

Version
as at 23 December 2023



Waitakere Ranges Heritage Area Act 2008

Local Act 2008 No 1
Date of assent 8 April 2008
Commencement see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

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Preamble

- (1) Whakarongo mai e nga iwi, ki ta te korero i mua. He ika tenei whenua. Ko te tangata nana i huti ko Maui. Kei konei tonu ahau, a mate noa:

Listen all of the assembled tribes, to this the talk of olden times, this land is a fish. The person who fished it up was Maui. I will remain here on it, indeed until I die:

(Waitakere Chief Te Waatarauhi speaking of his relationship to the area in his opening speech at the Kohimarama Conference in 1860):
- (2) The Waitakere Ranges and its foothills and coasts comprise an area of some 27 720 ha of public and private land located between metropolitan Auckland and the west coast of Waitakere City and Rodney District. The area is of local, regional, and national significance:
- (3) The area is outstanding in northern New Zealand for its terrestrial and aquatic ecosystems, which include large continuous areas of primary and regenerating lowland and coastal rainforest, wetland, and dune systems with intact ecological sequences. The area contains distinctive and outstanding flora, fauna, and landscapes:
- (4) The Waitakere Ranges (part of a remnant volcanic landform) are the western visual backdrop to metropolitan Auckland. Their forested hills and coastal vistas are essential to the identity of both Waitakere City and metropolitan Auckland. The foothills and coastal areas are a combination of rural, urban, and natural landscapes that create an important transition and buffer zone to the forested part of the Ranges:
- (5) The area has a long and rich human history. It is a distinctive cultural domain for Maori and lies within the rohe of both Te Kawerau A Maki and Ngati Whatua. European settlement began more than 160 years ago with one of the first attempts at organised colonial settlement of New Zealand made in the south of the area, at Cornwallis in 1841. A century of resource exploitation followed that has left its mark on the whole area:
- (6) The area includes the Waitakere Ranges Regional Park. The Park, protected at local, regional, and national levels, is an area of some 17 000 ha, established over a period of 110 years through gifts, grants, purchases, and vestings (including legislation promoted by Auckland City Council in 1941 to create the Auckland Centennial Memorial Park, commemorating the centenary of the Metropolitan District of Auckland):

- (7) The Waitakere Ranges also contribute to metropolitan Auckland's water supply. They are a water catchment and the location for a series of storage and supply systems that have sustained, and continue to sustain, metropolitan Auckland since 1902:
- (8) In 2005, more than 21 000 people lived in the area (outside the Regional Park), mostly in forest-dominated urban, rural, or coastal communities:
- (9) The area is subject to development and urban intensification pressures. These pressures are compounded by the area's proximity to metropolitan Auckland, and threaten to undermine the unique natural, landscape, cultural, historic, and community features of the area, including its farming and rural character:
- (10) Local statutory guidance is considered desirable to better protect the Waitakere Ranges and their foothills and coasts, in particular in relation to—
 - (a) managing the cumulative and precedent effects of development on the landscape, the desired future character and amenity of the area, and the ecological and biological environment:
 - (b) maintaining a rural character for the communities in the foothills:
 - (c) maintaining low-density urban areas and coastal villages in which the built environment is subservient to the natural landscape:
 - (d) managing activities adjacent to the boundary between urban and rural areas (particularly in relation to the Metropolitan Urban Limit boundary):
 - (e) protecting heritage features:

1 Title

This Act is the Waitakere Ranges Heritage Area Act 2008.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1

Preliminary provisions

3 Purpose

- (1) The purpose of this Act is to—
 - (a) recognise the national, regional, and local significance of the Waitakere Ranges heritage area; and
 - (b) promote the protection and enhancement of its heritage features for present and future generations.
- (2) To this end, the Act—

- (a) establishes the Waitakere Ranges heritage area; and
- (b) states its national significance; and
- (c) defines its heritage features; and
- (d) specifies the objectives of establishing and maintaining the heritage area; and
- (e) provides additional matters for the Auckland Council and certain other persons to consider when making a decision, exercising a power, or carrying out a duty that relates to the heritage area.

