processed by the Operative Plan teams.
- Develop an appropriate policy and regulatory response, including identifying appropriate permitted region wide activities for all notable trees

- Use the guidance provided in the declaration received by Council from the Environment Court to identify where rules protecting trees in urban environments could be appropriate in the Unitary Plan.
- Produce set of simplified tree protection rules (for groups of trees).
- Consideration of a reasonable set of permitted exceptions to the tree protection rules.

Explore the use of maps / overlays and schedules to:-

- Review and harmonise the existing regional and district level Outstanding Natural Landscapes, Outstanding Natural Features, Significant Volcanic Features and Significant Geological Features, using criteria in line with recent changes to legislation and case law.
- Identify view shafts and height sensitive areas within the Plan.
- Undertake more detailed spatial planning in areas under pressure from growth to respond to Landscape issues and consider the use of the thematic layering approach to identify the range of landscape values (heritage, landscape, cultural) associated with a particular area.

Develop a work plan, over a longer time period that the Unitary Plan to:

- Undertake a region-wide landscape assessment to assess landscape types and develop landscape management areas at a district (local) scale for the Auckland region.

Sites of Significance to Māori

Develop a policy framework, cross region rules, development standards and methods that:-

- Provides clear guidance on the process to follow and criteria to use for the identification, management and protection of new sites of significance as they become known.
- Enables the council to assess, and where appropriate decline, activities that diminish, remove or demolish heritage places, trees, features, sites of significance to Māori, or archaeological sites;
- Provides a protocol for knowledge management for information that may not be contained in the Plan (included as a policy in the Unitary Plan or alongside)
- For sites that are not yet identified or that Māori consider too sensitive to include within the Plan, investigate alternative approaches for their protection:-
 - Development of objectives and policies that provide clear guidance on the management of unidentified sites;
 - Inclusion of accidental discovery protocols for certain activities such as earthworks;
 - Requirement for iwi consultation / cultural heritage assessments to be undertaken in areas where there is a high likelihood that cultural values / sites exist (e.g. 2 km inland from the coast);
- Provides clarity on when and how Māori should be involved in consent processes.
- Provides opportunities for co-governance / co-management arrangements for consent applications within cultural landscapes or where cultural values are identified under the RMA for section 33 – transfer of powers or section 36 B-E joint management where appropriate.
- Ensures terminology within the Plan relating to cultural heritage is clear and understood.

Explore the use of maps / overlays and schedules to:-

- Record cultural landscapes, sites of significance to Māori for the region where they have previously been recorded in historical records, research projects, treaty settlement legislation and through Iwi consultation;
- Where cultural landscapes / values are associated with other scheduled items, ensure there is a clear cross reference to the cultural heritage policies and methods in the Plan;

Develop a work plan, over a longer time period that the Unitary Plan to:

- Work with Mana Whenua to undertake a region-wide cultural heritage assessment for the Auckland region.

Historic Heritage

Develop a policy framework, cross region rules, development standards and methods that:-

- Requires the appropriate management, protection and conservation of historic heritage, including the surroundings and context.
- Is based on the development of region wide criteria for assessing historic heritage significance and an associated methodology.
- In addition to existing scheduled items, includes consideration of following items, places and areas of historic heritage:
 - Prioritised public proposals;
 - NZHPT register of historic places, when not already contained in schedules;
 - Draft Auckland Regional Policy Statement historic heritage schedule, when not already contained in schedules;
 - Auckland Regional Plan: Coastal historic heritage schedule, when there is not consistency across the coastal marine area boundary.
- Investigate the development of an approach that requires, due to incomplete knowledge and the complex and evolving nature of historic heritage, a cautious or a precautionary approach be adopted. This may include:
 - Ensuring discretion within decision making to consider known, and subsequently discovered historic heritage. This may require movement away from the existing permitted activity status for either or both demolition and earthworks;
 - Developing robust resource consent information requirements specific to historic heritage.
- Include agreed definitions and use of consistent terminology within the Unitary Plan for historic heritage and historic character.
- Recognise that historic heritage is interdisciplinary, layered and can involve intangible values, such as waahi tapu.
- Recognise that areas and landscapes may have a historic heritage value above and beyond the individual value of a particular item or place, for example significant groupings that are of collective value.
- Recognise that historic heritage is not limited to those features included within the schedules.
- Roll over existing provisions that recognise and 'protect' items, places and areas of significant historic character.
- Ensure that heritage is seen as an opportunity and that different degrees of heritage values require different degrees of heritage management, conservation and protection
- Develop a methodology that provides opportunities to reveal and enhance historic heritage and recognises the benefits of this to spatial planning and place making. Such a methodology could be used within the central area, (e.g. the Queen Street valley and Karangahape Road ridge).
- Review of transferable development provisions to encourage and support good practice heritage management, protection and conservation.

