



HERITAGE NEW ZEALAND
POUHERE TAONGA



NATIONAL ASSESSMENT RMA POLICY AND PLANS – HERITAGE PROVISIONS

September 2016

NATIONAL ASSESSMENT RMA POLICY AND PLANS – HERITAGE PROVISIONS

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COVER: Chisholm Ward, Queen Mary Hospital (former) at Hanmer, NZ Heritage List number 7612, Category 1. The building is within the Queen Mary Hospital (Former) and Hanmer Springs Thermal Reserve Historic Area (List number 7583), and was rezoned in the Hurunui District Plan in 2013 from “Business zone” to “Queen Mary Hospital Heritage zone”.

COVER IMAGE COURTESY OF SHELLIE EVANS 2014 FLICKR.COM

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SUMMARY OF KEY FINDINGS – CHANGES SINCE JUNE 2013

Plan changes since June 2013

This 2015 national assessment of the heritage provisions in the Resource Management Act 1991 (RMA) plans and policy statements (the 2015 Assessment) focuses on changes since the previous assessment in June 2013 (the 2013 Assessment). Table 1 summarises the changes to RMA plans and policy statements between June 2013 and July 2015 (the assessment period) that contain provisions relevant to the identification or conservation of historic heritage. Section 3 of this report itemises these amended plans and policy statements and the date each document was notified or became operative.

The most significant proposed plan notified during the assessment period was the Proposed Auckland Unitary Plan (PAUP), which will replace eight legacy district plans and the legacy regional policy statement (RPS) and regional plans. Other significant notifications during the review period include the Proposed Christchurch Replacement District Plan (stage 3) and proposed plans for Whakatane, Hastings, Thames-Coromandel and Hurunui Districts, Invercargill City and the Chatham Islands.

Table 1: Heritage-related changes to RMA plans and policy statements between June 2013 and July 2015

Plan type	Proposed plan or plan change notified	Proposed plan or new operative plan
Regional plans and policy statements and unitary or combined plans	4	6
District plans	12	18

HERITAGE NEW ZEALAND'S PERFORMANCE EXPECTATIONS FOR DISTRICT PLAN HERITAGE PROVISIONS

Heritage New Zealand Pouhere Taonga (Heritage New Zealand or HNZPT) advocates for provisions in RMA plans and policy documents that facilitate the conservation of historic heritage. The *Heritage New Zealand Pouhere Taonga Statement of Performance Expectations 2014-2015* (the *Statement of Performance Expectations*) sets out the expectation that district plans will meet minimum standards for the protection of historic heritage. Table 2 lists these performance standards and the results of the current and previous two assessments.

Table 2: Percentage of district plans that meet HNZPT defined standards

Performance standard	2011	2013	2015
A heritage schedule that contains all NZ Heritage List entries	21%	32%	34%
Demolition of scheduled heritage as a non-complying activity for at least high-ranked items	43%	56%	67%
Destruction of scheduled Māori heritage as a non-complying activity for at least high-ranked items	9%	17%	25%
Regulatory incentives for retention of heritage	28%	32%	49%

Since the 2013 Assessment there has been a small increase in the percentage of plans containing all properties entered on the NZ Heritage List/Rārangi Kōrero (NZ Heritage List entries), as well as significant improvement in plan provisions for demolition of scheduled historic heritage and provision of non-regulatory incentives for heritage conservation.¹ However, three-quarters of district plans are still not making adequate provision for the protection of sites of significance to Māori.

KNOWLEDGE OF HISTORIC HERITAGE

RMA plans identify and protect around 13,000 items of historical and cultural significance. Around 40% of these scheduled sites are entered on the NZ Heritage List. Overall, 95% of NZ Heritage List entries (excluding listed archaeological sites and places contributing to historic areas but not separately listed) are scheduled in plans and protected by rules. Forty-two district plans (66%) do not have all NZ Heritage List properties on the schedule in 2015; this is directly comparable with the 2013 assessment.² However, in most areas of New Zealand there has been little progress to recognise **Māori heritage** in regional and district plan heritage schedules, and this issue remains a critical deficiency in many district plans.

