

SECTION 32 REPORT

Kororāreka Russell Township Zone and Kororāreka Russell Heritage Area Overlay

May 2022

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1 Executive Summary

The analysis provided in this report is intended to assist Far North District Council (**Council**) to fulfil its obligations under Section 32 of the Act.

Kororāreka Russell is in the heart of the Bay of Islands occupying a unique place in New Zealand's past, having many historic heritage buildings, sites and areas of local, regional and national significance. Kororāreka Russell is a historically significant location of Māori and Early European settlements. It is representative of the rich tapestry of early Māori, European, Colonial, and Modern settlement within the District. Subdivision use and development can damage historic heritage within Kororāreka Russell and warrants specific recognition and protection within the Proposed Far North District Plan (**PDP**).

Due to the unique characteristics and historic significance of Kororāreka Russell township, a multi-layered approach to managing development is required in the form of a zone and heritage area overlay to ensure built character, historic and cultural heritage are appropriately managed. This will take the form of a special purpose zone 'Kororāreka Russell Township Zone' (**KRTZ**) and a heritage area overlay 'Kororāreka Russell Heritage Area Overlay'.

The KRTZ is largely contained within the historical boundaries, topography, original street layout and subdivision patterns and road network established in the 19th century. The wider townscape is defined by a continuing relationship to the foreshore between the north and south headlands, originally flanked by pa sites. The KRTZ captures the historical associations, surviving architecture and picturesque harbour edge landscape qualities that contribute to Russell's identity, and highlights its significance at the district, regional and national level.

The KRTZ provides for residential development and non-residential activities that are compatible and protect the characteristics and historical significance of Kororāreka Russell, in a refined format that captures the intent of the special area provided in the Council Operative District Plan (**ODP**). The Kororāreka Russell Heritage Area Overlay outlines the unique heritage values, context and landscapes requiring protection within Kororāreka Russell and contains specific objectives, policies and rules to achieve this. The Kororāreka Russell Heritage Area Overlay will be contained within the Heritage Area Overlay Chapter that will sit alongside the Historic Heritage Chapter under Part 2 – District Wide matters. It includes objectives and policies relevant to the protection of heritage resources that must be considered when assessing proposals within the Kororāreka Russell Heritage Area Overlay. As such, it is important that the Historic Heritage and Heritage Area Overlay Chapter Section 32 is read in conjunction with this Section 32 report to understand the intent of the Heritage Area Overlay, its spatial context and significance in the context of Kororāreka Russell.

The main changes to the overall management approach for Kororāreka Russell include:

- Provisions that align with the 'hybrid approach' of the PDP that focus on effects and activity-based rules compared to the effects-based approach in the ODP.
- The articulation of the overall purpose of the KRTZ, with clear policy direction and integration with the wider policy framework, particularly the Kororāreka Russell Heritage Area Overlay.
- Location of the noise and signs provisions within the respective PDP Noise and Signs Chapters to align with the Planning Standards.
- Alignment of the KRTZ chapter with the direction of the General Residential Zone chapter, whilst recognising objectives and policies specific to Kororāreka Russell.
- An increase in the spatial extent of the Kororāreka Russell Heritage Area Overlay in the PDP to align with the recommendations of the technical evidence provided in the Plan.Heritage Report.

- Retention of the spatial extent of the ODP Russell Heritage Precincts. However, these are now referred to as 'Part A – The Strand', 'Part B – Wellington Street' and 'Part C – Christ Church' to align with NPS direction.
- Recognition of the relevant PDP overlays are located either fully or partially within Russell, and provision of a consolidated list of objectives, policies, rules and standards that specifically address activities within Russell.

2 Introduction and Purpose

2.1 Purpose of report

This report provides an evaluation undertaken by the Council in preparation of district plan provisions for Kororāreka Russell in the PDP. This assessment is required under section 32 of the Resource Management Act 1991 (**RMA**).

Section 32 of the RMA requires Councils to examine whether the proposed objectives are the most appropriate to achieve the purpose of the RMA and whether the provisions (i.e., policies, rules and standards) are the most appropriate way to achieve the objectives. This assessment must identify and assess environmental, economic, social, and cultural effects, benefits and costs anticipated from the implementation of the provisions. Section 32 evaluations represent an on-going process in RMA plan development and a further evaluation under section 32AA of the RMA is expected throughout the review process in response to submissions received following notification of the PDP.

In preparation of this section 32 evaluation and review of the ODP, Council engaged independent historic heritage technical experts to review the existing heritage precincts and associated special purpose zones. Plan.Heritage are heritage experts with qualifications in archaeology, cultural heritage and geology. This s32 evaluation has been supported by Plan.Heritage technical review refer to **Appendix 1 and 2**.

The structure and format of this report differs from other zone section 32 evaluations, as this report focuses on the provisions of the Kororāreka Russell Township Zone (**KRTZ**) and proposed Kororāreka Russell Heritage Area Overlay in the PDP. As noted earlier in this report, the Kororāreka Russell Heritage Area Overlay has been applied and works in combination with the KRTZ to protect heritage resources and must be evaluated in an integrated approach. The Kororāreka Russell Heritage Area Overlay will be contained in the Heritage Area Overlay Chapter, that will sit alongside the Historic Heritage Chapter under Part 2 – District Wide matters. This report should be read in conjunction with the Historic Heritage and Heritage Area Overlay Chapter Section 32 to understand the intent, spatial extent and significance of the heritage area overlay, to see the integration and management of other heritage areas, and how historic heritage is being managed generally. Additionally, while this report covers the provisions in the KRTZ chapter, and considers subdivision, consideration should also be given to the standalone Subdivision Section 32, which will provide additional information.

Currently, provisions for managing use and development within Kororāreka Russell ('Russell') are split across various chapters of the ODP, including a special zone, three heritage precincts, and the Russell Township Basin and Gateway Area. The provisions of the ODP Special Purpose 'Russell Township Zone' are contained within Chapter 10.9 under Part 2 'Environmental Provisions', while the Russell precincts and Russell Township Basin and Gateway Area are addressed within Chapter 12.5 of the district wide provisions.

This report sets out the issues for the Kororāreka Russell Township Zone and Kororāreka Russell Heritage Area Overlay, provides an overview of the statutory and policy context, and any specific consultation. The report also includes a review of the ODP and evaluation of alternatives to determine the most appropriate way(s) to achieve the purpose of the RMA in relation to Russell, including its special purpose zoning and layered historic heritage provisions.

2.2 Overview of topic

Russell is located in the Bay of Islands and is situated to the north-east of the Waitangi and Paihia townships. The land within Russell has been developed for a mix of residential, commercial and recreational uses which is reflected in the diverse ODP zoning across Russell which comprises of Open Space, Commercial and Russell Township zones.

The Russell Township is shown in **Figure 1** below.

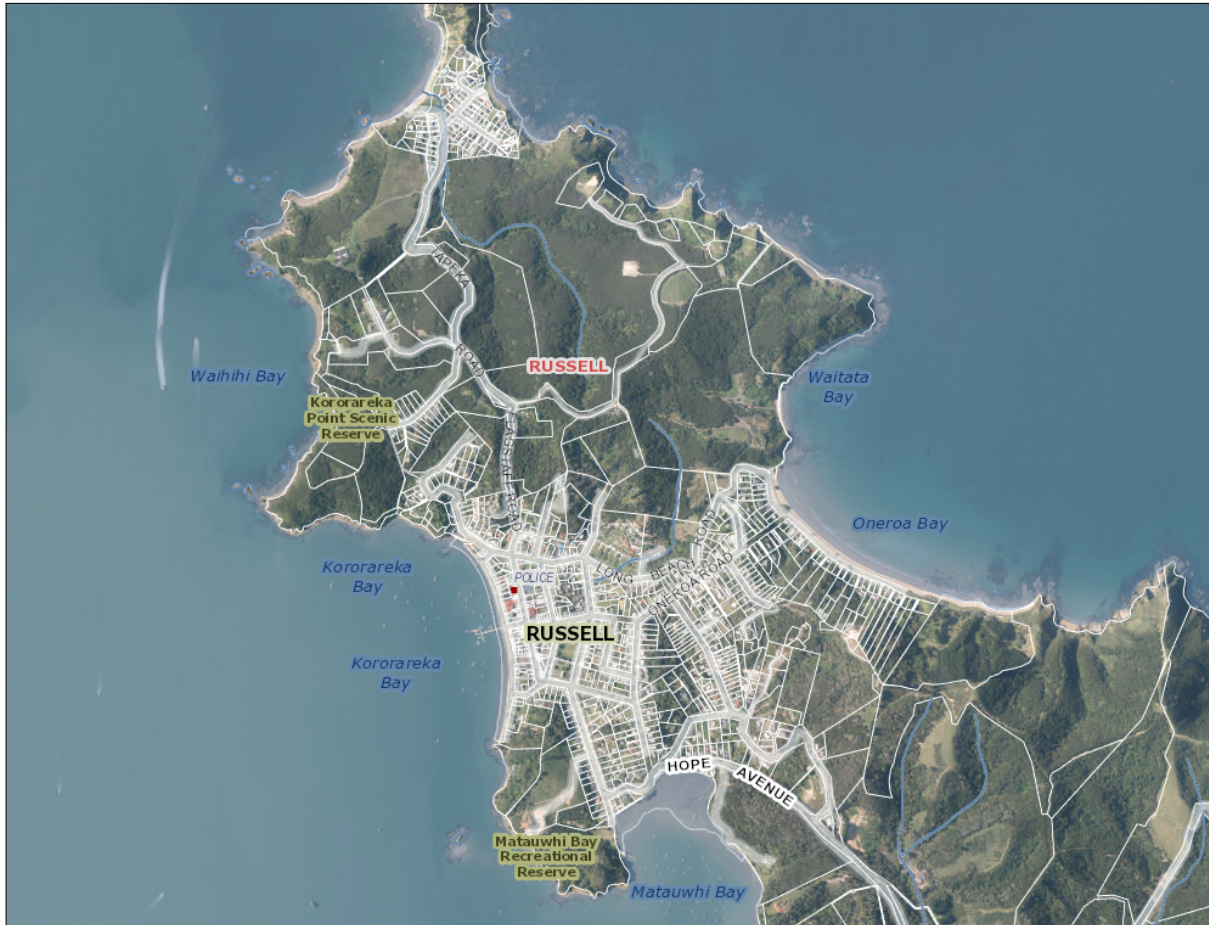


Figure 1: Aerial Image of Russell Township (Source: Emaps)

Russell is identified as a Heritage Precinct in the ODP as it is a historically significant location of Māori and Early European settlement in the Bay of Islands. The ODP contains three heritage precincts within Russell ('The Strand', 'Wellington Street' and 'Christ Church'), each encompassing heritage values significant to Russell. Additionally, there is the Russell Township Basin and Gateway Area, which provides a visual buffer area around the precinct which contains archaeological sites with relatively high sensitivity to early Māori and European occupation, and reflects original 19th century street layout and subdivision patterns in Russell. The three heritage precincts and Russell Township Basin and Gateway Area is shown in **Figure 2** below.



Figure 2: Map of ODP Russell Heritage Precincts (outlined black) and Russell Township Basin and Gateway Area (outlined purple) (Source: Plan. Heritage Report)

Russell is recognised for its historic heritage values due to historical associations with early Māori and Pakeha settlement, strong architectural significance due to presence of the intact built heritage sites, original street layout, roading network and subdivision patterns, the presence of culturally significant and archaeological sites, and surviving visual landscape characteristics, including Matauwhi Bay and two headlands provided to the north and south of the beach.

It is considered that specific objectives, policies, provisions and spatial layers are required to manage these heritage resources, which are proposed within the KRTZ Chapter and Kororāreka Russell Heritage Area Overlay. These chapters will mainly encompass the existing heritage precincts and Russell Township Basin and Gateway Area visual buffer provided for under the ODP framework. This approach will ensure effective management of heritage resources and values within Russell while providing for compatible land use, subdivision and development.

The proposed changes to the provisions pertaining to the KRTZ Chapter and Kororāreka Russell Heritage Area Overlay are part of a consolidated review of the ODP. The proposed management approach intends to streamline the policy framework for Russell township by providing a clear hierarchy of objectives, policies and rules across the zone and overlay. The multi-layered approach to manage historic heritage in Russell in the ODP, including three heritage precincts and the visual buffer has been integrated into the PDP framework. Format and structure changes are also proposed to align with the PDP hybrid plan approach to ensure the KRTZ Chapter and Kororāreka Russell Heritage Area Overlay are consistent with regional and national policy direction, which also align with the format of the Historic Heritage and Heritage Area Overlay chapters overall.