Explore the use of maps / overlays and schedules to:-

- Develop a consistent region wide schedule of historic heritage, based predominantly on 'rolling over' existing scheduled items.
- Map items, places and areas of historic heritage in a consistent way across the region.

Development of a work program, over a longer time frame than that of the Unitary Plan, to:

- Ensure appropriate and consistent identification (including significance criteria and associated methodology) and tools for the management of items, places and areas of significant historic character within the Unitary Plan.
- Ensure appropriate and consistent identification and management of items, places and areas of significant historic character.

Open Space and Recreation

Open space includes;

- 'green spaces' such as parks and reserves used for amenity purposes and for the protection of biodiversity and cultural heritage;
- sports fields and recreation areas that may contain buildings and structures designed to facilitate physical activity;
- the 'blue spaces' such as the region's waterways and harbours;
- the 'grey spaces' such as civic squares, streetscapes and transport corridors; and includes open vistas and views.¹

The high priority issues relating to open space and recreation are identified. For the full version of the report refer to Technical Paper 3 - Issues Paper – Open Space.

Key Issues

1. Existing development and funding are barriers to acquiring the additional open space and recreation land required in existing urban areas as a result of population growth;
2. The accessibility of open space and associated facilities is important in determining the level of use and who the users will be;
3. There is a need for a variety of public open space types to reflect the diverse recreational, heritage, educational and community needs of Auckland residents;
4. The intensity, frequency and type of use can affect the quality of the open space resource;
5. Perceptions of safety affect the use of public open space;
6. Activities & development on open space can adversely affect the amenity values of adjacent areas, particularly residential areas;
7. The relationship between Tangata Whenua and the land and natural and cultural resources could be better expressed in the region's public open spaces;
8. The existing and potential public access to and along lakes, rivers and the coast, and the conservation values of these areas may be adversely affected by subdivision and land use activities (Esplanade reserves and strips);
9. Open Space can be used to provide structure to urban areas - from a regional through to a local scale;
10. A well-connected open space network provides a wide array of benefits to people and wildlife and helps to conserve natural ecosystem values and functions, water and air quality, erosion and stormwater management;
11. The benefits of major sports facilities and commercial recreation/entertainment facilities needs to be balanced with the amenity of adjacent areas and reverse sensitivity issues;
12. The management of public open space in order to address the above issues;
13. The management of private open space e.g golf courses; and
14. Providing for temporary recreational events/activities with a minimum of regulation.

Broad Approaches

Regulatory

- Designations;
- Financial contributions;
- Open space zones/outcomes/environments (based on the parks and reserve categories currently being developed) and activity tables;
- Concept plans (these are typically associated with a zone) but can be used to specify site specific controls e.g building envelopes, height controls;

¹ Auckland Regional Council. Regional Growth Forum. Auckland Open Space Strategy, 205, P. 4.

- Infrastructure activity tables and performance standards
- Subdivision performance standards (location and design of public open space as opposed to taking a financial or development contribution);
- Crime Prevention Through Environmental Design (CPTED) principles;
- Resource consent conditions;
- Develop rules setting out the requirements for esplanade reserves and strips (based on the Act's requirements);
- Develop criteria for situations where open space should be acquired;
- Develop criteria (or objectives and policies) to provide guidance on the situations where public access to the coast, rivers and lakes may not be required and/or the width of access may be reduced;
- Providing for medium and higher density housing in areas with good access to public transport and public open space;
- Incorporate or refer to Area Plans, Structure Plans and/or Concept Plans, identifying where open space linkages are required particularly in greenfield areas (given effect to through the subdivision process);
- Special Purpose – “Major Recreation Facility” zoning and associated rules;
- Enable those temporary recreational activities with minor adverse effects as permitted activities;
- Set a threshold (relating to scale, duration, and nuisance effects such as noise) for when a temporary recreational activity or event with potentially significant adverse effects would require resource consent.

Community and Social

The Community and Social Issues Paper is divided into eight short sections. It addresses the key issues creating barriers for people and communities to provide for their social and cultural well-being as well as their health and safety. For the full version of the report refer to Technical Paper 4 - Issues Paper – Community and Social.