The Canterbury earthquakes of 2010-2012 resulted in the removal of heritage items from district plans in that region, and by July 2015 the total number of places on the schedule had reduced by 249 items. Despite these losses though there has been an overall **increase** nationally from 11,576 to 13,127 in scheduled heritage items since June 2013. This reflects revisions to heritage schedules in the Hurunui District, including sites protected in the Southland Regional Coastal Plan, and a reassessment to ensure that all scheduled historic heritage sites protected by rules are included in the count. This figure excludes scheduled heritage places and archaeological sites that are identified in plans for information only, but not protected by rules.

RISKS TO HISTORIC HERITAGE

The Gisborne earthquake of 2007 and the Canterbury earthquakes of 2010-2012 have highlighted the risk to New Zealand's heritage from seismic activity. The Canterbury earthquake sequence demonstrates the potentially devastating effect of a catastrophic event on historic heritage. Of 165 NZ Heritage List buildings demolished since 2009, 137 resulted from earthquake damage. An increasing number of heritage buildings are being identified as earthquake-prone under the Building Act 2004. This is likely to increase when the amendments to the Act setting out risk-based timeframes for the assessment and strengthening of earthquake-prone buildings take effect.

The other key threats to historic heritage structures are fire and development. Eight NZ Heritage List buildings have been demolished due to fire since 2009. In addition, 20 NZ Heritage List entries have been demolished since 2009 due to development pressure or neglect. This continues to be a major threat, both in urban areas where the demand for land is high and in provincial areas with low economic return on commercial buildings.

CONSERVATION OF HISTORIC HERITAGE

Heritage New Zealand key performance indicators (KPIs) for district plan quality relate to protecting scheduled historic heritage, in particular sites of significance to Māori, from demolition or destruction through suitable rules. The 2015 Assessment found that 67% of plans regulate demolition of scheduled heritage items as a non-complying activity for at least higher-ranked items.³ This is an improvement on the 56% of plans meeting the Heritage New Zealand standard in the 2013 Assessment.

However, the 2015 Assessment shows that there is an overall lower standard of regulation across the nation for historic sites and Māori heritage in comparison with scheduled historic buildings. Only 16 plans (25%) regulate destruction of historic sites and Māori heritage as a non-complying activity. This compares with 44 plans that regulate demolition of historic buildings (at least for higher-ranked items) as a non-complying activity. Of particular concern is that five plans have no rules governing the destruction of Māori heritage.

INCENTIVES

There has been a steady increase in the number of plans providing regulatory and non-regulatory incentives for conservation of historic heritage as local authorities review plans and heritage chapters. Currently around half of the district plans have incentives, as shown in Table 3. However, many older plans and five plans that have been review within the last five years do not contain incentives.

Table 3: Number of district plans with incentives for historic heritage

Performance standard	2011	2013	2015
Percentage of district plans providing regulatory incentives for retention of heritage	28%	32%	49%
Number of district plans providing regulatory incentives for retention of heritage	21	25	31

¹ NZ Heritage List entries are historic places, historic areas, wāhi tapu, wāhi tūpuna, and wāhi tapu areas entered on the New Zealand Heritage List/Rārangi Kōrero.

² In 2013, 23 out of 72 district plans included all NZ Heritage List entries and 49 did not; in 2015, 22 out of 64 district plans included all NZ Heritage List entries and 42 did not. The PAUP amalgamated eight district plans into one.

³ Higher ranked items are those identified in plan heritage schedules as "Category A", "Category I" or equivalent.

The types of incentives in district plans include:

- exemptions from plan provisions for parking and service areas, outdoor areas and minimum floor areas for urban heritage buildings
- ensuring that consent requirements do not provide a barrier to repair and maintenance, adaptive reuse and safety modifications such as earthquake strengthening
- promoting public awareness of historic heritage values
- rates relief and resource consent fee waivers.