Land use and development within the KRTZ is managed by the policy framework and provisions outlined in the KRTZ Chapter, which is supported by the Kororāreka Russell Heritage Area Overlay that provides objectives, policies and rules to specifically manage heritage resources within the Russell township. The Kororāreka Russell Heritage Area Overlay provisions specifically manage activities within the three heritage parts (known as 'Part A – The Strand, 'Part B – Wellington Street' and 'Part C – Christ Church' which affords the highest level of protection within Russell. Details of the overall approach to managing heritage resources within the Far North District are contained within the Historic Heritage and Heritage Area Overlay Section 32 Report. Further details are provided in the Historic Heritage and Heritage Overlay s32.

Russell is subject to a number of PDP overlays and their provisions. Each overlay has been evaluated within separate section 32 reports prepared by Council.

The proposed KRTZ Chapter and Kororāreka Russell Heritage Area Overlay will not conflict with any of the relevant overlay provisions listed below:

- Coastal Environment (**Figure 3**)
- Sites and Areas of Significance to Māori (**Figure 4**)
- High Natural Character (**Figure 5**)
- Outstanding Natural Landscape (**Figure 6**)
- Coastal Flood Hazard - Zone 1 and Zone 2 (**Figure 7**)

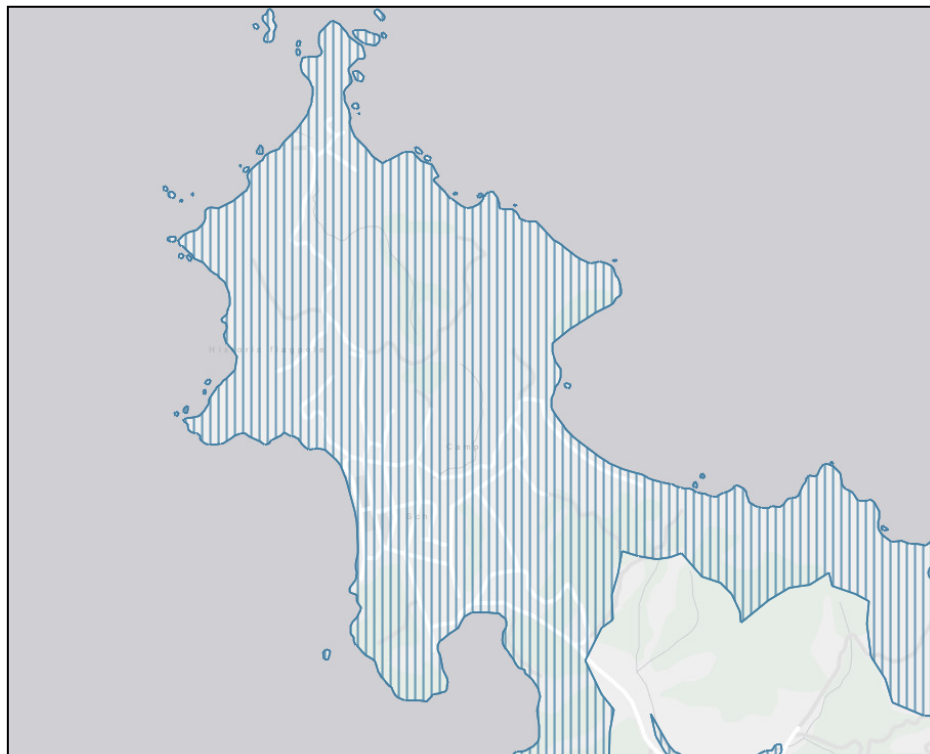


Figure 3: Coastal Environment Overlay (Source: PDP Maps)

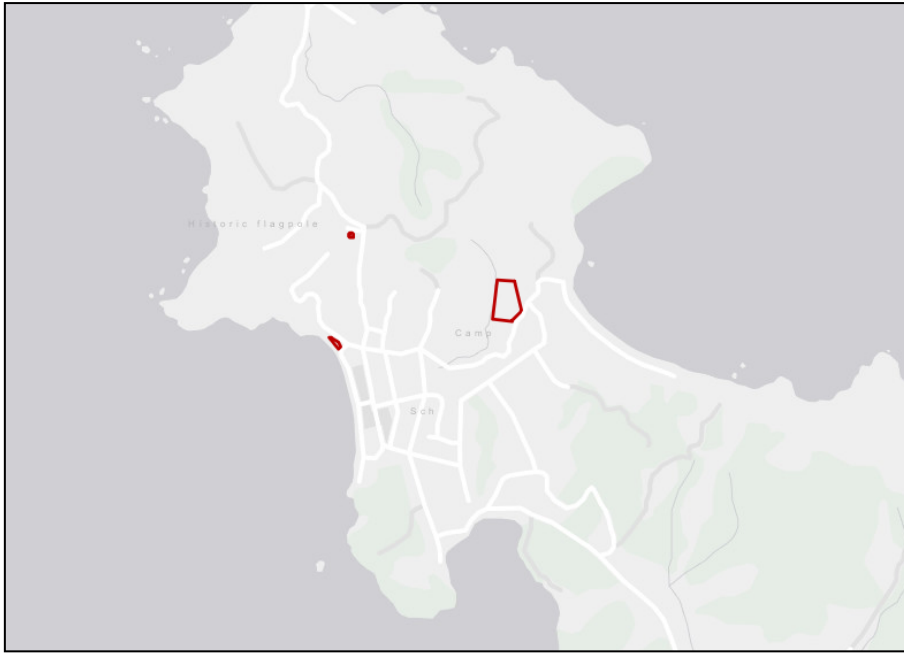


Figure 4: Sites of Significance to Māori (Source: PDP Maps)

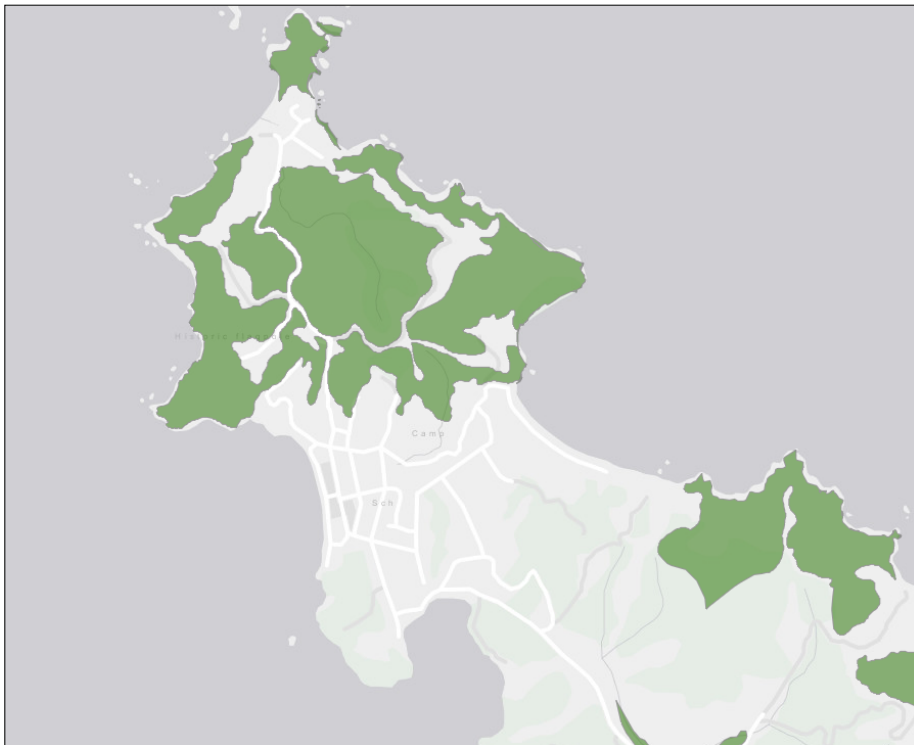


Figure 5: High Natural Character, ID 08/08 Tapeka (Source: PDP Maps)

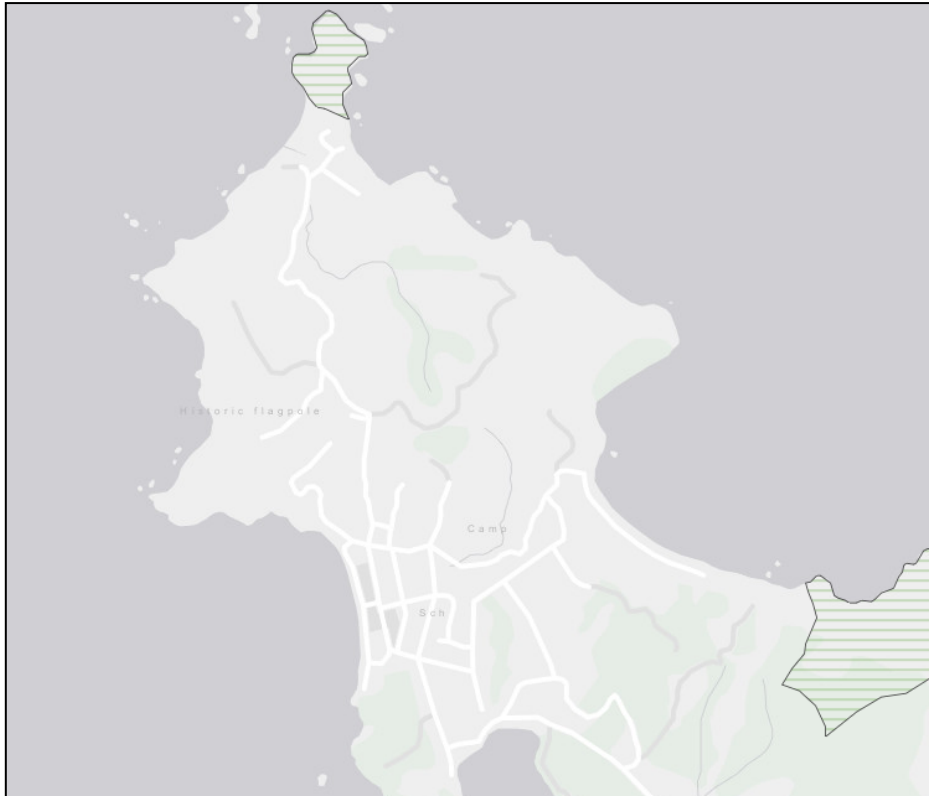


Figure 6: Outstanding Natural Landscape (Source: PDP Maps)

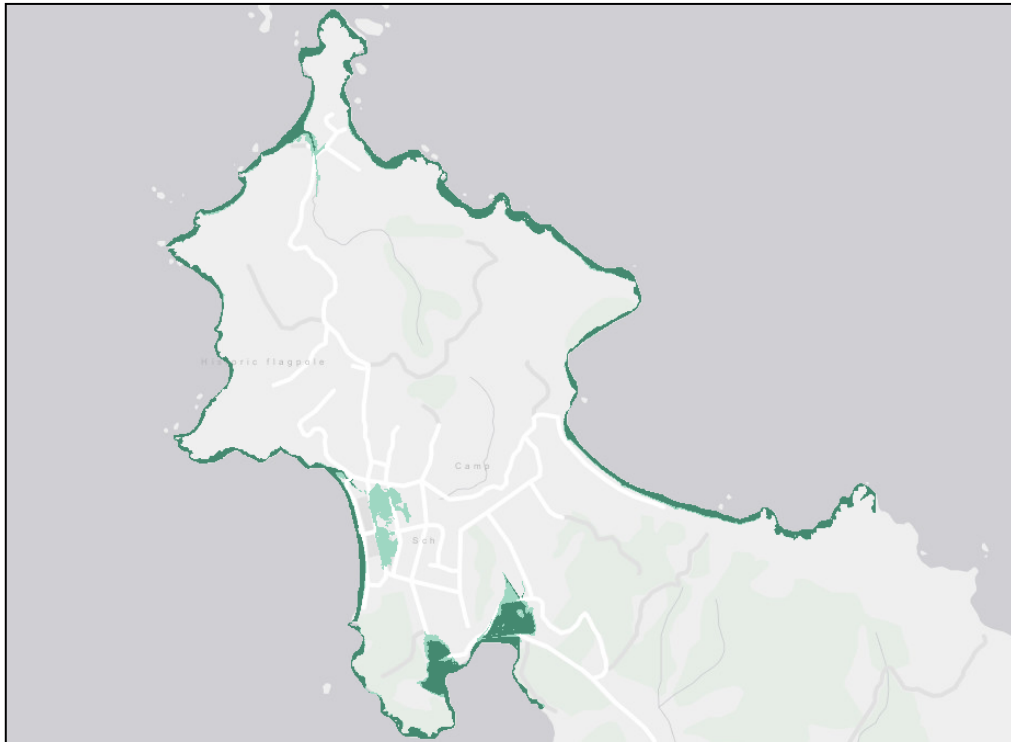


Figure 7: Coastal Flood Hazard Zone 1 (shaded light green/blue) and Zone 2 (shaded green) (Source: PDP Maps)

3 Statutory and Policy Context

3.1 Resource Management Act 1991

The **Section 32 Overview Report for the PDP** provides a summary of the relevant statutory requirements in the RMA relevant to the PDP. This section provides a summary of the matters in Part 2 of the RMA (purpose and principles) of direct relevance to this topic.