Section 3(2)(e): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

4 Interpretation

- (1) In this Act, unless the context otherwise requires,—

Council means the Auckland Council established by section 6(1) of the Local Government (Auckland Council) Act 2009

deed of acknowledgement means a deed of acknowledgement entered into under section 29

heritage area or **area** means the Waitakere Ranges heritage area established under section 5

heritage features means the heritage features described in section 7

LAP means a local area plan prepared and adopted under section 25

objectives means the objectives of establishing and maintaining the heritage area as specified in section 8

Waitakere Ranges Regional Park means the Waitakere Ranges Regional Park managed by the Council.

- (2) Unless the context otherwise requires, terms and expressions used and not defined in this Act, but defined in the Resource Management Act 1991, have the same meaning as in that Act.

Section 4(1) **ARC**: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 4(1) **Council**: inserted, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 4(1) **local authority**: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 4(1) **territorial authority**: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 4(1) **Waitakere Ranges Regional Park**: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 4(2): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Part 2

Heritage area, heritage features, planning requirements, etc

5 Waitakere Ranges heritage area established

- (1) This section establishes the Waitakere Ranges heritage area.
- (2) The general location and boundaries of the area are shown on the indicative map in Schedule 1.
- (3) The legal description of the boundaries of the area is contained in Schedule 2.
- (4) If there is an inconsistency between the map in Schedule 1 and the legal description in Schedule 2, the legal description in Schedule 2 prevails.

6 Boundary extension by Order in Council

- (1) Subsection (2) applies if—
 - (a) a person owns land that—
 - (i) is located in the district of a territorial authority; and
 - (ii) has a contiguous boundary with the heritage area; and
 - (iii) has features that are consistent with 1 or more of the heritage features; and
 - (b) the person makes a written request to the territorial authority concerned to include the land in the heritage area; and
 - (c) the Council is satisfied of the matters in paragraph (a).
- (2) The Governor-General may, by Order in Council made on the recommendation of the Minister of Local Government, alter or substitute Schedules 1 and 2 to extend the boundary of the heritage area to include any land to which subsection (1) applies.
- (3) The Minister must not make a recommendation under subsection (2) unless he or she has first received from the Council written notice of the matters in subsection (1).
- (4) An Order in Council made under this section may not be amended (except to correct an error) or revoked, and land included in the heritage area under this section cannot be excluded from it except by an Act of Parliament.
- (5) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 6(1)(c): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 6(3): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 6(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

7 National significance and heritage features of heritage area

- (1) The heritage area is of national significance and the heritage features described in subsection (2), individually or collectively, contribute to its significance.
- (2) The heritage features of the heritage area are—
 - (a) its terrestrial and aquatic ecosystems of prominent indigenous character that—
 - (i) include large continuous areas of primary and regenerating lowland and coastal rainforest, wetland, and dune systems with intact ecological sequences:
 - (ii) have intrinsic value:
 - (iii) provide a diversity of habitats for indigenous flora and fauna:
 - (iv) collect, store, and produce high quality water:
 - (v) provide opportunities for ecological restoration:
 - (vi) are of cultural, scientific, or educational interest:
 - (vii) have landscape qualities of regional and national significance:
 - (viii) have natural scenic beauty:
 - (b) the different classes of natural landforms and landscapes within the area that contrast and connect with each other, and which collectively give the area its distinctive character:
 - (c) the coastal areas, which—
 - (i) have a natural and dynamic character; and
 - (ii) contribute to the area’s vistas; and
 - (iii) differ significantly from each other:
 - (d) the naturally functioning streams that rise in the eastern foothills and contribute positively to downstream urban character, stormwater management, and flood protection:
 - (e) the quietness and darkness of the Waitakere Ranges and the coastal parts of the area:
 - (f) the dramatic landform of the Ranges and foothills, which is the visual backdrop to metropolitan Auckland, forming its western skyline:
 - (g) the opportunities that the area provides for wilderness experiences, recreation, and relaxation in close proximity to metropolitan Auckland:

- (h) the eastern foothills, which—
 - (i) act as a buffer between metropolitan Auckland and the forested ranges and coasts; and
 - (ii) provide a transition from metropolitan Auckland to the forested ranges and coast:
- (i) the subservience of the built environment to the area’s natural and rural landscape, which is reflected in—
 - (i) the individual identity and character of the coastal villages and their distinctive scale, containment, intensity, and amenity; and
 - (ii) the distinctive harmony, pleasantness, and coherence of the low-density residential and urban areas that are located in regenerating (and increasingly dominant) forest settings; and
 - (iii) the rural character of the foothills to the east and north and their intricate pattern of farmland, orchards, vineyards, uncultivated areas, indigenous vegetation, and dispersed low-density settlement with few urban-scale activities:
- (j) the historical, traditional, and cultural relationships of people, communities, and tangata whenua with the area and their exercise of kaitiakitanga and stewardship:
- (k) the evidence of past human activities in the area, including those in relation to timber extraction, gum-digging, flax milling, mineral extraction, quarrying, extensive farming, and water impoundment and supply:
- (l) its distinctive local communities:
- (m) the Waitakere Ranges Regional Park and its importance as an accessible public place with significant natural, historical, cultural, and recreational resources:
- (n) the public water catchment and supply system, the operation, maintenance, and development of which serves the people of Auckland.

(3) *[Repealed]*

Section 7(2)(i): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 7(3): repealed, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

8 Heritage area objectives

The objectives of establishing and maintaining the heritage area are—

- (a) to protect, restore, and enhance the area and its heritage features:
- (b) to ensure that impacts on the area as a whole are considered when decisions are made affecting any part of it:

- (c) to adopt the following approach when considering decisions that threaten serious or irreversible damage to a heritage feature:
 - (i) carefully consider the risks and uncertainties associated with any particular course of action; and
 - (ii) take into account the best information available; and
 - (iii) endeavour to protect the heritage feature:
- (d) to recognise and avoid adverse potential, or adverse cumulative, effects of activities on the area's environment (including its amenity) or its heritage features:
- (e) to recognise that, in protecting the heritage features, the area has little capacity to absorb further subdivision:
- (f) to ensure that any subdivision or development in the area, of itself or in respect of its cumulative effect,—
 - (i) is of an appropriate character, scale, and intensity; and
 - (ii) does not adversely affect the heritage features; and
 - (iii) does not contribute to urban sprawl:
- (g) to maintain the quality and diversity of landscapes in the area by—
 - (i) protecting landscapes of local, regional, or national significance; and
 - (ii) restoring and enhancing degraded landscapes; and
 - (iii) managing change within a landscape in an integrated way, including managing change in a rural landscape to retain a rural character:
- (h) to manage aquatic and terrestrial ecosystems in the area to protect and enhance indigenous habitat values, landscape values, and amenity values:
- (i) to recognise that people live and work in the area in distinct communities, and to enable those people to provide for their social, economic, environmental, and cultural well-being:
- (j) to provide for future uses of rural land in order to retain a rural character in the area:
- (k) to protect those features of the area that relate to its water catchment and supply functions:
- (l) to protect in perpetuity the natural and historic resources of the Waitakere Ranges Regional Park for their intrinsic worth and for the benefit, use, and enjoyment of the people and communities of the Auckland region and New Zealand.

Matters relating to Resource Management Act 1991

Heading: replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

9 Relationship between this Act and Resource Management Act 1991

- (1) If a conflict arises between this Act and the Resource Management Act 1991, the Resource Management Act 1991 prevails.
- (2) Subsection (1) does not apply to section 13(1)(a)(ii) or 15(2)(b).

Section 9: replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

10 Regional policy statements and regional plans

- (1) When preparing or reviewing a regional policy statement or regional plan that affects the heritage area, the Council must give effect to the purpose of this Act and the objectives.
- (2) The requirements in subsection (1) are in addition to the requirements in sections 61, 66, and 79 of the Resource Management Act 1991.
- (3) When evaluating a proposed policy statement, or proposed plan, change, or variation that affects the heritage area, the Council must also examine whether the statement, plan, change, or variation is the most appropriate way to achieve the objectives (having regard to the purpose of this Act).
- (4) The requirements in subsection (3) are in addition to the requirements in section 32(3) of the Resource Management Act 1991.