OVERALL PLAN QUALITY

Both Auckland Council and Wellington City Council have produced plan effectiveness monitoring reports during the assessment period. No other local authorities have undertaken recent reviews of the effectiveness of their heritage plan provisions. For the next review, Heritage New Zealand will assess whether monitoring reports under section 32 or 35 of the RMA, or other types of local authority monitoring, can provide information on the effectiveness of plan heritage provisions.

Most plans, especially the more recently reviewed plans, have an adequate alignment between objectives, policies and rules. However, nine plans have not been reviewed within the last 10 years and are in need of updating. More than half of the district plan schedules do not have assessment criteria for including places on the schedule. Nine plans have historic heritage schedules that are not backed up with rules, or the rules are inadequate.

In general, plans are making adequate provision for the repair and maintenance of historic heritage, although some lack criteria for assessment and others have confusing definitions. Currently, 64% of plans do not make specific provisions to reduce regulatory barriers for safety-related modifications, although this is improving as more plans are reviewed. An increasing number of plans are providing for additions and alterations as a restricted discretionary activity, although most still have a discretionary activity rule, and this could hamper adaptive reuse of heritage buildings.

While all plans have general subdivision rules, six have no specific subdivision rules for historic heritage, and several have a permitted or controlled activity rule. Heritage New Zealand recommends that the subdivision of land containing historic heritage be a discretionary or non-complying activity.

The following plans have been identified as being deficient in some or all of the areas assessed:

- Clutha District Plan (operative 1998)
- Central Hawke's Bay District Plan (operative 2003)
- West Coast proposed RPS (proposed March 2015)
- Grey (operative 2005), Buller (operative 2000) and Westland (operative 2002) District Plans
- Mackenzie District Plan (operative 2004, heritage chapter revised 2011)
- Upper Hutt District Plan (operative 2004)
- Nelson Resource Management Plan (operative 2004).

1. BACKGROUND AND SCOPE

1.1 PURPOSE OF THE 2015 ASSESSMENT

This is Heritage New Zealand's fourth national assessment (the 2015 Assessment) of the heritage provisions of RMA plans and policy statements. The 2015 Assessment provides an update to previous national assessments carried out by Heritage New Zealand in 2009, 2011 and 2013. The 2015 Assessment focuses on changes to heritage provisions in RMA plans between 1 July 2013 and 31 July 2015. The July 2015 cut-off date was selected so that the review could include the Proposed Christchurch Replacement District Plan (stage 3) notified on 25 July 2015.

The 2015 Assessment surveys the adequacy of provisions for heritage identification and protection in RMA plans. RMA plan provisions are assessed against the standards set out in the *Statement of Performance Expectations* and Heritage New Zealand's best practice guidance *Sustainable Management of Historic Heritage Guidance Series*. The 2015 Assessment provides information on the effectiveness of Heritage New Zealand's advocacy role and may assist local authorities improve provisions for the conservation of historic heritage.

1.2 SELECTION OF INDICATORS

The national assessments are a partial analysis based on the Pressure-State-Response (PSR) environmental reporting framework and the use of selected indicators.⁴ The assessments look solely at RMA plan provisions, so can only present a partial view of the management of historic heritage. The PSR framework is based on the premise that **pressures** on a resource affect the **state** or condition of the resource, and this prompts a **response** – from responsible agencies, owners or the public. In turn, basic sectoral trends are drivers of the pressures. For example, a long-term trend of population growth and increasing urbanisation is a **driver** for the **pressure** on the resource, increasing demand for land for housing and commerce. If unchecked, this demand could result in the demolition or destruction of the historic heritage resource, a significant impact on the **state** of the resource. The **response** of local authorities may be to survey and identify local historic heritage and introduce RMA plan rules to protect the most significant historic heritage from development pressure, or provide incentives and non-regulatory measures to encourage the conservation of historic heritage.

Pressures

Pressures on the historic heritage resource include:

- direct physical risks such as earthquake, fire and natural hazards
- increasing community and government concern about the safety of heritage buildings
- owner concerns about the requirements for and cost of seismic strengthening
- changes in owner and user requirements for heritage places
- population changes and intensification of population in urban centres and resulting government policies on making land available for development
- economic drivers leading to pressure to redevelop sites
- cumulative effects of loss of individual heritage items from an area.