Section 74(1) of the RMA states that district plans must be prepared in accordance with the provisions of Part 2. The purpose of the RMA is the sustainable management of natural and physical resources which is defined in section 5(2) of the RMA as:

“...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.”*

To achieve the purpose of the RMA, all those exercising functions and powers under the RMA are required to:

- Recognise and provide for the matters of national importance identified in section 6
- Have particular regard to a range of other matters in section 7
- Take into account the principles of the Treaty of Waitangi in section 8 of the RMA.

The following section 6 matters are directly relevant to Kororāreka Russell:

- (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 significant indigenous vegetation and significant habitats of indigenous fauna.
- (e) The relationship of māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.
- (g) The protection of historic heritage from inappropriate subdivision, use and development.

Section 6(f) is of primary relevance and specifically identifies the need to protect historic heritage from inappropriate development, use and subdivision. Section 6(e) is an equally important consideration as the relationship of Māori with their ancestral lands and wāhi tapu form part of the unique heritage values within Kororāreka Russell which is reflected in the expansion of spatial extent of the heritage overlay.

In addition to these key matters, Kororāreka Russell contains areas of High Natural Character across parts of the KRTZ, and the entire zone is identified within the coastal environment, which are all considered to be matters of importance. The overlays identified in Figures 3-5 and 7 above apply to the KRTZ and will be appropriately managed by the relevant District-Wide Matter provisions in the PDP.

The following section 7 matters are directly relevant to the KRTZ Chapter and Kororāreka Russell Heritage Area Overlay:

- (a) Kaitiakitanga;

- (b) The efficient use and development natural and physical resources;
- (c) Maintenance and enhancement of the quality of the environment;
- (g) Any finite characteristics of natural and physical resources; and
- (i) The effects of climate change.

Matters listed under Section 7 of the RMA have been considered in the preparation of the KRTZ Chapter and Kororāreka Russell Heritage Area Overlay. The provisions have been drafted to integrate these key matters, particularly given the Russell township is within close proximity to the coastline and is located entirely within the coastal environment overlay.

Section 8 of the RMA requires that all persons exercising functions and powers under it take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), which have been considered in the preparation of the KRTZ Chapter and Kororāreka Russell Heritage Area Overlay.

3.2 Higher order planning instruments

Section 75(3) of the RMA requires district plans to give effect to higher order planning instruments – National Policy Statement (**NPS**), the New Zealand Coastal Policy Statement (**NZCPS**), National Planning Standards (**Planning Standards**), and the relevant Regional Policy Statement (**RPS**). The **Section 32 Overview Report** provides a more detailed summary of the relevant RMA higher order planning instruments relevant to the PDP. The sections below provide an overview of provisions in higher order planning instruments directly relevant to Russell.

3.2.1 National Planning Standards

Section 75(3)(ba) of the RMA requires that district plans give effect to Planning Standards. The Planning Standards were gazetted in April 2019 and the purpose is to assist in achieving the purpose of the RMA and improve consistency in the structure, format and content of RMA plans. The following standards and directions in the Planning Standards are of direct relevance to the KRTZ Chapter and Kororāreka Russell Heritage Area Overlay:

- Historic Heritage is a defined term in the Planning Standards.
- The Planning Standards specify a legend for mapping symbols related to historic heritage, including heritage area overlay, heritage item overlay and heritage item overlay extent.
- The Historic Heritage and Heritage Area Overlay chapters must be contained within Part 2 – District Wide Matters.
- In accordance with Mandatory Direction 10.38, heritage buildings must be contained within schedules which are identified with 'SCHED', followed by a sequential number, a space, an en-dash, and schedule title.
- In accordance with Mandatory Direction 8.3, an additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet all of the following criteria:
 - a. Are significant to the district, region or country
 - b. Are impractical to be managed through another zone
 - c. Are impractical to be managed through a combination of spatial layers

In this case, there is a special purpose zone for the Russell Township in the ODP by way of specific provisions relating to the zoned area. Additional provisions to manage historic heritage, Russell precincts and the Russell Township Basin and Gateway area are provided in a separate Historic Heritage Overlay Chapter contained within the District-Wide provisions. Various options were considered to manage the development by way of a spatial layer or through the General Residential Zone (**GRZ**) proposed in the PDP, however ultimately the retention of the Russell Special Zone in a revised format combined with a Kororāreka Russell Heritage Area Overlay was the most practical option. The enabling density, coverage, bulk and location standards of the GRZ do not appropriately provide for the overall townships character, amenity and historic heritage values. As such, the KRTZ

is included in the PDP as a special purpose zone and the objectives, policies and provisions for the Kororāreka Russell Heritage Area Overlay are included within the Heritage Area Overlay Chapter contained within Part 2 – District Wide Matters. Further, any proposals assessed under the Kororāreka Russell Heritage Area Overlay must also consider the objectives and policies contained in the Historic Heritage Chapter, which sits alongside this chapter in Part 2 – District Wide Matters.

3.2.2 National Policy Statements

Section 75(3)(a) of the RMA requires that district plans give effect to any National Policy Statement (“NPS”). The NZCPS and the National Policy Statement on Urban Development 2020 (**NPS-UD**) are the only Planning Standards directly relevant to the KRTZ Chapter and Kororāreka Russell Heritage Area Overlay.

With respect to the NZCPS, the following key provisions will be given effect to in the KRTZ Chapter and Kororāreka Russell Heritage Area Overlay:

NZCPS	
Policy 1	Extent and characteristics of the coastal environment
Policy 2	Treaty of Waitangi, tāngata whenua and Māori heritage
Policy 6	Activities in the coastal environment
Policy 13	Preservation of natural character
Policy 15	Natural features and natural landscapes
Policy 17	Protect historic heritage in the coastal environment from inappropriate subdivision, use and development

The NZCPS emphasises ‘appropriate’ use of the coastal environment. Objectives and policies focus on, for example, the protection of natural character, retention of historic heritage and the management of the coastal environment from inappropriate use and development while enabling people and communities to provide for their social, economic and cultural well-being. Further, the NZCPS recognises that the Māori heritage contributes to the extent and characteristics of the coastal environment. In this case, the NZCPS is of particular relevance as the Russell township is located entirely within the coastal environment (**Figure 3**) with the potential for urban activities to establish within the zone. Therefore, it is necessary to consider the NZCPS. Further, parts of the zone are mapped within areas of High Natural Character (**HNC**).

The proposed provisions are designed to give effect to the relevant provisions of the NZCPS identified above. In particular, the proposed objectives and policies seek to strike an appropriate balance between providing for development in Russell that does not compromise historic heritage and amenity values, whilst preserving and protecting the natural character of the coastal environment. Further, the implementation of the district-wide overlays that relate to the natural values will ensure the appropriate protection and management of these natural character values.

National Policy Statement on Urban Development 2020

The NPS-UD requires councils to plan well for growth and ensure a well-functioning urban environment for all people, communities and future generations. Council does not qualify as a tier 1, 2 or 3 Council, therefore the NPS-UP does not apply, however the creation of well-functioning urban environments has still been applied where possible.

The NPS-UD does not have policy specifically referencing historic heritage or Russell; however, it does recognise the relevance of Heritage Orders.

The proposed KRTZ and Kororāreka Russell Heritage Area Overlay provisions are consistent and align with the NPS-UD. In particular, the NPS-UD provides for growth while protecting heritage resources. The KRTZ chapter is not a direct rollover the ODP Russell Township special zone objectives, policies and provisions, as the KRTZ should align with the direction and refinements made to other PDP residential zoned chapters.

3.2.3 National Environmental Standards

Section 44 of the RMA requires local authorities to recognise National Environmental Standards (**NES**) by ensuring plan rules do not conflict or duplicate with provisions in a NES. The following NES are directly relevant to the Kororāreka Russell Heritage Area Overlay, but not the KRTZ Chapter.

- National Environmental Standard for Telecommunication Facilities (**NES-TF**)
- National Environmental Standard for Electricity Transmission Activities (**NES-ETA**)

The NES-ETA regulates earthworks under an Electricity Transmission Line as a restricted discretionary activity within the Kororāreka Russell Heritage Area Overlay.

The NES-TF regulates activities that are carried out in a place identified in the district plan as subject to historic heritage rules, and defaults to the plan.

The proposed provisions within the Heritage Area Overlay Chapter do not duplicate the NES-TF and NES-ETA.

3.2.4 Regional Policy Statement for Northland

Section 75(3)(c) of the RMA requires district plans to ‘give effect’ to any RPS. The RPS was made operative on 14 June 2018. The table below outlines the provisions in the RPS are directly relevant to Russell.

RPS 2016	
Objective 3.14	Natural character, outstanding natural features, outstanding natural landscapes and historic heritage
Objective 3.15	Active Management
Policy 4.5.3	Assessing, identifying and recording historic heritage
Policy 4.6.2	Maintaining the integrity of heritage resources
Policy 4.7.1	Promote active management
Policy 4.7.2	Support landowner and community efforts
Policy 5.1.1	Planning and coordinated development

The RPS covers the management of natural and physical resources across the Northland Region. The provisions within the RPS give guidance at a higher planning level in terms of the significant regional issues. The RPS objectives and policies and the implementation method require the PDP to impose regulatory controls that provide for use, development and subdivision which should be designed, located and built in a planned and co-ordinated manner.

In particular, RPS policy 4.6.2 provides specific directive policy direction with respect to the protection of historic heritage to ensure adverse effects on historic heritage are avoided, mitigated and remediated. The PDP KRTZ Chapter and Kororāreka Russell Heritage Area Overlay will give effect to this policy through the identification of resources, Russell special zone and heritage area overlay with provisions that manage development and its effects. The PDP approach will ensure historic heritage resources are protected and appropriately managed, giving effect to the RPS policy direction.

The RPS also requires a higher level of protection of the coastal environment, natural character, outstanding natural features and landscapes and historic heritage resulting in the need to have stricter controls on subdivision, use and development within these mapped overlays. The KRTZ Chapter contains specific objectives and policies to recognise and protect the values of the coastal environment in accordance with RPS direction. Further, the district wide overlays within the PDP will direct the approach to the management of these nationally important natural environment values.

3.3 Regional Plan for Northland

Section 75(4)(b) of the RMA states that any district must not be inconsistent with a regional plan for any matter stated in section 30(1) of the RMA. The operative Northland Regional Plans and proposed Northland Regional Plan are summarised in the **Section 32 Overview Report**. The table(s) below provides an overview of regional plan provisions directly relevant to Russell.

3.3.1 Regional Coastal Plan for Northland 2016

The Regional Coastal Plan includes policy and assessment criteria which are applied in considering applications for resource consents. There are no specific rules relating to the management of historic heritage resources or any mention of the Russell Township specifically. However, where an application is considered to cause modification, alteration or destruction to a site that is considered be of historic importance, consent is required as a discretionary activity.

3.3.2 Regional Water and Soil Plan for Northland

This plan covers the effects of land use activities on water and soil in Northland above the line of mean high-water springs. In the beds of lakes and rivers, historic heritage is only a consideration if a consent is triggered and only as a matter of assessment.