Section 10: replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

11 District plans

- (1) When preparing or reviewing a district plan that affects the heritage area, the Council must give effect to the purpose of this Act and the objectives.
- (2) The requirements in subsection (1) are in addition to the requirements in sections 74, 75, and 79 of the Resource Management Act 1991.
- (3) When evaluating a proposed district plan, change, or variation that affects the heritage area, the Council must examine whether the plan, change, or variation is the most appropriate way to achieve the objectives (having regard to the purpose of this Act).
- (4) The requirements in subsection (3) are in addition to the requirements in section 32(3) of the Resource Management Act 1991.

Section 11: inserted, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

11 District plans

[Repealed]

Section 11: repealed, on 24 August 2023, by section 805(1) of the Natural and Built Environment Act 2023 (2023 No 46).

12 Requests for plan changes

- (1) The Council may reject a request, in whole or in part, if the request is inconsistent with the purpose of this Act or the objectives.
- (2) To assist the Council in deciding whether to act under subsection (1), the person making the request must explain how it is consistent with the purpose of this Act and the objectives.
- (3) For the purposes of this section, an explanation under subsection (2) must be—
 - (a) treated as if it were information required under clause 22 of Schedule 1 of the Resource Management Act 1991; and
 - (b) supplied to the Council in accordance with that clause.
- (4) In this section, **request** means a request under section 65(4) or 73(2) of the Resource Management Act 1991—
 - (a) to change a regional or district plan; and
 - (b) that relates to the heritage area or a part of it.

Section 12(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 12(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 12(3)(a): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 12(3)(b): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 12(4): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 12(4)(a): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

13 Resource consents

- (1) When considering an application for resource consent for a discretionary or non-complying activity in the heritage area, a consent authority—
 - (a) must have particular regard to—
 - (i) the purpose of this Act and the relevant objectives; and
 - (ii) the relevant provisions of any national policy statement or New Zealand coastal policy statement; and

- (b) must consider the objectives having regard to any relevant policies in the regional and district plans.
- (2) The requirements in subsection (1)(a)(i) are in addition to the requirements in the Resource Management Act 1991.
- (3) When considering an application for resource consent for a controlled activity or a restricted discretionary activity in the heritage area, a consent authority must consider the purpose of this Act and the relevant objectives as if they were matters specified in the plan or proposed plan over which the Council has reserved its control or has restricted the exercise of its discretion.

Section 13(1): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 13(1): amended, on 24 August 2023, by section 805(1) of the Natural and Built Environment Act 2023 (2023 No 46).

Section 13(1)(a)(ii): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 13(1)(b): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 13(2): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 13(3): replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

14 Conditions on resource consents

If a consent authority grants resource consent for an activity in the heritage area, it may impose conditions on the consent under section 108 of the Resource Management Act 1991 that relate to 1 or more of the heritage features or the objectives.

Section 14: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

15 Designations and heritage orders

- (1) Subsection (2) applies to a person if the person is making a decision or recommendation that relates to the heritage area or a part of it for—
 - (a) a designation under section 168A, 171, 172, 174, 179, 181, or 182 of the Resource Management Act 1991; or
 - (b) a heritage order under section 189, 189A, 191, 192, 195, or 196 of the Resource Management Act 1991.
- (2) The person, when making the decision or recommendation, must have particular regard to—

- (a) the purpose of this Act and the objectives; and
 - (b) the relevant provisions of any national policy statement or New Zealand coastal policy statement.
- (3) The requirements in subsection (2)(a) are in addition to the requirements in the Resource Management Act 1991.

Section 15 heading: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 15(1): replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 15(2)(b): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 15(3): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

16 Applications for declarations

Sections 309 to 313 of the Resource Management Act 1991 apply as if the following matters were stated in section 310 of that Act as matters that a declaration may declare:

- (a) the application of section 9 of the Waitakere Ranges Heritage Area Act 2008; or
- (b) the existence or extent of any function, power, right, or duty under any of sections 10 to 15 of the Waitakere Ranges Heritage Area Act 2008; or
- (c) whether an act or omission, or a proposed act or omission, contravenes or is likely to contravene any of sections 10 to 15 of the Waitakere Ranges Heritage Area Act 2008; or
- (d) any other issue or matter relating to the interpretation, administration, or enforcement of any of sections 10 to 15 of the Waitakere Ranges Heritage Area Act 2008; or
- (e) the matters provided for in section 36 of the Waitakere Ranges Heritage Area Act 2008.