Heritage New Zealand does not collect information that could form a basis for directly monitoring the pressures on historic heritage. Instead, the 2015 Assessment uses demolition of NZ Heritage List entries as a gross measure of the pressure on heritage resources.

State

The state of the historic heritage resource could be measured as the number of historic heritage items and quality of the resource, for example, the condition of items. Section 35(2)(a) of the RMA requires local authorities to monitor the state of the environment to the extent needed to carry out its functions. Few have specifically monitored the condition of historic heritage and Heritage New Zealand is not resourced to do this nationally. The number of historic heritage items scheduled in plans is an imprecise indicator, as it assumes that local authorities are equally resourced and motivated to schedule a representative sample of historic heritage items in plans and are using consistent criteria to determine heritage significance. In reality, approaches used by local authorities to identify historic heritage vary widely. In addition, local authorities do not systematically collect information on the condition or "state" of scheduled historic heritage, so the number of scheduled sites is a proxy indicator for the state of the resource.

⁴ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No. 5, 'State of the Environment Reporting and Monitoring', August 2007.

Response

An important question to ask is whether responses address the impact that the pressures have on the state of the historic heritage resource. The key pressures are currently seen as development, fire and earthquake. In the future, expectations of earthquake strengthening requirements and costs, and the pressure on the use of land for housing (particularly in major centres), could drive the demolition of historic heritage. The development and adaption of historic heritage places and sites can result in the reduction of heritage values. Responses such as the number of plans with a certain type of heritage protection rule are often easier to quantify and establish a time-series for than pressure and state indicators.

The response indicators used in this assessment measure the protection of historic heritage from key threats. Incentives to conserve historic heritage also demonstrate a response to these threats.

Indicators

The 2015 Assessment:

- uses information on the removal from the NZ Heritage List of demolished or destroyed NZ Heritage List entries as a proxy

indicator of the **pressure** on historic heritage. In a Pressure-State-Impact-Response (PSIR) model, this would be an **impact** indicator. This can also be an indicator of the **state** of the historic heritage resource

- uses the identification of historic heritage in plans as an indicator of the **state** of the historic heritage resource (i.e. the percentage of plans identifying all NZ Heritage List entries and protecting them with rules), and the total number of historic heritage sites protected in plans
- assesses the **response** through incentives provided by local authorities for heritage conservation
- evaluates the **response** in terms of protection provided to scheduled historic heritage through plan rules, using rules governing demolition or destruction as a key indicator
- uses other plan provisions to protect historic heritage from the inappropriate subdivision, use and development as an indicator of the **response**.

Table 4 sets out the indicators selected to assess the state of the historic heritage resource and the response to pressures on the resource for the 2015 Assessment.

Table 4: Pressure, state and response (PSR) indicators for historic heritage

	Issue	Indicator	Information focus
Pressures	Threats and hazards to heritage items	Number of heritage items destroyed and the threat resulting in destruction (using Impact as a proxy for pressure)	Number of NZ Heritage List entries destroyed by earthquakes, fire, development or demolition by neglect
State of the resource	Identification of the historic heritage resource	Number and distribution of identified heritage items	Percentage of plans that identify and protect all NZ Heritage List entries Number of scheduled heritage items (buildings, sites, areas, Māori heritage) identified in district plans
	Survival of historic heritage	Number of heritage items destroyed or values potentially severely diminished	Number of NZ Heritage List entries destroyed or damaged by earthquakes, fire, development or demolition by neglect
Response	Protection of historic heritage by central and local government	Assessment of heritage plan quality	District plan heritage rules to protect historic and cultural heritage items from demolition
			Number of plans with incentive provisions heritage to encourage the protection of historic heritage
			Identification and protection through rules of NZ Heritage List entries and locally significant heritage
			Quality of heritage objectives and policies

1.3 KEY PERFORMANCE INDICATORS

Heritage New Zealand has identified the following indicators as KPIs for measuring progress against objectives for influencing RMA plan quality. These are set out in the 2014-15 *Statement of Performance Objectives* (shown in bold type in Table 4):

- a heritage schedule that contains all NZ Heritage List entries
- demolition of scheduled heritage as a non-complying activity for at least high-ranked items
- destruction of scheduled Māori heritage as a non-complying activity for at least high-ranked items
- regulatory incentives for retention of heritage.