Key Issues

General

1. What are the best regulatory tools for addressing social issues e.g. bylaws v Unitary Plan
2. The use of clearly defined terminology and categorisation within the unitary plan that is consistent with complementary policy and legislation.
3. Project alignment of the unitary plan with the project plans and consultation required for complementary topics;

Commercial Sex Industry

1. Effective and long term regulation of the commercial sex industry;
2. Commercial sex activities operating at a commercial scale in residential areas and the adverse effects on residential amenity;
3. The negative effects that commercial sex premises have on business viability;
4. Crime, harm and safety: Commercial sex premises and street prostitution have been associated with organised crime and diminish the perception of safety for the occupants and users of the receiving environment in both commercial and residential areas.
5. Commercial sex premises can create resource intensive demands on enforcement teams.

Alcohol

1. Planning controls and the relationship with proposed legislation;
2. Public safety;
3. The consumption of alcohol in public space;
4. Licensed premises can create resource intensive demands on enforcement teams.

Gambling

1. The location of gambling venues in areas of high deprivation;
2. The effect of the location and density of gambling venues on behavioural patterns;
3. The wide spread effects of problem gambling.

Social Amenities, Infrastructure and Well-being

1. The inadequate provision of social amenities and infrastructure;
2. The need for social amenities and infrastructure to be accessible;
3. Land availability and barriers to providing social amenities and infrastructure;
4. The effect of perceived levels of safety and attractiveness on use;
5. Neighbourhoods and self sufficiency;

Public Art Specific

1. Appropriate provision;
2. Art can improve the performance of the built environment and help protect the natural environment.

Event Specific

1. Event locations;
2. Environmental effects of events;
3. Restrictive temporary activity provisions;

Public Art and Events

1. The regulatory process can be cumbersome;

Broad Approaches

Regulatory

- Use clearly defined terminology and categorisation in the unitary plan that is consistent with relevant legislation and complementary policy;
- Consider separately categorising and defining small owner operator brothels within the unitary plan from home occupation provisions and provide a set of performance standards or development controls or both for their operation;
- Introduce provisions that incorporate urban design principles and in particular Crime Prevention through Environmental Design (CPTED) as a fundamental component of the built environment to ensure accessible and inclusive communities, to increase the safety for users, to minimise maintenance, to manage the movement and dispersal of people from areas, as well as discourage particular activities;
- Ensure that there is a clear distinction made between what will be regulated via the unitary plan and what will be controlled through complementary policy and bylaws. Align the content of the unitary plan with complementary policy to ensure that the unitary plan cannot be misconstrued as pre-empting the content of other council policy and to ensure that there are no gaps. This can also be achieved by clearly identifying and communicating the RMA provisions and origins of the matters for consideration;
- If council receives submissions on the unitary plan that would be more appropriately considered as part of consultation on other policy, share the information with relevant teams. This may require establishing an information management process;
- Use specific and measurable parameters such as those contained within some legacy council district plans for home occupations to limit discrepancies over the scale of an activity;
- Develop consistent regulatory methods to control the location, density and signs of gambling venues (and licensed premises) supported by matters to be considered within resource consent applications that address social issues;
- Introduce regulatory mechanisms with appropriate enabling controls that:
 - support a comprehensive range of social amenities and infrastructure within existing communities and areas of growth.
 - Support the co-location or clustering, and adaptable use and multiuse of the existing and future social amenities and infrastructure

This will create opportunities that can be realised by either the public or private sector or through partnership with community stakeholders such as Iwi and

- Mataawaka and Pacific People’s organisations, will allow for changes in demographics and will support less land intensive land use patterns;
- Focus the provision of social amenities and infrastructure around areas with walking, cycling and public transport infrastructure or time such transport improvements around these areas to ensure that movement, particularly for children and young people within communities and the region is safe and efficient without relying on private vehicle transport;
 - Investigate regulatory mechanisms that support community facilities around town centres with appropriate controls to balance the protection of the receiving environment whilst not being too restrictive on the activity;
 - Investigate including greater discussion within the unitary plan of the resource management issues surrounding art and events in the region;
 - Introduce regulatory mechanisms with appropriate enabling controls supporting the provision of a range of formal and informal public art, cultural, performance and event spaces, particularly at a local level;
 - Consider more permissive provisions for temporary activities;
 - Investigate the use of financial contributions or development control provisions to provide for public art funding;
 - Use the unitary plan mapping process to identify sites with minimal regulatory hurdles and investigate the feasibility of these sites for the use of public art or events or both. This would allow potentially problematic locations or scales of art (from a RMA/District Plan perspective) to be avoided or for regulatory challenges to be identified in advance or artworks being commissioned.

Recommendation/s

- a) That the report be received

Technical Papers

1. Treaty of Waitangi – Issues and Broad Approaches Report
2. Heritage - Issues and Broad Approaches Report
3. Open Space and Recreation - Issues and Broad Approaches Report
4. Social & Community - Issues and Broad Approaches Report

Signatories

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