3.3.3 Proposed Regional Plan for Northland (Appeals Version)

The table below provides an overview of the regional plan provisions directly relevant to the KRTZ Chapter and Kororāreka Russell Heritage Area Overlay.

Proposed Regional Plan	
Objective F.1.3	Indigenous ecosystems and biodiversity
Objective F.1.5	Enabling economic well-being
Objective F.1.9	Tāngata whenua role in decision-making
Objective F.1.10	Natural hazard risk
Objective F.1.11	Improving Northland's natural and physical resources
Objective F.1.12	Natural character, outstanding natural features, historic heritage and places of significance to tangata whenua
Policy D.1.4	Managing effects on places of significance to tāngata whenua
Policy D.1.5	Places of significance to tāngata whenua
Policy D.2.1	Rules for managing natural and physical resources
Policy D.2.2	Social, cultural and economic benefits of activities
Policy D.2.16	Managing adverse effects on historic heritage
Policy D.2.17	Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features
Policy D.2.19	Managing adverse effects on land-based values and infrastructure

The Proposed Regional Plan combines the operative Regional Plans (coastal, air quality, water and soil) into one plan. The provisions of the Proposed Regional Plan relating to coastal water quality, land disturbance, stormwater discharges, vegetation clearance, water quality and air quantity will be relevant for any proposed development, particularly in the KRTZ Chapter that provides for both residential and non-residential activities that are compatible and protect the characteristics and historical significance of Russell. Policy D.2.16 is specifically relevant to the KRTZ Chapter and Kororāreka Russell Heritage Area Overlay as it seeks to ensure any adverse effects on historic heritage are appropriately managed. There are a suite of rules relating to historic heritage, including the removal maintenance, repair, reconstruction, removal and replace of heritage buildings and sites provided for as either a permitted or non-complying activity.

The relevant objectives and policies have been taken into consideration in the drafting of the proposed KRTZ Chapter and Kororāreka Russell Heritage Area Overlay or otherwise addressed within the respective District-Wide Matters chapters.

3.4 Iwi and Hapū Environmental Management Plans

When preparing and changing district plans, Section 74(2A) of the RMA requires Council to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present there are fourteen Iwi planning documents accepted by Council which are set out and summarised in the Section 32 Overview Report. The key issues in these plans that have been taken into account in the preparation of the provisions for the KRTZ Chapter and Kororāreka Russell Heritage Area Overlay are as follows:

- Protecting wāhi tapu and sites of cultural and historical significance;
- Most of the iwi and hapū management plans recognise the importance of the ‘Accidental Discovery Protocol’ within the PDP to manage land use, development and subdivision within areas of cultural and historical significance. The Heritage Area Overlay Chapter includes standards to implement this protocol as appropriate;
- Kororāreka Marae Hapū Management Plan (**KMHMP**) is directly relevant to the Russell area. In particular, the KMHMP seeks that Kororāreka Marae are consulted and engaged in discussions on sites relating to wāhi tapu within Russell. The KRTZ Chapter does not provide for compulsory engagement with Kororāreka Marae for proposed works on sites of identified cultural significance, however the requirements of the RMA and HNZPT will ensure appropriate engagement is undertaken with iwi and hapū. In particular, the Accidental Discovery Protocol (HH-S3/HO-S3) requires engagement with mana whenua, which provides consultation opportunities for Kororāreka Marae and aligns with the recommendation of the KMHMP;
- Many iwi and hapū management plans recognise the importance of the Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPT**) and its role in protecting taonga, cultural landscapes and archaeological sites. Recognition and protection of Māori heritage is reflected in the RMA and HNZPT, and the list of sites scheduled under the HNZPT are managed appropriately via District Plan provisions. It is noted that Māori cultural and heritage values are recognised in resource consent processes via the preparation of Cultural Values Assessments or Cultural Impact Assessment to support resource consent applications.
- Various statutory and non-statutory methods are proposed within the iwi and hapū management plans to manage cultural and historic heritage values. Statutory methods include the compulsory requirement for the preparation of landscape and archaeological assessments to support resource consent applications, and the registering of covenants or consent notices on identified wāhi tapu sites complimented by a rates relief scheme to incentivise home owners. The KRTZ Chapter does not address non-statutory methods, however the objectives,

policies and rules have been drafted to take into account landscape, cultural and archaeological values when assessing resource consent applications.

The KRTZ Chapter and Kororāreka Russell Heritage Area Overlay contain numerous identified sites of cultural and historical significance, is located within close proximity to the coast and areas of cultural significance outside the zone boundaries, and is within proximity to the Māori Purpose zoned land. The proposed provisions of the KRTZ Chapter and Kororāreka Russell Heritage Area Overlay will ensure sufficient setback of future site development to afford a level of protection to the surrounding areas of cultural significance and Māori Purpose zoned land to ensure appropriate management is undertaken. Further, land disturbance and development within the identified overlays, such as high natural character and the coastal environment will be managed.

3.5 Other Legislation and Policy Documents

When preparing or changing a district plan, section 74(2)(b)(i) of the RMA requires council to have regard to management plans and strategies prepared under other Acts to the extent that it has a bearing on resource management issues of the district. The **Section 32 Overview Report** provides a more detailed overview of strategies and plans prepared under legislation that are relevant to PDP. This section provides an overview of other strategies and plans directly relevant to Russell.

3.5.1 Far North 2100 – An 80-year strategy for the District

Recognition and protection of historic heritage within the Russell Township is not explicitly mentioned, however indirect references are made to facilitate relationships with iwi and hapū via an implementation plan to build frameworks to development understanding of cultural heritage.

3.5.2 Heritage New Zealand Pouhere Taonga Act 2014

In addition to any requirements under the RMA, the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT) is relevant to the preparation of the KRTZ Chapter and Kororāreka Russell Heritage Area Overlay, as the HNZPT protects all archaeological sites and outlines a list of scheduled historic heritage sites, areas and buildings that must be protected.

The HNZPT protects all archaeological sites whether recorded or not, and they may not be damaged or destroyed unless an “Authority to modify an archaeological site” has been issued by HNZPT (Section 42).

An archaeological site is defined by the HNZPT Section 6 as follows:

archaeological site means, subject to section 42(3),–

- (a) any place in New Zealand, including any building or structure (or part of a building or structure) that –
 - (i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and*
 - (ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and**
- (b) includes a site for which a declaration is made under section 43(1)*

The RMA requires local authorities to have regard to any relevant entry in the New Zealand Heritage List/Rārangi Kōrero established under the HNZPT. Further, local authorities are required to have particular regard to any recommendations from HNZPT concerning the conservation and protection of a historic area or wāhi tapu area.

Scheduled Historic Heritage Sites and Areas may also be archaeological sites under the HNZPTA, as well as any recorded archaeological sites on the NZAA Archsite database, or ‘accidental discoveries’ of unrecorded sites. Depending on the activity, the proposal may require a separate authority application process under the HNZPT. Heritage NZ can also be an affected party when processing resource consent applications for Heritage NZ listed properties.

The level of protection and significance afforded to scheduled sites located within the KRTZ Chapter and Kororāreka Russell Heritage Area Overlay are categorised by HNZPT and recognised by Council during resource consent processing.

3.5.3 Building Act 2004

The Building Act 2004 controls all matters relating to building construction, to safeguard the health, safety, and amenity of people, facilitate efficient energy use, and to protect property from damage. The key regulatory tool is the Building Regulations 1992 which contains the mandatory New Zealand Building Code.

It is the role of the Council to grant or refuse an application for a building consent, based largely on compliance with the building code. The Act states that the territorial authority shall have due regard to any special historical or cultural value of a building.

4 Current State and Resource Management Issues

This section provides an overview of the relevant context for Russell, the current approach to manage the special purpose Russell Township Zone and historic heritage through the ODP, and key issues raised through consultation. It concludes with a summary of the key resource management issues for Russell be addressed through the PDP.

4.1 Context

Russell contains a mix of Residential, Commercial and Open Space zoning across the township which provides for a range of residential and non-residential activities. The ODP Russell Township Zone Chapter provides for the development of new residential and non-residential activities, relocated buildings and alterations and additions to existing buildings across the zone. The historic heritage values of Russell warrant protection under the District Plan which will be managed by the proposed KRTZ and Kororāreka Russell Heritage Area Overlay which provides for specific management of heritage resources and an elevated level of protection to having a General Residential zone. Further, there are a number of overlays identified across the KRTZ in particular the coastal environment and high natural character overlays.

4.2 Operative District Plan Approach

4.2.1 Summary of current management approach

The Russell Township Zone is contained within Chapter 10 'Coastal Environment' under Section 10.9 of the ODP. The provisions relating to historic heritage within Russell are also contained within Chapter 12.5 Heritage and sub-chapter 12.5A 'Heritage Precincts' of the ODP. The ODP is an effects-based plan and has limited activity-based provisions. The ODP approach is summarised below:

- ODP adopts a multi-layered approach to Russell which includes the Russell Township Zone, Russell Township Basin and Gateway Area and Russell Heritage Precincts, which affords protection to historic heritage and heritage resources within Russell.
- The relevant objectives, policies and provisions for management of the Russell Township Zone are contained within Part 2 – Environment Provisions under Chapter 10 of the ODP.
- The relevant objectives, policies and provisions for the management of the Russell Township Basin and Gateway Area and the three Russell Heritage Precincts ('The Strand', 'Wellington Street' and 'Christ Church') are considered within Part 3 – District wide provisions under Chapter 12 of the ODP.
- The ODP applies a higher level of protection to historic heritage within the three Russell precincts, which includes rules controlling scale, finished colour and form of buildings, modification and alteration of scheduled heritage resources and earthworks. Where compliance is not met, resource consent is required.

- The ODP controls activities within the Russell Township Zone with thresholds, including maximum height, setbacks, scale of activities, building scale, stormwater management, sunlight access and hours of operation. Where compliance cannot be met, resource consent is required.
- The provisions relating to noise are addressed and managed in the Russell Township Zone Chapter, and the relevant earthworks, signs and transportation provisions are contained within other district-wide chapters, particularly Chapter 12 'Natural and Physical resources'. Chapter 12.5A does however contain specific provisions relating to earthworks, signs and transportation for sites located within Russell's three heritage precincts. Where a rule in Part 3 (excluding Chapter 12.5A) and rule in the Russell Township Zone Chapter or Chapter 12.5A address the same issue, the rules in the Russell Township Zone and Chapter 12.5A take precedence.
- The ODP in the Russell Township zone provides for subdivision at a controlled and discretionary standard, allowing for smaller lots if sites can connect to Councils reticulated wastewater system as per Chapter 13. There is no specific subdivision rule when undertaking development within a heritage precinct, however preservation of historic heritage is a matter that must be considered as part of any subdivision consent as per rule 13.7.3.9.

4.2.2 Limitation with current approach

The Council has reviewed the current operative district approach, which has been informed by technical advice, internal workshops and feedback from the community and stakeholder feedback. Plan.Heritage have undertaken a comprehensive review of the Heritage Precincts and associated special zones within the ODP, with particular focus on the spatial extent of these areas and relevance of the objectives, policies and provisions. These reports are provided as **Appendix 1 and 2**.

A number of limitations with the current ODP approach have been identified through this process, including:

Special Zone: Russell Township Zone

- The ODP provisions do not align with the hybrid approach which encompasses an effects and activities-based plan, as opposed to the effects-based plan that is reflected within the ODP.
- The ODP structure and drafting is not consistent with the high-level direction provided in the Planning Standards, or preferred electronic plan format.
- The special purpose zone should be located in a single chapter, which is contrary to the current layout in the ODP as the Russell Township Zone is located within the Coastal Environment Chapter
- The Russell Township Zone chapter is contained within Part 2 District Wide matters, instead this should be contained within Part 3 to align with NPS direction.

Russell Heritage Precincts and Russell Township Basin and Gateway Area:

- Definition of heritage terminology, such as 'heritage areas', 'heritage item', 'heritage precincts' and 'historic heritage areas' in ODP is inconsistent and weakly defined, and does not align with heritage terminology used in regional planning frameworks.
- The current hierarchy of provisions relating to Russell is complex, repetitive and fragmented. This requires clearer vertical and horizontal integration of the policy framework to establish the relationship between the policy framework, mapped areas and rules.
- The ODP Russell Township Zone and 12.5A 'Heritage Precincts' Chapter include expected outcomes at the start of each chapter. However, these do not translate into identification criteria, thresholds, heritage categories, assessment criteria or establish methods for evaluating historic heritage sites, items or areas when undertaking subdivision, land use and development proposals.