Other indicators used in this assessment are based on Heritage New Zealand guidance on RMA plan quality.⁵

1.4 SCOPE OF THE ASSESSMENT

The scope of the 2015 Assessment is limited to:

- **the most recent version of district plans** – the assessment is limited to the proposed or operative district plan, whichever is the most recent, and focuses on plans that have been reviewed since the 2013 Assessment⁶
- **plan changes** – the assessment includes recent plan changes that modify heritage rules, including for archaeological and cultural sites, or heritage schedules notified on or before July 2015
- **heritage rules** – the assessment selected core heritage rules for assessment. It has not attempted to assess all heritage-related rules such as general zone provisions, resource consent information requirements, financial contributions and designation provisions.

The 2015 Assessment does not assess provisions for notable trees. Although some of the notable trees that are scheduled and protected in district plans have historic heritage values, this is beyond the scope of this assessment.

Archaeological sites are regulated under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act). Under the Act, an archaeological authority is required to modify or destroy an archaeological site. This review focuses on the identification and protection of historic heritage under the RMA, but includes significant archaeological sites that are specifically identified on plan schedules and protected by appropriate rules.

This assessment is a snapshot as at July 2015. Many of the proposed plans and plan changes assessed in this report are not operative and will be subject to change as a result of submissions, hearings, decisions and appeals.

⁵ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, www.heritage.org.nz

⁶ Heritage provisions of plans have legal effect once the proposed plan is notified.

2. OVERVIEW OF NATIONAL POLICY INITIATIVES SINCE THE 2013 ASSESSMENT

2.1 NATIONAL POLICY

The HNZPT Act was enacted in May 2014, replacing the former Historic Places Act 1993 (HPA). The new HNZPT Act retained the heritage Register, renamed the "NZ Heritage List/Rārangī Kōrero" (the NZ Heritage List). The HNZPT Act establishes one of the purposes of the List to "be a source of information about historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas for the purposes of the Resource Management Act 1991." Provision for heritage covenants and heritage orders, and the requirements in the RMA for local authorities to have regard to any relevant entry on the NZ Heritage List when preparing RMA plans and policy statements, remain unchanged.

The RMA is currently under review and a series of substantial changes are proposed. Amendments enacted in 2013 introduced:

- a streamlined process for Auckland's first Unitary Plan
- a stronger requirement for councils to base their planning decisions on robust cost-benefit analysis.

Further proposals were set out in the 2013 consultation document *Improving Our Resource Management System*, but these have not yet been translated into legislation.⁷ A Bill proposing changes to the RMA and other resource legislation was introduced in November 2015, and public submissions closed on 14 March 2016. Proposals for a new National Environmental Standard (NES) for Plantation Forestry were released for public consultation in June 2015, and the public were consulted on proposals to expand the NES for Telecommunications in March 2015. These proposals, once they take effect, will be discussed in the next national plan assessment.

Extensive changes are proposed in the management of earthquake-prone buildings as part of the review of the Building Act.⁸ This review follows the final recommendations of the Canterbury Earthquakes Royal Commission. The Building (Earthquake-prone Buildings) Amendment Bill was introduced in December 2013, and the Select Committee reported back

in September 2015. The proposals requiring earthquake strengthening of non-residential buildings within specified risk-based timeframes have not yet taken effect.⁹ However, many councils have already started assessing buildings and facilitating earthquake strengthening projects.