Section 16: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Matters relating to Local Government Acts 2002 and 1974

17 Application of section 77 of Local Government Act 2002 to this Act

If, in complying with section 76 of the Local Government Act 2002, the Council identifies an option under section 77 of that Act that involves a decision that relates to the heritage area, the Council must,—

- (a) in addition to doing the things required by section 77(1) of the Local Government Act 2002, have regard to the purpose of this Act and the objectives in the course of the decision-making process; but
- (b) paragraph (a) must be read subject to section 79 of the Local Government Act 2002.

Section 17: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

18 Auckland spatial plan

- (1) To the extent of any inconsistency, this Act prevails over the Auckland spatial plan prepared under section 79 of the Local Government (Auckland Council) Act 2009.
- (2) When adopting or amending the Auckland spatial plan, the Auckland Council must ensure that its provisions are not inconsistent with the purpose of this Act or the objectives.

Section 18: replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

19 Management plan for Waitakere Ranges Regional Park

- (1) The Council must prepare, adopt, and maintain a management plan for the integrated management of the Waitakere Ranges Regional Park.
- (2) In acting under subsection (1), the Council must give effect to the purpose of this Act and the objectives.
- (3) Before adopting or amending the management plan, the Council must use the special consultative procedure set out in section 83 of the Local Government Act 2002.
- (4) The management plan may form part of a comprehensive management plan for all regional park land managed by the Council.
- (5) The Regional Parks Management Plan 2003 must be treated as if it were the management plan prepared and adopted under subsection (1)—
 - (a) for the purposes of this section; and
 - (b) from the commencement of this Act.
- (6) For the avoidance of doubt, any part of the management plan that relates to a reserve (within the meaning of section 2(1) of the Reserves Act 1977) must satisfy the management plan requirements of section 41 of the Reserves Act 1977.

Section 19(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 19(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 19(3): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 19(4): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

20 Management plan must be reviewed every 10 years

- (1) The Council must review the management plan prepared and adopted under section 19(1)—
 - (a) not later than 10 years after the date on which the plan was adopted; and
 - (b) after the first review, at intervals of not more than 10 years.
- (2) Subsection (1) does not limit or affect section 19(6).

Section 20(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

21 Watercare Services Limited

[Repealed]

Section 21: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Matters relating to other enactments

22 Council must have particular regard to purpose and objectives of this Act when acting under Schedule 3 enactments

The Council must have particular regard to the purpose of this Act and the objectives when exercising a power or carrying out a function—

- (a) under an enactment specified in Schedule 3; and
- (b) in relation to the heritage area.

Section 22 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 22: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

23 Waitakere Ranges heritage area covenants

- (1) If an owner of land in the heritage area agrees to manage all or a part of the land in a manner that contributes to achieving the purpose of this Act and the objectives, the Council may enter into a covenant with the owner (to be known as a Waitakere Ranges heritage area covenant)—
 - (a) to provide for the management of the land; and
 - (b) on the terms and conditions as they may agree.
- (2) The covenant may include conditions specifying contributions to be made by the local authority to assist with the management of the covenanted area.
- (3) A covenant that has been entered into under this section must be treated as if it were a covenant that had been entered into under section 77 of the Reserves Act 1977, and that Act applies accordingly, with any necessary modifications.

Section 23(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

24 Relationship between this Act and Foreshore and Seabed Act 2004

This Act does not limit or affect the Foreshore and Seabed Act 2004.