- The ODP objectives, policies and rules of the Russell Heritage Precincts primarily seek to manage visual effects on the built form (i.e. heritage buildings), with limited attention given to amenity and natural landscape features, such as Matauwhi Bay at the entrance to the Russell township, which are equally significant heritage values that contribute to the historical significance of Russell. The PDP definition of heritage resources extends beyond the built form, and as such the existing objectives, policies and provisions do not appropriately account for all heritage resources within Kororāreka Russell.

Subdivision

- There is no distinct rule in the subdivision chapter for heritage precincts / areas enabling further consideration to be given to the appropriateness of subdividing land within these significant historic heritage areas. This is of particular concern as controlled activity subdivision cannot be declined for heritage matters, and can only have conditions of consent imposed, which may not be appropriate in for all developments.

4.3 Key issues identified through consultation

The **Section 32 Overview Report** provide a detailed overview of the consultation and engagement Council has undertaken with tangata whenua, stakeholders and communities throughout the district to inform the development of the PDP and the key issues identified through this consultation and engagement. This section provides an overview of key issues raised through consultation in Russell and a summary of advice received from iwi authorities on the Russell township.

4.3.1 Summary of issue raised through consultation

There was a high level of interest in in Russell from the community through consultation and engagement on the draft district plan. Key issues identified through this process include:

- **Retain existing historic heritage management approach for Russell** – strong public feedback sought to retain the three Russell precincts and special purpose ‘Russell Township Zone’ to ensure an elevated level of protection, particularly for ‘The Strand Precinct’. Many submitters felt the ODP approach provided greater certainty over the continued preservation of the distinct areas within the Russell Township compared to the Draft Plan which provided a one-size fits all approach to the management of heritage areas. This has been addressed by the retention of a special purpose zone for Russell in the PDP and specific provision of a Kororāreka Russell Heritage Area Overlay that contains rules directly relevant to the management of the three Russell Heritage Precincts and incorporates the spatial extent of the ODP Russell Township Basin and Gateway Area. Further, feedback sought greater restrictions for building colour palettes, streetscape, built form, signage and parking provisions. This has been addressed in the Kororāreka Russell Heritage Area Overlay which imposes greater restrictions on development controls within different parts of the heritage area.
- **Māori cultural heritage** – many of the feedback comments considered there to be insufficient recognition of tāngata whenua values and cultural heritage within Russell. Specifically, concerns were raised that number of pā sites, wāhi tapu, and other significant sites had not been included in the Kororāreka Russell Heritage Area Overlay or scheduled in the Draft District Plan. A separate review of Māori cultural heritage will either be addressed as part of the Sites of Cultural Significance topic via submissions or as dedicated separate plan change.
- **Built Heritage vs Natural Heritage** – some feedback received raised concerns of the lack of recognition and protection of natural and cultural heritage (i.e. pa sites) within the Russell, compared to the strong focus on built heritage, such as historic buildings. The spatial extent of the Kororāreka Russell Heritage Area Overlay provided in the Plan.Heritage report is larger than the Russell Township Basin and Gateway Area buffer in the ODP, to ensure the natural,

cultural and archaeological landscape and tāngata whenua values in Russell are recognised and protected, which also aligns with the PDP definition of heritage resources which encompasses the built, natural and coastal landscapes. To address this concern, the spatial extent provided in the Plan.Heritage Report has been adopted in the PDP to ensure the Kororāreka Russell Heritage Area Overlay accounts for built, natural and cultural heritage within Russell.

- **Effects on properties within Heritage Overlay**– many of the feedback comments raised concerns about the potential development restrictions imposed on sites located within the Kororāreka Russell Heritage Area Overlay that have no significant heritage values. This feedback contradicts the focus on incorporating natural heritage into the Kororāreka Russell Heritage Area Overlay as recognised in the Plan.Heritage Report which highlights the importance of establishing a list of clear heritage values within Russell to clarify their importance and representation in the spatial extent of the heritage area overlay. To address this, the provisions applying to the Kororāreka Russell Heritage Area Overlay are largely targeted at activities within the heritage parts to avoid unnecessary restrictions on property owners on sites with limited to no heritage values or significance. It is considered appropriate to retain the spatial extent of the Kororāreka Russell Heritage Area Overlay recommended in the Plan.Heritage report to recognise natural heritage values and its contribution to the heritage values of the Russell Township.
- **Heritage New Zealand Pouhere Taonga (HNZPT)** – HNZPT feedback seeks extension of spatial extent to include Matauwhi Bay at the entrance to Russell and areas between the foreshore and Long Beach Road to ensure the significant visual landscape and viewshafts are protected. The technical evidence provided by Plan.Heritage supports the expansion of the spatial extent to include areas along the coastal edges of Tahapuke Bay and Matauwhi Bay near the entrance to Russell, which has been adopted as the spatial extent of the Kororāreka Russell Heritage Area Overlay in the PDP.

4.3.2 Summary of advice from iwi authorities

Section 32(4A)(a) of the RMA requires that evaluation reports include a summary of advice on a proposed plan received from iwi authorities. The **Section 32 Overview Report** provides an overview of the process to engage with tāngata whenua and iwi authorities in the development of the PDP and key issues raised through that process.

Section 3.4 above does however provide a summary of the key concerns and issues raised in iwi and hapū environmental management plans. Formal feedback received from iwi authorities relates to the Historic Heritage and Heritage Area Overlay Chapters and the protection of heritage resources more broadly, and does not contain any specific feedback or recommendations to the Kororāreka Russell area. The overarching theme of the feedback relates to the lack of protection, recognition and management provided for cultural heritage values and landscapes in the District Plan.

Section 5 of this report outlines how the proposed management approach responds to this advice in accordance with section 32(4A)(b) of the RMA. Further detail on the historic heritage feedback provided by iwi authorities is contained within the Historic Heritage and Heritage Area Overlay Section 32 Report.

4.4 Summary of resource management issues

Based on the analysis of relevant context, current management approach, and feedback from consultation, the key resource management issues for the KRTZ Chapter and Kororāreka Russell Heritage Area Overlay to be addressed through the PDP are:

- **Tangata Whenua Partnerships** – The Council recognises the importance of iwi and hapū planning documents, which has assisted in the completion of a number of management plans

which articulate the cultural and spiritual values Māori have with resources. Recognition and protection of cultural and archaeological landscapes, wāhi tapu and cultural heritage are a core concern identified in the management plans given the potential adverse effects on cultural values.

- **Coastal Management** - There is a conflict between the need to preserve and protect the natural character of the coastal environment and provide for appropriate land use, subdivision and access to and along the coastal environment. The KRTZ Chapter enables a range of residential and non-residential activities and contains policies that requires all proposals for land use and subdivision to considered effects on the natural character of the coastal environment.
- **Heritage Management** - The Far North has a wealth of historic heritage that contributes to the social, economic and cultural well-being of the district both within the rural and urban areas. The PDP approach to managing growth and development within Kororāreka Russell provides for the protection of heritage resources, which encompasses the built form, natural and cultural landscapes to ensure appropriate recognition, management and protection is afforded.
- **Hazard Resilience and Climate Change** – Communities in the Far North District like Russell are vulnerable to a number of natural hazards, particularly given the Russell Township is identified entirely within the coastal environment overlay. Kororāreka Russell is located within close proximity to the coast and is located entirely within the coastal environment overlay. Objectives and policies of the KRTZ Chapter have been drafted to account for natural hazard mitigation and consideration to the effects on the natural character of the surrounding environment to ensure land use and subdivision activities are appropriately managed with respect to hazard resilience and climate change.
- **Urban Sustainability** – Many heritage resources are located within urban environments like Kororāreka Russell where development is a critical part of supporting urban land use, subdivision and development to meet demands for urban growth and ensure sufficient provision of infrastructure to meet demand. There can be tension between the requirement to protect heritage resources and provide for urban intensification, therefore careful balance must be struck.

5 Proposed District Plan Provisions

The proposed provisions to manage development in Russell are contained within the KRTZ Chapter and Kororāreka Russell Heritage Area Overlay of the PDP. These provisions should be referred to in conjunction with this evaluation report.

5.1 Strategic Objectives

The PDP includes a strategic direction section which is intended high level direction for the PDP and guidance on how best to implement the Council’s community outcomes.

The PDP strategic direction focuses upon, cultural prosperity, social prosperity, environmental prosperity, economic prosperity and urban form and development. The strategic direction objectives of direct relevance to the KRTZ Chapter or Kororāreka Russell Heritage Area Overlay are:

- **SD-CP-01** - Te Tiriti o Waitangi partnerships support iwi and hapū to deliver on the social, economic, environmental and cultural wellbeing outcomes for tangata whenua.
- **SD-CP-03** - The District's diverse cultures and communities celebrated, and cultural heritage recognised.
- **SD-SP-01** - Community wellbeing is heightened by a sense of place.

- **SD-UFD-02** - Urban growth and development consolidated around existing reticulated networks within town centres, supporting a more compact urban form, affordability and providing for a mix of housing typologies

The Kororāreka Russell Heritage Area Overlay zones contains objectives, policies and rules that provides for land use and subdivision that recognises and protects heritage resources and cultural landscapes, which is an important tool within the PDP to support iwi and hapū to achieve cultural wellbeing and promote urban growth and development. The KRTZ provides more a mix of residential and non-residential activities that contribute to the sense of place within the Russell community and provide for single and multi-unit developments within a specified building envelope provided by the performance standards.

Overall, the proposed KRTZ and Kororāreka Russell Heritage Area Overlay objectives, policies and provisions have been designed to the achieve the strategic direction objectives.

5.2 Proposed Management Approach

This section provides a summary of the proposed management approach for Russell under the special zone and heritage area overlay, focusing on the key changes from the ODP. The **Section 32 Overview Report** outlines and evaluates general differences between the PDP provisions and ODP, includes moving from an effects-based plan to a ‘hybrid plan’ that includes effects and activities-based planning and an updated plan format and structure to align with the national planning standards.

The main changes in the overall proposed management approach are:

- Provisions that align with the ‘hybrid approach’ of the PDP that focuses on effects and activity-based rules compared to the effects-based approach in the ODP.
- Articulation of the overall purpose of the KRTZ, with clear policy direction and integration with the wider policy framework, particularly the Kororāreka Russell Heritage Area Overlay.
- The noise, signs, light and subdivision provisions will be located within the respective PDP Noise, Signs, Light and Subdivision Chapters to align with the Planning Standards.
- Alignment with the direction of the General Residential zone chapter, whilst recognising objectives and policies specific to Kororāreka Russell.
- Increase in the spatial extent of the Kororāreka Russell Heritage Area Overlay in the PDP to align with the recommendations of the technical evidence provided in the Plan.Heritage Report.
- Retain the spatial extent of the ODP Russell Heritage Precincts, however these are now referred to as ‘Part A – The Strand’, ‘Part B – Wellington Street’ and ‘Part C – Christ Church’ to align with NPS direction.
- Recognition of relevant PDP overlays that are located either fully or partially within Russell, and provision of a consolidated list of objectives, policies, rules and standards that specifically address activities within Russell.

The sections below provide a high-level summary of the objectives, policies, and rules and other methods for Kororāreka Russell.

5.3 Summary of proposed objectives and provisions

This section provides a summary of the proposed objectives and provisions which are the focus of the section 32 evaluation in section 7 and 8 of this report.

5.3.1 Summary of objectives

The proposed management approach for Kororāreka Russell includes objectives that:

Kororāreka Russell Township Zone:

- Provide for land use and subdivision within the KRTZ that recognises and protects the landscape, historic heritage, natural character, amenity and cultural values of the site and surrounding area.
- Provide for residential and non-residential activities the KRTZ that are compatible with and protect the established character and amenity of the receiving environment.
- Provide for land use and subdivision within the KRTZ that is supported by appropriate infrastructure and provides communities with functional and high amenity living environments.