During the review period a new Civil Defence and Emergency Management Plan was developed. This reflects changes to the legislative basis of Heritage New Zealand's advisory role in a declared national or local civil defence emergency. The National Civil Defence Emergency Management Plan Order 2015 and the accompanying Guide came into force on 1 December 2015.¹⁰

The heritage planning arrangements that were put in place as a response to the Canterbury earthquakes continued to operate during the assessment period. These arrangements included the Christchurch Central Recovery Plan and the Blueprint Plan that contain a precinct-based structure plan for the reconstruction of central Christchurch. Heritage New Zealand has advocated for the retention and adaptive reuse within the precinct concept plans. The recovery plan also introduced new heritage rules, provisions to encourage heritage building safety (earthquake strengthening, fire safety and physical access) and improved regulatory incentives. The Christchurch City Proposed Replacement Plan was notified on 25 July 2015 and replaces the Christchurch Central Recovery Plan.

2.2 HERITAGE ORDERS

Under the RMA, a heritage order is a provision in a district plan to protect the heritage qualities of a particular place or structure. Heritage orders have not been used often, and no new heritage orders have been put in place since the 2013 Assessment. There were 19 heritage orders in place at July 2015 where Heritage New Zealand is the Heritage Protection Authority, and at least 10 local authority heritage orders. This includes two heritage orders listed in the PAUP as "in progress".

⁷ MfE, *Improving our Resource Management System, A Discussion Document*, February 2013.

⁸ MBIE, *Building Seismic Performance, Proposals to Improve the New Zealand Earthquake-Prone Building System*, Consultation Document, December 2012.

⁹ The Bill was passed on 4 May 2016, but cannot take effect until regulations have been promulgated.

¹⁰ www.legislation.govt.nz

Figure 1: Olivers Restaurant,
Clyde (List # 5187, Category 1)