Local area plans

25 Local area plans

- (1) The Council may prepare and adopt a local area plan for a local area that is within the heritage area.
- (2) The purpose of a LAP is to—
 - (a) promote the purpose of this Act and the objectives; and
 - (b) provide objectives (particularly long-term objectives) in relation to—
 - (i) the future amenity, character, and environment of the local area to which the LAP applies; and
 - (ii) the well-being of the local community within that area (including its economic and social wellbeing); and
 - (c) inform decision-making processes that relate to the heritage area.
- (3) A LAP must—
 - (a) define the local area to which the LAP applies; and
 - (b) identify the extent and nature of the heritage features existing in the local area; and
 - (c) state how it is intended that the objectives in section 8 will be promoted in relation to the local area; and
 - (d) identify the distinctive natural, cultural, or physical qualities or characteristics of the local area that contribute to the local area's long-term—
 - (i) pleasantness or aesthetic coherence; or
 - (ii) cultural or recreational attributes; and
 - (e) state policies and objectives in relation to the amenity, character, and environment of the local area.
- (4) A LAP may identify issues relating to the provision of future services in the local area to which the LAP applies.
- (5) The Council may amend, revoke, or replace a LAP.

Section 25(1): substituted, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 25(5): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

26 Preparation, amendment, revocation, and replacement of LAPs

In preparing, amending, revoking, or replacing a LAP, the Council may decide for itself the process that it uses but, in doing so, it must—

- (a) ensure that the process encourages interested or affected persons to participate in and contribute to the LAP's preparation, amendment, revocation, or replacement; and
- (b) comply with the principles of consultation in section 82 of the Local Government Act 2002; and
- (c) if the LAP is for a local area that is adjacent to or includes a part of the Waitakere Ranges Regional Park, have regard to the current management plan for the Park prepared under section 19; and
- (d) consult with tangata whenua, namely Ngati Whatua and Te Kawerau A Maki.

Section 26: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

27 Effect of LAP

- (1) The adoption of a LAP by the Council does not constitute a decision by it to act on any specific matter included in the LAP.
- (2) However, if a decision of the Council is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, a LAP it has adopted, it must, when making the decision, clearly identify—
 - (a) the inconsistency; and
 - (b) the reasons for the inconsistency; and
 - (c) any intention it has to amend the LAP to accommodate the decision.
- (3) No person is entitled to require the Council or any other person to implement a LAP or any provision of it.

Section 27(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 27(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 27(3): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

28 Relationship between LAP and Resource Management Act 1991

- (1) The Council may include in its district plan any part of a LAP that relates to managing the use, development, or protection of natural and physical resources.
- (2) For the purposes of subsection (1), the LAP or the parts of the LAP must be treated as a proposed plan change, and Part 1 of Schedule 1 of the Resource Management Act 1991 applies accordingly, with any necessary modification.

- (3) For the avoidance of doubt, a LAP or a provision of a LAP has no effect on any decision under the Resource Management Act 1991.
- (4) Subsection (3) is subject to subsections (1) and (2), and the Resource Management Act 1991.

Section 28 heading: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 28(1): replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 28(2): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 28(3): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 28(4): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Deeds of acknowledgement

29 Acknowledgement of tangata whenua relationship

- (1) A deed of acknowledgement will acknowledge the particular historical, traditional, cultural, or spiritual relationship of tangata whenua of the heritage area, namely Ngati Whatua and Te Kawerau A Maki, with any land in the heritage area.
- (2) Parties to a deed of acknowledgement will be the Crown or the Council and tangata whenua of the heritage area.
- (3) A deed of acknowledgement will be entered into after consultation with, and with the agreement of, the parties to that deed.
- (4) The deed of acknowledgement must not—
 - (a) relate to—
 - (i) any water; or
 - (ii) land that is held in fee simple by any person, other than the Crown or the Council; or
 - (b) be inconsistent with any registered interest in land to which it relates.
- (5) The deed of acknowledgement—
 - (a) records the Crown or relevant local authority's acknowledgement referred to in subsection (1); and
 - (b) must identify the land to which it relates; and
 - (c) may acknowledge, if appropriate, any statement of relationship by any others who claim tangata whenua status with the same land; and

- (d) without limiting section 30, must identify any specific opportunities for contribution by the tangata whenua to whom the deed relates to the management of the land by the Crown or the Council.
- (6) The deed of acknowledgement may be amended or revoked by agreement between the parties.