Kororāreka Russell Heritage Area Overlay:

- Ensure historic heritage and amenity values of Kororāreka Russell Heritage Area Overlay derived from sites, buildings of historic architectural and cultural significance, archaeological sites and landforms are identified and protected.
- Ensure heritage values are protected to maintain the architecture and integrity of built form within Part A – The Strand, recognising the use of veranda, roof forms and materials that reflect an earlier architectural style.
- Maintains Part A – The Strand as a predominantly pedestrian area.
- Ensures heritage values within Part B – Wellington Street including architecture and integrity of built form are protected, recognising the low-key informal siting of buildings, bush backdrop and villa or bungalow style built form.
- Recognises and protects the foreground and informal area upon entry of the Russell Village created by the open space surrounding the Christ Church building and yard within Part C – Christ Church.
- Provides for subdivision which recognises and protects the heritage and cultural values of the Heritage Area overlay.

5.3.2 Summary of provisions

For the purposes of section 32 evaluations, ‘provisions’ are the *“policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change”*.

The proposed management approach for Kororāreka Russell includes policies that:

Kororāreka Russell Township Zone:

- Enable land use and subdivision within the KRTZ that is consistent with the scale, character and design anticipated in the surrounding residential environment.
- Enable development that does not compromise value of heritage resources.
- Ensure residential and non-residential activities are managed to provide sufficient landscaping and areas of open space around buildings on the site.
- Enable land use and subdivision where the values of the coastal environment and HNC are recognised and protected.
- Protect historic heritage and cultural sites of significance from inappropriate use, development and subdivision to avoid any adverse effects on heritage and cultural values.
- Provide for a variety of housing typologies within the KRTZ, where land is appropriately serviced by infrastructure and does not compromise historic heritage and amenity values.
- Enable non-residential activities that:
 - Are of a residential scale;
 - Support the social and economic well-being of the community;
 - Do not detract from the vitality and viability of the adjoining Mixed-Use zone; and
 - Avoid, remedy and mitigate adverse effects on the residential and historic heritage character, amenity, and function of the KRTZ.

Kororāreka Russell Heritage Area Overlay:

- Protects the heritage values of Kororāreka Russell Heritage Area Overlay by:
 - Protecting heritage buildings, objects and sites;
 - Protecting archaeological and culturally significant sites;
 - Acknowledging the landforms and setting of Russell, particularly the headlands north and south and Matauwhi Bay located at the entrance to Kororāreka Russell, which has an important relationship with the values of the heritage resource.
- Maintains the form of early townships, particularly historical boundaries and street layout.
- Maintains Part A - The Strand as a predominantly pedestrian area.
- Enable subdivision which recognises and protects heritage resources specific to Kororāreka Russell.

The proposed management approach for Kororāreka Russell includes rules and standards that:

Kororāreka Russell Township Zone:

- Provide for the existing and proposed future development of the zone, whilst retaining and enhancing areas of open space, landscaping and protecting historic heritage, cultural, natural character and coastal values.
- Provides permitted activity rules that enable residential and non-residential activities and buildings and structures in accordance with the bulk and location standards.
- Sets standards to manage bulk and location of buildings and structures to ensure potential effects of built form within the zone does not adversely affect the amenity values and character of the surrounding locality. Including:
 - Maximum height
 - Height in relation to boundary
 - Setback (excluding from MHWS or a waterbody)
 - Setback from MHWS
 - Impermeable surface coverage
 - Building coverage
 - Outdoor living space
 - Fences or boundary walls
 - Outdoor storage
- Sets standards to manage the size of residential units within multi-unit developments which are provided for as a discretionary activity.
- Identify restricted discretionary rules that enable minor residential units and retirement villages.
- Identify discretionary activity rules that enable community facilities, emergency service facility, places of assembly and any activities not provided for as permitted, restricted discretionary or non-complying activities.
- Specify that where compliance cannot be achieved with the permitted activity rules or standards, resource consent is required as a discretionary or non-complying activity.

Kororāreka Russell Heritage Area Overlay:

- Sets permitted activity rules that enable strengthening, alterations and additions, maintenance and minor repairs of buildings and structures.
- Sets permitted activity rules that manage parking and access within Part A- The Strand.
- Sets standards to manage the exterior appearance and amenity values of buildings and structures located within Kororāreka Russell Heritage Area Overlay. Standards include:
 - Setback from heritage resource
 - Heritage colours
 - Accidental discovery protocol

- Identifies restricted discretionary rules that enable new buildings and structures.
- Identified non-complying activity rule for the relocation of heritage resources.
- Specifies that the demolition of scheduled heritage resources as a non-complying activity, with certain scheduled heritage resources, being prohibited from being removed or having any demolition e.g Christ Church.

The proposed management approach for Kororāreka Russell also involves the following methods to implement and give effect to the objectives:

- A streamlined list of definitions is included within the PDP to ensure alignment with the National Planning Standards.

5.3.3 Responding to advice from iwi authorities

Section 32(4A) of the RMA requires evaluation reports to summarise advice received from iwi authorities on a proposed plan and the response to that advice, including any provisions that are intended to give effect to the advice.

Section 4.3.2 of this report provides a summary of advice received from iwi authorities on historic heritage which should be read in conjunction with the summary provided in Section 4.3.2 of the Historic Heritage and Heritage Area Overlay Section 32. The proposed management approach in the KRTZ and Kororāreka Russell Heritage Area Overlay responds to this advice via the provision of objectives and policies that recognise and protect heritage resources, cultural and historic heritage values within Kororāreka Russell.

Refer to the Historic Heritage and Heritage Area Overlay Section 32 for details on the proposed management approach response in the respective chapters.

6 Approach to Evaluation

6.1 Introduction

The overarching purpose of section 32 of the RMA is to ensure all proposed statements, standards, regulations, plans or changes are robust, evidence-based and are the most appropriate, efficient and effective means to achieve the purpose of the RMA. At a broad level, section 32 requires evaluation reports to:

- Examine whether the objectives in the proposal are the most appropriate to achieve the purpose of the RMA
- Examine whether the provisions are the most appropriate way to achieve the objectives through identifying reasonably practicable options and assessing the efficiency and effectiveness of the provisions, including an assessment of environment, economic, social and cultural economic benefits and costs.

These steps are important to ensure transparent and robust decision-making and to ensure stakeholders and decision-makers can understand the rationale for the proposal. There are also requirements in section 32(4A) of the RMA to summarise advice received from iwi authorities on the proposal and the response to that advice through the provisions.

6.2 Evaluation of scale and significance

Section 32(1)(c) of the RMA requires that evaluation reports contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of this proposal. This step is important as it determines the level of detail required in the evaluation of objectives and provisions so that it is focused on key changes from the status quo.

The scale and significance of the environmental, economic, social and cultural effects of the provisions for the Russell managed under the zone and heritage area overlay are evaluated in the table below.

Criteria	Comment	Assessment
<p>Raises any principles of the Treaty of Waitangi</p>	<p>It is acknowledged that there are iwi and hapū interests within Russell and the surrounding coastal environment, seeking to protect wāhi tapu values and areas of cultural and historical significance.</p> <p>The PDP KRTZ Chapter has been drafted ensure that the provisions provide for the recognition and protection of vegetation and the natural character values of the surrounding area, particularly those within the coastal environment, significant natural areas and high natural character areas, that will be appropriated managed by the various district-wide overlays.</p> <p>It is considered that the proposed provisions will not raise any issues in relation to the Treaty of Waitangi.</p> <p>In this context of this evaluation, the scale and significance of is considered to be low.</p>	<p>Low</p>
<p>Degree of change from the Operative Plan</p>	<p>The KRTZ will be provided for in the PDP by way of the Special Zone, consistent with what is currently provided for by the ODP. The KRTZ provides a consolidated list of objectives, policies and provisions that apply to the zone, which is complimented by the Kororāreka Russell Heritage Area Overlay that provides separate objectives, policies and provisions specific to Russell. The PDP approach is not too dissimilar from the ODP format, as the heritage area, heritage precincts (known in PDP as 'parts') and visual buffer relevant to Russell have been incorporated into the PDP Kororāreka Russell Heritage Area Overlay in a more streamlined and consolidated format. Amendments have been made to reflect the Planning Standards and electronic plan format. Changes have been made to all residential zones in the PDP to align with the NPS direction, as a result the KRTZ Chapter is not a direct rollover of the ODP Russell Township special zone. The OPD subdivision framework has been partially incorporated into the PDP, with the reticulated lot size standards still applying.</p>	<p>Low</p>
<p>Effects on matters of national importance</p>	<p>The PDP KRTZ chapter introduces clear objectives, policies and provisions to ensure the</p>	<p>Medium</p>

Criteria	Comment	Assessment
	<p>appropriate management and protection of historical and cultural heritage, indigenous biodiversity, natural hazards and the coastal environment. In particular, the protection of historical and cultural heritage is specifically managed and provided for by the Russell specific zone and heritage area overlay.</p> <p>The resource overlays mapped across Russell, including the coastal environment and high natural character, will ensure appropriate protection of these resources. As such, the heightened protection and management of the resource overlays is not required in the KRTZ Chapter or Kororāreka Russell Heritage Area Overlay.</p>	
Scale of effects – geographically (local, district wide, regional, national).	The proposed zone applies to 75.75ha of land within Russell located to the north-east of the Paihia and Waitangi townships. The spatial extent of the Kororāreka Russell Heritage Area Overlay is specific to the local context and applies to 58.40ha of land. As such, the scale of geographical effects is considered to be low given the effects are confined to a defined zone/area. The proposed special zone has been applied to properties that currently have the ODP special area zoning.	Low
Scale of people affected – current and future generations (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).	The proposed KRTZ applies to approximately 75.75ha of land (563 properties) and the Kororāreka Russell Heritage Area Overlay applies to 58.40ha of land, affecting 381 properties, which is only .01% of the district's properties. The OPD heritage precinct and gateway area applied to 52.75ha. The majority of the properties (260) and land area (43.15ha) sits within Part D of the heritage area. The scale of people affected in current and future generations will be a limited number of landowners and leases, as such the scale and significance of effects is considered to be low.	Low
Scale of effects on those with specific interests, e.g., Tangata Whenua	Russell is located within close proximity to Kororāreka Bay, Matauwhi Bay and Oneroa Bay, which are the coastlines located to the west, south and east of the zone, which are significant landforms and landmarks that contribute to the significance of Russell and have high importance to tangata whenua. The PDP chapter and relevant PDP overlays have been drafted to appropriately recognise, manage and protect	Medium

Criteria	Comment	Assessment
	<p>specific interests, such as iwi and hapū and their respective historical and cultural heritage values. As such, the scale and significance of effects are considered to be medium.</p>	
<p>Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?</p>	<p>The proposed KRTZ Chapter does not involve management of effects that have been addressed in higher order documents. The KRTZ Chapter and Kororāreka Russell Heritage Area Overlay are considered to pose low policy risk due to the isolated site-specific location of the zone within the Bay of Islands.</p> <p>Further, the management of the Kororāreka Russell Heritage Area Overlay is consistent with the approach to historic heritage management, which includes the provision the Historic Heritage Chapter and Heritage Area Overlay Chapters that will sit alongside each other in under Part 2 – District Wide Matters.</p> <p>As noted earlier in this report, the Kororāreka Russell Heritage Area Overlay (which sits within the Heritage Area Overlay Chapter) outlines the unique heritage values, context and landscapes requiring protection within Kororāreka Russell and contains specific objectives, policies and rules to achieve this. The Historic Heritage Chapter includes objectives and policies relevant to the protection of heritage resources that must be considered when assessing proposals within the Heritage Area Overlay Chapter.</p>	<p>Medium</p>

6.3 Summary of scale and significance assessment

Overall, the scale and significance of the effects from the proposal is assessed as being medium. Consequently, a medium level of detail is appropriate for the evaluation of the objectives and provisions for the KRTZ Chapter and Kororāreka Russell Heritage Area Overlay in accordance with section 32(1)(c) of the RMA. This evaluation focuses on key changes in the proposed management approach from the ODP- minor changes to provisions for clarification and to reflect new national and regional policy direction are not included in the evaluation in section 7 and 8 below.

7 Evaluation of Objectives

Section 32(1)(a) of the RMA requires that the evaluation report examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA. The assessment of the appropriateness of the objectives for the KRTZ Chapter and Kororāreka Russell Heritage Area Overlay is against four criteria to test different aspects of ‘appropriateness’ as outlined below.