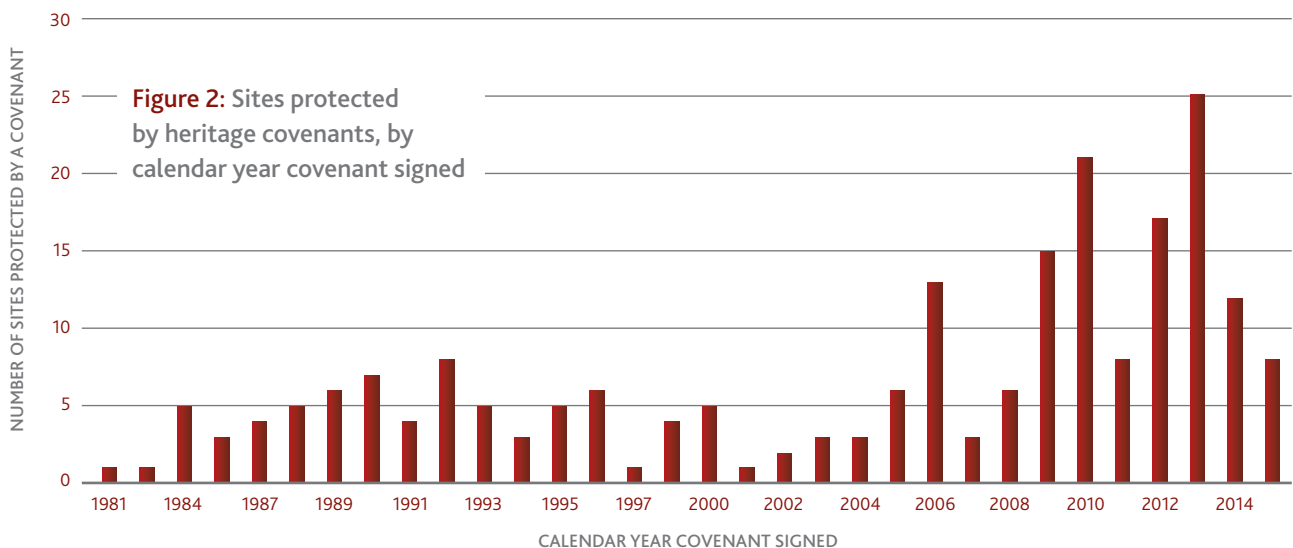
PHOTO: PHIL BRAITHWAITE, 2013



2.3 HERITAGE COVENANTS

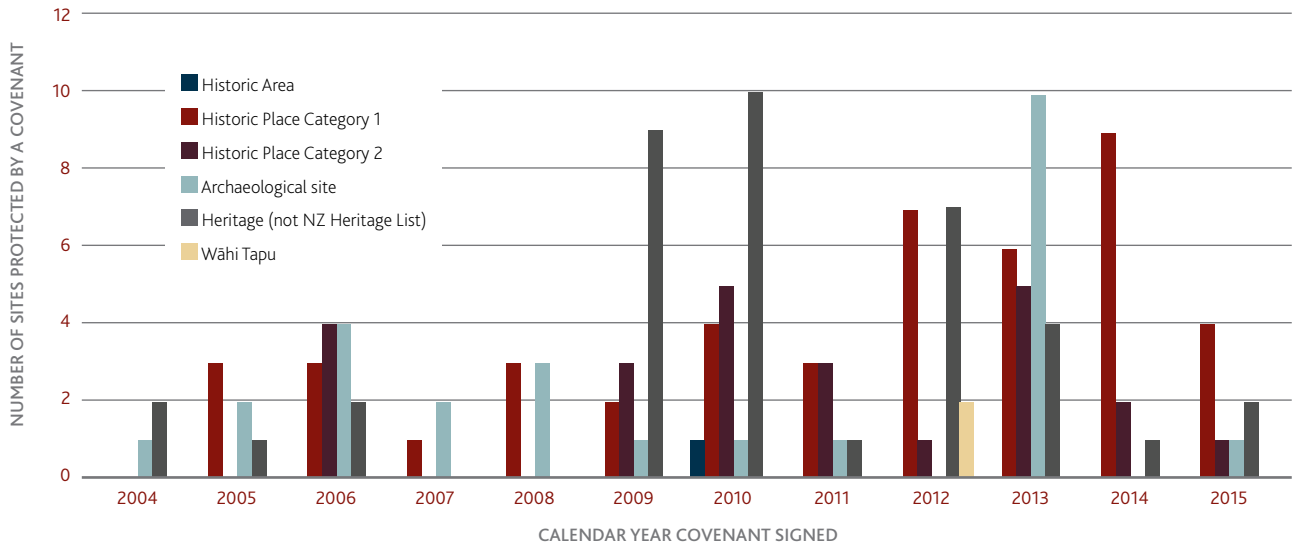
Heritage covenants are agreements between owners and Heritage New Zealand to provide for the protection, conservation and maintenance of a heritage place, and are registered on the title of the land.¹¹ Many of the covenants have been issued as a consequence of owners receiving grants from the National Heritage Preservation Incentive Fund or via heritage assessments undertaken as part of the Crown-land disposal processes. For example, several of the covenants signed in 2010 arose from the disposal of properties as part of the Wellington city bypass project.

Figure 2 shows the number of sites protected each year by covenants and Figure 3 the type of sites protected by covenants. A single covenant can protect several sites. For example, a group of archaeological sites together may make up a site of exceptional heritage significance and be covered by a single covenant. In 2006 a covenant protected seven sites in the Macraes Flat area in Otago. In 2013, a group of archaeological sites in Taranaki showing evidence of occupation and defensive structures were protected by a covenant.



¹¹ Sections 39 and 40, HNZPT Act.

Figure 3: Sites protected by covenants (since 2004) by heritage status



There is a need to improve the availability of information about covenants that protect heritage properties through legislation other than the HNZPT Act. For example, the number of heritage places protected by covenants under the RMA, the Crown Pastoral Land Act 1998, the Reserves Act 1977, the Conservation Act 1987 or the Queen Elizabeth the Second National Trust Act 1977 is unknown.

RECOMMENDATION 1:

For the next review, Heritage New Zealand will collect information on protection afforded to historic heritage through legislation other than the HNZPT Act to provide a fuller picture of protection of New Zealand’s historic heritage.