Section 29(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 29(4)(a)(ii): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 29(5)(d): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

30 Purpose and effect of deed of acknowledgement

- (1) The only purpose of a deed of acknowledgement is to identify opportunities for contribution by tangata whenua to the management of the land concerned by the Crown or the Council.
- (2) A deed of acknowledgement—
 - (a) does not affect the exercise of any power or the carrying out of any function or duty by any person under any enactment:
 - (b) must not be taken into account by any person in the exercise of any power or the carrying out of any function or duty under any enactment by the person:
 - (c) does not permit any person, when considering any matter or making any decision or recommendation under any enactment, to give any greater or lesser weight to the statement of relationship concerned than the person would give under the enactment if the deed did not exist:
 - (d) does not affect the lawful rights or interests of any person:
 - (e) does not have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind in relation to, any land referred to in the deed.

Section 30(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

31 May be more than one deed of acknowledgement for same land

A deed of acknowledgement entered into by the Crown or a local authority with tangata whenua does not prevent the Crown or the local authority from entering into further deeds of acknowledgement for the same land with other tangata whenua who have a historical, traditional, cultural, or spiritual relationship with the land.

32 Notice of deed of acknowledgement

- (1) The Crown or a local authority must give notice of the following things:
 - (a) the entering into of a deed of acknowledgement:

- (b) the amendment of a deed of acknowledgement to which it is a party;
 - (c) the revocation of a deed of acknowledgement to which it is a party.
- (2) The notice must be published—
- (a) in the *Gazette*; and
 - (b) as soon as possible after the thing to which it relates.

Consultation processes with tangata whenua

33 Consultation processes with tangata whenua

- (1) In addition to any specific opportunities for contribution identified in a deed of acknowledgement under section 29(5)(d), the Council must establish and maintain processes to provide opportunities for Ngati Whatua and Te Kawerau A Maki to contribute to the decision-making processes of the Council in its implementation of this Act.
- (2) For the avoidance of doubt, subsection (1) does not apply to a decision of the Council in relation to land that is held in fee simple by any person other than the Crown or the Council (for example, a decision in relation to a consent, permit, or authorisation).

Section 33(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 33(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Part 3

Miscellaneous provisions

34 Council must monitor and report on certain matters relating to heritage area

- (1) The local Council must monitor—
- (a) the state of the environment in the heritage area; and
 - (b) the progress made towards achieving the objectives; and
 - (c) the funding impact arising from activities to be undertaken specifically to give effect to this Act.
- (2) The local Council must produce, and adopt, a report on the monitoring undertaken under subsection (1)—
- (a) not later than 5 years after the commencement of this Act; and
 - (b) after the first report, at intervals of not more than 5 years.
- (3) The Council must give public notice of having adopted a report by publishing a notice in 1 or more daily newspapers circulating in the heritage area.

Section 34 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 34(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 34(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 34(3): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

35 Preservation of existing rights

This Act does not limit or affect—

- (a) any title or right to ownership of any land or natural resources within the heritage area, whether the title or right is conferred by enactment, at common law, or in any other manner:
- (b) any statutory acknowledgement included in any enactment and listed in Schedule 11 of the Resource Management Act 1991:
- (c) the ability of any person to bring a claim (or continue to bring a claim) or seek a remedy in any court or tribunal—
 - (i) arising from the Treaty of Waitangi, an Act, the common law, or in any other manner; and
 - (ii) relating to heritage area land or its natural resources.