Criteria	Assessment
Relevance	<ul style="list-style-type: none"> Is the objective directly related to a resource management issue? Is the objective focused on achieving the purpose of the RMA?
Usefulness	<ul style="list-style-type: none"> Will the objective help Council carry out its RMA functions? Does the objective provide clear direction to decision-makers?
Reasonableness	<ul style="list-style-type: none"> Can the objective be achieved without imposing unjustified high costs on Council, tangata whenua, stakeholders and the wider community?
Achievability	<ul style="list-style-type: none"> Can the objective be achieved by those responsible for implementation?

Section 32 of the RMA encourages a holistic approach to assessing objectives rather than necessarily looking each objective individually. This recognises that the objectives of a proposal generally work inter-dependently to achieve the purpose of the RMA. As such, some of the objectives for the ODP Russell Township Zone and Heritage Precincts have been grouped in the evaluation below.

7.1 Evaluation of existing objectives

<p>Russell Township Zone:</p> <p>Objective 10.9.3.1 – To achieve the continued growth and development of Russell in a way which maintains its special historic and amenity values and minimises adverse effects on the natural environment.</p> <p>Historic Heritage Precincts:</p> <p>Objective 12.5A.3.1 to 12.5A.3.3 – To recognise and protect the heritage values of various heritage precincts derived from archaeological sites, sites, buildings, and objects of historical significance, built form and landforms.</p> <p>Objective 12.5A.3.4 - To retain The Strand Heritage Precinct as predominantly a pedestrian area.</p>	
Relevance	These objectives aim to provide for development in Russell whilst maintaining historic and amenity values and minimising any potential adverse effects within the surrounding natural environment. However, no reference is made to recognition of cultural heritage values which is key focus of the Plan.Heritage Report.
Usefulness	The objective outlines the intent of the zone but does not specify what the ‘special historic and amenity values’ are, which could lead to interpretation issues or challenges when providing an assessment of effects on historic and amenity values in Russell for the purpose of resource consent applications. In saying this however, some objectives focus on preserving the character of the heritage precincts within Russell, particularly The Strand Precinct which affords an elevated level of protection within Russell.
Reasonableness	Compliance costs are generated through development compliance with the ODP provisions within the Russell Township Zone. All costs incurred by Council will be via the on-going monitoring compliance costs.
Achievability	The ODP provides rules that are achievable, however there is no clear policy framework that allows for the management of Russell, given the overlap of objectives, policies and provisions that must be considered for development in Russell which is currently split across various chapter of the ODP. This includes the heritage area policy framework contained in Chapter 12.5 ‘Heritage’ and the specific heritage precincts and visual buffer (Russell Township Basin and Gateway Area) policy framework contained within Chapter 12.5A ‘Heritage Precincts’.
<p>Overall evaluation</p> <p>The existing objectives address the resource management issues relevant to Russell at a high level and provides for development that maintains and protects historic and amenity values, however no direct references are made to the significance of cultural heritage values. Usefulness of the objectives could be</p>	

improved by increased specificity of historic heritage and amenity values and recognise PDP overlays identified within the zone.

7.2 Evaluation of proposed objectives

Russell Township Zone:

Objective(s):

KRT-01 The Kororāreka Russell Township zone provides for residential and non-residential activities that:

- a. are compatible with the historic heritage values of the zone;
- b. maintain the character and amenity of the receiving environment; and
- c. recognise and protect any part of a site subject to the coastal environment, or High Natural Character.

KRT-02 Land use and subdivision in the Kororāreka Russell Township zone recognises and protects the natural character, landscape, historic heritage, amenity and cultural values of the site and surrounding area.

KRT-03 Non-residential activities contribute to the function and well-being of the community while complementing the character, scale and amenity of the Kororāreka Russell Township zone.

KRT-04 Land use and subdivision in the Kororāreka Russell Township zone is supported by appropriate infrastructure.

KRT-05 Land use and subdivision in the Kororāreka Russell Township Zone provides communities with functional and high amenity living environments.

Kororāreka Russell Heritage Area Overlay:

Objective:

HA-01 The heritage values of Heritage Area Overlays, as derived from the sites, buildings and objects of historic significance, archaeological sites and landform, are identified and protected.

<i>Relevance</i>	These objectives provide for development by enabling a mix of residential and non-residential activities in the zone that recognises and protects natural character, historic heritage, amenity and cultural values of Russell and surrounding area. The objectives also recognise and provide for the character of the coastal environment, and areas subject to SNA and HNC. The Kororāreka Russell Heritage Area Overlay objective is which applies to all heritage areas is relevant as it provide more clarity and certainty regarding the types of heritage, amenity, cultural and archaeological sites, buildings, objects and values to be protected.
<i>Usefulness</i>	The objectives provide clear policy direction and specify the types of activities and development that could be undertaken within the site, with specific reference to historic and cultural heritage values. Further, the proposed objectives recognise the significance of the PDP overlays within the zone, including the coastal environment, HNC and SNA, which aligns with the focus of the PDP resource overlay objectives.
<i>Reasonableness</i>	As above, any compliance costs incurred by Council relate to the resources, time and costs associated with in on-going maintenance of sites within the Russell.
<i>Achievability</i>	These objectives are achievable as they provide clear policy direction about the management of activities and development within the KRTZ. The objectives provide clear links to the relevant PDP overlay and is well integrated with the Kororāreka Russell Heritage Area Overlay, which provides cohesion with other PDP chapters.
<u>Overall evaluation</u>	

The proposed objectives address the relevant resource management issues relevant to Russell clearly sets out the policy direction and outcomes anticipated for the township under the zone and overlays chapters. The objectives seek to achieve a balance between recognising and providing for residential and non-residential development, whilst managing and protecting the historic and cultural heritage and natural character values and amenity of the surrounding environment to ensure any potential adverse effects are appropriately mitigated. The objectives provide clear links to the relevant PDP overlays which provides cohesion with other PDP chapters and ensures the appropriate management and protection of these overlays with respect to current and future development.

8 Evaluation of Provisions KRTZ Chapter and Kororāreka Russell Heritage Area Overlay to Achieve the Objectives

8.1 Introduction

Section 32(1)(b) of the RMA requires the evaluation report to examine whether the provisions are the most appropriate way to achieve the objectives by:

- (i) *identifying other reasonably practicable options for achieving the objectives; and*
- (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- (iii) *summarising the reasons for deciding on the provisions.*

When assessing the efficiency and effectiveness of the provisions in achieving the objectives, section 32(2) of the RMA requires that the assessment:

(a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*

- (i) *economic growth that are anticipated to be provided or reduced; and*
- (ii) *employment that are anticipated to be provided or reduced; and*

(b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*

(c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

This section provides an assessment of reasonable options and associated provisions (policies, rules and standards) for achieving the objectives in accordance with these requirements. This assessment of options is focused on the key changes from the status quo as outlined in the 'proposed management approach' in section 5.2 of this report.

Each option is assessed in terms of the benefits, costs, and effectiveness and efficiency of the provisions, along with the risks of not acting or acting when information is uncertain or insufficient. For the purposes of this assessment:

- **effectiveness** assesses how successful the provisions are likely to be in achieving the objectives and addressing the identified issues
- **efficiency** measures whether the provisions will be likely to achieve the objectives at the least cost or highest net benefit to society.

The sections below provide an assessment of options (and associated provisions) for achieving the objectives in accordance with sections 32(1)(b) and 32(2) of the RMA.

8.2 Quantification of benefits and costs

Section 32(2)(b) of the RMA requires that, where practicable, the benefits and costs (environmental, economic, social and cultural) of a proposal are quantified. The requirement to quantify benefits and costs if practicable recognises it is often difficult and, in some cases, inappropriate to quantify certain costs and benefits through section 32 evaluations, particularly those relating to non-market values.

As discussed in section 6.2, the scale and significance of the effects of proposed changes for the Russell are assessed as being medium. Therefore, exact quantification of the benefits and costs of the different options to achieve the objectives is not considered to be necessary or practicable for the KRTZ Chapter and Kororāreka Russell Heritage Area Overlay. Rather this evaluation focuses on providing a qualitative assessment of the environmental, economic, social and cultural benefits and costs anticipated from the provisions with some indicative quantitative benefits and costs provided where practicable.

8.3 Evaluation of options

As stated earlier in the report, to understand the full intent, the spatial extent and significance of the Kororāreka Russell Heritage Overlay, the Historic Heritage Overlay section 32 report should also be read as it provides additional information. It would also be useful to read the Historic heritage section 32 report and sites and areas of cultural significance to Maori to get a full integrated overview of how historical and cultural values will be managed.

8.3.1 Option 1: Status Quo

<i>Option 1: Retain existing Russell Township Zone and Historic Heritage Precincts (The Strand, Wellington Street and Christ Church) and the Russell Township Basin and Gateway Area (visual buffer) supported by ODP objectives, policies, rules (zone, subdivision) and three heritage precincts.</i>		
Costs		Risk of acting / not acting
<ul style="list-style-type: none"> • ODP plan structure, objectives, policies and provisions are familiar for plan users. • Compliance and administrative costs are known to Council. • ODP Russell Township Zone provisions will give effect to RPS historic heritage identification policy 4.5.3. • ODP approach provides nuanced protection for Russell provided by the various layers of the policy framework, including the heritage area, visual buffer and precincts which enables protection of identified historic heritage characteristics, heritage and amenity values. In particular, The Strand Precinct which is provided an elevated level of protection under the ODP. • Effective to clearly illustrate where provisions do and don't apply, clear boundaries avoid implementation errors and miss-interpretation. • Historic heritage within Russell will continue to be preserved and protected from inappropriate development. 	<ul style="list-style-type: none"> • The technical evidence provided by Plan.Heritage supports a larger spatial extent than what is provided by the ODP spatial extent of the Russell Township Basin and Gateway Area (visual buffer). • Spatial extent of the visual buffer does not include all relevant heritage resources, particularly those that have been identified within the Plan.Heritage Report. • The objectives and policies of the ODP Russell Township Zone do not account for all the PDP resource overlays that entirely or partially identified within the site, including the ONL, HNC, coastal environment and potential SNAs. • ODP zone will not give effect NZCPS and RPS policy direction. • The current hierarchy of ODP provisions relating to Russell is complex, repetitive and fragmented. This requires clearer vertical and horizontal integration of the policy framework to establish the relationship between the policy framework, mapped areas and rules. • The ODP approach, structure and drafting is not consistent with the high-level direction 	<ul style="list-style-type: none"> • Option 1 presents a medium risk of not acting, due to the complex, fragmented and repetitive hierarchy of provisions relating to Russell. The ODP provisions do protect historic heritage within Russell to an extent, however the ODP structure and drafting is not consistent with high-level direction provided in the National Planning Standards or the hybrid approach of the PDP which encompasses an effects and activities-based plan. The spatial extent of the Russell Township Basin and Gateway Area is not consistent with the recommendations of the Plan. Heritage Report.

	<p>provided in the National Planning Standards, or preferred electronic plan format.</p> <ul style="list-style-type: none"> • Definition of heritage terminology, such as ‘heritage areas’, ‘heritage item’, ‘heritage precincts’ and ‘historic heritage areas’ in ODP is inconsistent and weakly defined and does not align with heritage terminology used in regional planning frameworks. • The ODP provisions do not align with the hybrid approach of the PDP which encompasses an effects and activities-based plan, as opposed to the effects-based plan that is reflected within the ODP. 	
<p><u>Effectiveness</u></p> <ul style="list-style-type: none"> • The ODP provisions are complex and outdated, reducing the effectiveness in managing the adverse effects of subdivision, use and development on historic heritage. The ODP approach provides an unclear policy framework within the ODP as provisions are spread across various chapters of the District Plan and do not clearly link the matters of Section 6 of the RMA. Thus, a refined approach to managing land use, subdivision and development and protection of historic heritage would be more effective and provide a clearer link to the purpose of the Act. 	<p><u>Efficiency</u></p> <ul style="list-style-type: none"> • The ODP is efficient in achieving the objectives for the Russell special zone as these are contained within a single chapter, however the ODP integration with the policy framework and provisions managing historic heritage within Russell complex resulting in interpretation and confusion for plan users. Further, the ODP Russell special zone does not integrate with other district wide overlays and does not recognise the values of the coastal environment, areas of high natural character, indigenous biodiversity and sites and areas of cultural significance to Māori. 	
<p><u>Overall evaluation</u></p> <p>On balance this option is not considered to be the most appropriate option to achieve the objectives because:</p> <ul style="list-style-type: none"> • ODP approach does not align with the PDP hybrid approach which provides an effects and activities-based plan. • OPD approach is not consistent with National Planning Standards and does not give effect to higher order planning documents. • The spatial extent of the Russell Township Basin and Gateway Area is not in accordance with the technical assessment provided by Plan.Heritage. 		