Section 35(b): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

36 Transitional provisions

- (1) An application for resource consent for an activity in the heritage area that has been lodged but not finally determined before the commencement of this Act must be completed (including any rights of appeal under the Resource Management Act 1991) as if this Act had not been enacted.
- (2) A plan change or variation, proposed policy statement, heritage order, or notice of requirement for a designation that has been notified but not finally determined before the commencement of this Act must be completed (including any rights of appeal under the Resource Management Act 1991) as if this Act had not been enacted.
- (3) *[Repealed]*

Section 36(1) heading: repealed, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

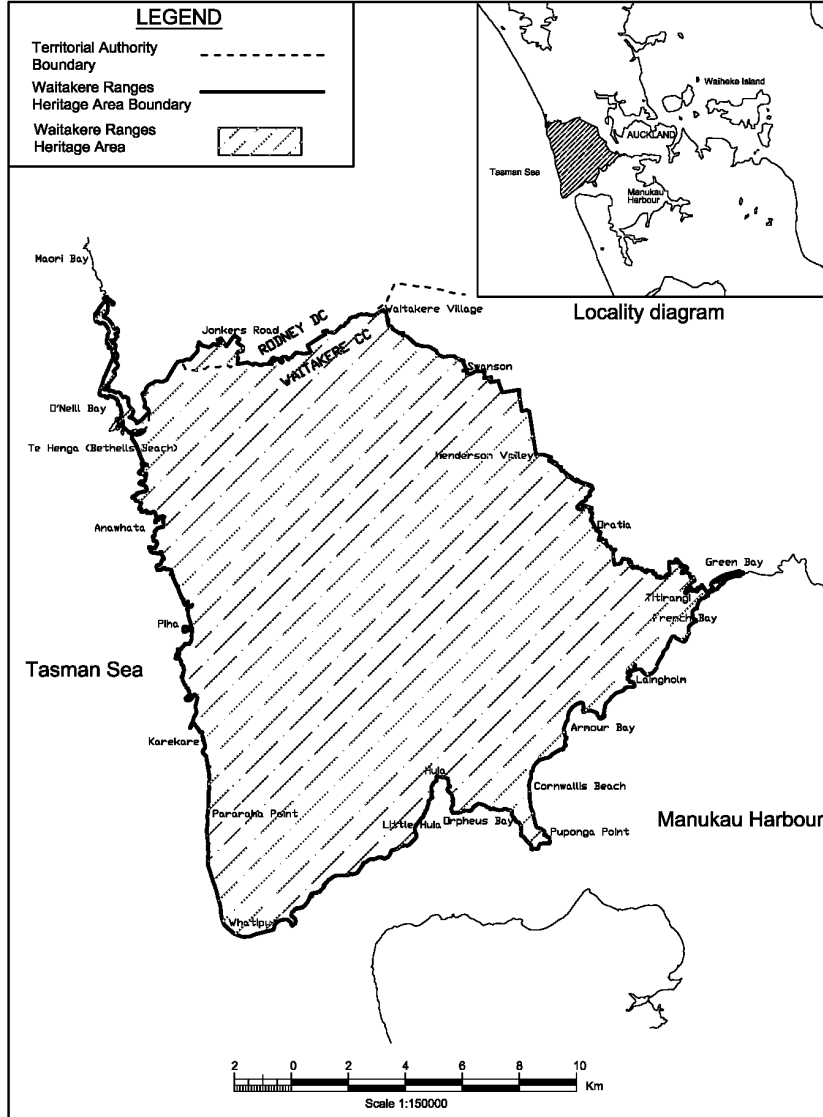
Section 36(3) heading: repealed, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 36(3): repealed, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Schedule 1

Indicative map of Waitakere Ranges heritage area

s 5



Schedule 2

Description of Waitakere Ranges heritage area

s 5

The Waitakere Ranges heritage area is all those areas identified as:

Area	North Shore Land District Description
25 710 hectares	Area A shown on SO Plan 361780
530 hectares	Area B shown on SO Plan 361452
660 hectares	Area C shown on SO Plan 361452
820 hectares	Area A shown on SO Plan 64997

Schedule 3
Enactments to which section 21 applies

s 22

Biosecurity Act 1993 (Part 5)
Hauraki Gulf Marine Park Act 2000
Heritage New Zealand Pouhere Taonga Act 2014
Reserves Act 1977
Soil Conservation and Rivers Control Act 1941

Schedule 3: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Notes

1 *General*

This is a consolidation of the Waitakere Ranges Heritage Area Act 2008 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Natural and Built Environment Act 2023 (2023 No 46): section 805(1)

Secondary Legislation Act 2021 (2021 No 7): section 3

Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26): section 107

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37): section 113(1)