8.3.2 Option 2: Preferred Approach

Option 2: Identify Kororāreka Russell Heritage Area Overlay in accordance with technical assessment of Plan.Heritage Report within the statutory District Plan Maps with specific heritage overlay objectives, policies and rules and a refined Russell special purpose zone – that manages land use and subdivision

Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> • Significant number of archaeological and heritage sites that have been recorded within the Russell heritage spatial extent following the ODP, will be included in the amend spatial extent area. • Technical evidence provided in Plan.Heritage Report to support the spatial extent of heritage mapping. • Approach will give effect to RPS historic heritage identification policy 4.5.3. • Will give effect to NZCPS and RPS policy direction. • The Kororāreka Russell Township Zone is identified as a ‘Special Purpose Zone’ in the PDP, thus will be contained within Part 3 of the PDP and will have similar structure and principles to other special zones, and aligns with the direction provided by the National Planning Standards. • The objectives and policies of the Kororāreka Russell Township Zone account for all the PDP resource overlays that are entirely or partially identified within the site, including the ONL, HNC, coastal environment and potential SNAs. • Residential development, including multi-units and visitor accommodation is enabled across the zone, which aligns with anticipated outcomes in urban environments. • Subdivision aligns with anticipated outcomes in urban environment while requiring larger lots to retain amenity and heritage values. • Provides increased clarity regarding the types of residential and non-residential activities and facilities 	<ul style="list-style-type: none"> • Increase in number of properties subject to compliance with Russell Heritage Area Overlay, compared to the ODP spatial extent, which imposes additional consenting requirements to locations identified for intensification. • There are still compliance and administrative costs associated with this approach for the developers, community and Council. • The retention of the Russell special zone in a refined format imposes more restrictive development controls (i.e. subdivision and multi-unit development) for properties located within the KRTZ, compared to the PDP GRZ zone which is more enabling for development. 	<ul style="list-style-type: none"> • <i>The risk of acting on these</i> is low, considering the extent of issues experienced under the ODP framework and the proposal changes to address these matters. The PDP approach to managing development and historic heritage within Russell incorporates the multi-layered approach in the ODP, however the structure, format and layout of the chapters are refined to ensure consistency with PDP approach and high-level direction. • Not acting on this approach may mean that the current implementation issues with the ODP continue and incrementally result in loss of amenity values, adverse effects on instability and quality of the environment. Further, this approach would conflict with the technical evidence and recommendations provided in the Plan.Heritage Report.

<p>anticipated in the zone, with particular regard to the scale and nature of the activity and development anticipated.</p> <ul style="list-style-type: none"> • Introduces objectives, policies and provisions within a refined framework that is consistent with the 'hybrid approach' adopted in the PDP which provides an effects and activities-based plan structure and content. • There is a clear policy framework and integration of refined Kororāreka Russell Township Zone and Kororāreka Russell Heritage Area Overlay. • The provision of the Kororāreka Russell Heritage Area Overlay is consistent with the management approach for other heritage areas within the Far North District. • The bulk and location standards ensure a consistent level of residential amenity and character, including height, height in relation to boundary, setbacks, building and landscape coverage and building scale which have been tailored to reflect the heritage and amenity values of the Russell Township vs treating it like other urban environments in the district, which have a general residential zone apply 		
<p><u>Effectiveness</u></p> <ul style="list-style-type: none"> • The proposed provisions give effect to the Planning Standards, RPS and are considered to accord with the RMA. The preferred approach of Option 2 will allow for comprehensive management of development and historic heritage within Russell in the form of a special zone and supporting heritage overlay. The suite of objectives, policies and rules provide for comprehensive consideration of historic heritage in conjunction with wider development within Russell, including providing a pathway for consultation and a consistent approach in managing the associated adverse effects of these works. It will improve consistency and assist in achieving better environmental outcomes through robust RMA monitoring and enforcement processes. 	<p><u>Efficiency</u></p> <ul style="list-style-type: none"> • Option 2 provides a high level of certainty and clarity about the types of activities that require consent for land use, subdivision and development affording protection of historic heritage in accordance with the direction of higher order policy. The proposed option is considered to be the most efficient method in achieving the objectives, having the greatest benefits which outweigh the costs when compared to the other options considered. Further, the provision of the Kororāreka Russell Heritage Area Overlay is consistent with the management approach to other heritage areas identified within the Far North District, which is an efficient approach. 	

Overall evaluation

On balance this option is considered to be the most appropriate option to achieve the objectives because:

- Spatial extent is supported by technical evidence provided in the Plan.Heritage Report.
- Provisions are the most effective and efficient methods to achieve the objectives.
- The proposed provisions proposed provisions set clear, manageable limits, and explicit directions in terms of permitted activities and standards that protect historic heritage and residential character and amenity within Russell from adverse effects from inappropriate subdivision, use and development.

8.3.3 Option 3: Alert Layer

Option 3: Alert Layer – identify Russell Heritage Area Overlay within non-statutory spatial extent informed by Plan.Heritage Report, with no objectives, policies or rules specific to Russell

Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none">• Significant number of archaeological and heritage sites that have been recorded within the Russell area following the ODP, will be included in the spatial extent of the Plan.Heritage mapped overlay.• Will give effect to RPS historic heritage identification policy 4.5.3.• Avoids duplication with HNZPTA protection of historic heritage and authority processes.• No consenting cost and time involved in having to obtain a resource consent for activities within Kororāreka Russell or activities that affect historic heritage.	<ul style="list-style-type: none">• Failure to give effect to the NZCPS protecting historic heritage within the coastal environment from adverse effects• Failure to give effect to the RPS policy direction to avoid significant adverse effects• The absence of a policy framework that outlines objectives, policies and rules for the management of land use, development and subdivision within Russell area does not enable statutory protection to heritage resources in Russell.• No recognition or protection provided to Russell, particularly the three heritage parts (known as precincts in the ODP) which are considered to afford an elevated level of protection.• Does not align with the public feedback to retain the ODP approach to manage development and protect heritage values in the Russell Township.	<ul style="list-style-type: none">• Option 3 presents a high risk of acting, as the absence of objectives, policies and rules to manage development and heritage resources in Kororāreka Russell results in no policy framework, control or protection of activities, development and resources within the Russell township. This approach does not align with public feedback from consultation, PDP structure or the technical evidence of the Plan.Heritage Report.• Further, Council would have no ability to take enforcement action which is significant risk of acting on this approach. This approach results in a large cost to the community and others that have the expectation that development within Kororāreka Russell is appropriately controlled and regulated.

<p>Effectiveness</p> <ul style="list-style-type: none"> Option 3 relies upon non-statutory methods reducing the effectiveness in managing the adverse effects of subdivision, use and development and historic heritage within Russell. The approach will not clearly give effect to higher order policy and link to the matters of Section 6 of the RMA. Thus, a refined statutory approach to managing activities and historic heritage within Russell would be more effective and provide a clearer link to the purpose of the Act. 	<p>Efficiency</p> <ul style="list-style-type: none"> Option 3 is not efficient in achieving the objectives due to the reliance upon non-statutory methods and the inability to undertake monitoring and enforcement without RMA statutory framework.
<p>Overall evaluation</p> <p>On balance this option is not considered to be the most appropriate option to achieve the objectives because:</p> <ul style="list-style-type: none"> The non-statutory methods are inefficient and ineffective. The non-statutory approach does not provide adequate recognition or protection for the heritage values within the Russell. The non-statutory methods do not accord with the higher order statutory directions and the Planning Standards. The option will not give effect to higher order policy direction. 	

8.3.4 Option 4: Statutory Mapping based on Plan.Heritage Report with PDP General Residential Zone

Option 4: General Residential Zone with, a Russell Heritage Area Overlay, spatially identified in the District Plan as a statutory map based on Plan.Heritage Report.		
Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> Significant number of archaeological and heritage sites that have been recorded within the Russell area following the ODP, will be included in the spatial extent of the Plan.Heritage mapped heritage overlay. Approach is supported by technical evidence to recognise Russell as a scheduled heritage area in the PDP. Aligns with the recommendations to the Plan.Heritage Report to reduce the number of zones tailored towards historic heritage protection (i.e. removing special Russell Township Zone) and provide Historic Heritage and Heritage Overlay chapters with specific objectives, 	<ul style="list-style-type: none"> Plan users are unfamiliar with this approach as in the ODP the Russell township has a special zone. Approach does not recognise or protect unique heritage values in Russell township, including retention of open space, landscaping, maintaining character and amenity. Does not align with public feedback that requested the retention of a special purpose zone for Russell, due to concerns over incompatible development being enabled by the General Residential Zone rules. 	<p>The risk of acting on this is low, considering the structure, drafting and approach is consistent with the high-level direction provided in the national planning standards and aligns with the technical evidence provided by Plan.Heritage to increase the spatial extent and reduce the number of special purpose zones in the PDP.</p>

<p>policies and provisions tailored to address historic heritage values in Russell. This provides a more concise and streamlined approach that will promote more effective and positive outcomes with regards to heritage provisions.</p> <ul style="list-style-type: none"> • The objectives and policies of the General Residential Zone account for all the PDP resource overlays that are entirely or partially identified within the site, including the ONL, HNC, coastal environment and potential SNAs. • The subdivision framework would be consistent with other urban environments, which will also have heritage areas apply. • The structure of the General Residential Zone Chapter is consistent with the 'hybrid approach' adopted in the PDP which provides an effects and activities-based plan, structure and content. • The Kororāreka Russell Heritage Area Overlay could be applied to this zone within Russell area and could provide appropriate protection of heritage resources within Russell. 		
<p><u>Effectiveness</u></p> <ul style="list-style-type: none"> • The proposed provisions give effect to the Planning Standards, RPS and are considered to accord with the RMA. The Kororāreka Russell Heritage Area Overlay could be applied to this zone, which would afford an appropriate and effective level of protection for heritage resources within Russell. 	<p><u>Efficiency</u></p> <ul style="list-style-type: none"> • Option 4 provides a high level of certainty and clarity about the types of activities that require consent for land use, subdivision and development whilst recognises the significance of historic and cultural heritage values, in accordance with the direction of higher order policy. In this case, the benefits of this approach outweigh the costs, as the objectives lack specificity to recognise and protection development, amenity, character and historic and cultural values within the Russell Township. 	
<p><u>Overall evaluation</u></p> <p>On balance this option is not considered to be the most appropriate option to achieve the objectives because:</p> <ul style="list-style-type: none"> • Despite the alignment with the PDP structure and adopted recommendations of the technical evidence provided in the Plan.Heritage Report, the approach fails to provide specific recognition and protection for development within Russell. 		

9 Summary

An evaluation of the proposed objectives and provisions for the Kororāreka Russell Township Zone and Kororāreka Russell Heritage Area Overlay has been carried out in accordance with section 32 of the RMA. This evaluation has concluded that the objectives are the most appropriate way to achieve the purpose of the RMA and the provisions are the most appropriate way to achieve the objectives for the following reasons:

- The Kororāreka Russell Township Zone and Kororāreka Russell Heritage Area Overlay objectives give effect to Part 2 of the RMA, the relevant National Policy Statement and Regional Policy Statement policy direction and are consistent with the PDP structure.
- The proposed management approach incorporates the multi-layered approach to Russell provided in the ODP in refined structure and drafting that aligns with the hybrid focus of the PDP and ensures appropriate recognition and protection is afforded to Russell.
- The Kororāreka Russell Township Zone provisions provide for existing and future development of the zone, whilst retaining and enhancing extensive areas of open space and protecting historic and cultural heritage values. This applies to both land uses and subdivision.
- The provisions have been designed to recognise, manage and protect the heritage resources within Russell while considering the geographical context and constraints.

Overall, it is considered that the proposed provisions are the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions.

10 Appendices

10.1 Appendix 1: Plan.Heritage Historic Heritage Stage One Background Research Report

10.2 Appendix 2: Plan.Heritage Historic Heritage Stage Two Rapid Assessment Reports