**2.4 DECLARATION OF
ARCHAEOLOGICAL SITES**

The HNZPT Act provides a mechanism for declaring a post-1900 site of archaeological significance to be an “archaeological site” under the HNZPT Act. A declared archaeological site is subjected to the same management regime as pre-1900 sites (i.e. an archaeological authority is required to modify or destroy a declared archaeological site). During the assessment period, two sites have been declared as archaeological sites:

- the Norwegian Whaling Base in Stewart Island (see Figure 4)
- the wreck of the *Ventnor*.

Figure 4: The Norwegian Whaling Base, Stewart Island

PHOTO: JONATHAN HOWARD, HERITAGE NEW ZEALAND, 2014



3. DISTRICT AND REGIONAL PLANNING INITIATIVES SINCE THE 2013 ASSESSMENT

3.1 REGIONAL POLICY STATEMENTS AND PLANS

RPSs give an overview of the region's resource management issues and provide policies and methods to achieve the integrated management of the natural and physical resources of the region.¹² Regional and district plans must give effect to the RPS. For example, the PAUP which was notified in September 2013 includes a regional policy module that establishes the framework for management of historic heritage. The PAUP replaces the RPSs and regional plans of the former Auckland Regional Council, and the district plans of the former district councils that were amalgamated into the new Auckland Council. The high-level regional framework it provides guides the objectives, policies and rules in the specific heritage sections of the plan.

Table 5 lists the proposed RPSs and relevant regional and unitary plans that were notified during the assessment period and Table 6 lists those that became operative.

Since April 2013, two new RPSs have become operative in the Bay of Plenty and Wellington regions. West Coast and Otago Regional Councils both notified proposed RPSs. The proposed Otago RPS includes robust heritage objectives, policies and methods for historic heritage. Objectives recognise historic heritage and its contribution to the region's character and sense of identity. The associated policies recognise, identify and manage historic heritage. The RPS

also provides specific direction for incorporating heritage objectives and policies in regional and district plans.

The Bay of Plenty RPS (operative in 2014) has objectives providing for the protection of historic heritage from inappropriate subdivision, use and development. The associated policies recognise matters of significance to Māori and of national importance, and the need to protect against the adverse effects of subdivision and development. The Proposed Bay of Plenty Regional Coastal Environment Plan implements the methods of the RPS with objectives to protect heritage values and resources in the coastal environment from inappropriate subdivision, use and development. The Coastal Plan's policies also reflect the direction set in the RPS.

In contrast, the Proposed West Coast RPS contains no provisions for historic heritage. Instead, this RPS relies on provisions in the West Coast Regional Land and Water Plan. Although this Plan provides for historic heritage as a matter to be considered in assessing resource consent applications, it does not provide an overarching policy framework. The West Coast RPS is deficient in that it fails to provide a high-level framework of issues, objectives and policies for historic heritage to guide the preparation of district plans.

The Hawke's Bay Regional Coastal Plan, the Horizons Manawatu One Plan, the Environment Southland Regional Water Plan and the heritage schedules of the Tasman Resource Management Plan became operative in the review period. Environment Southland has also consulted on a draft RPS.

Table 5: Regional plans and regional policy statements proposed between June 2013 and July 2015

Regional council/unitary authority	Type of plan review or change	Date proposed
Auckland Council	Whole of plan review (regional component)	September 2013
Environment Bay of Plenty	Regional Coastal Plan	June 2014
Tasman District Council	Combined Plan – heritage schedules	January 2015
West Coast Regional Council	Regional Policy Statement	April 2015
Otago Regional Council	Regional Policy Statement	May 2015

¹² Section 59, RMA.

Table 6: Regional and unitary plans and regional policy statements operative between June 2013 and July 2015

Regional council/unitary authority	Type of plan review or change	Date operative
Environment Southland	Regional Water Plan change – discharges affecting historic heritage	December 2013
Hawke's Bay	Review of Built Environment chapter	January 2014
West Coast	Regional Land and Water Plan	May 2014
Environment Bay of Plenty	New Regional Policy Statement	October 2014
Hawke's Bay	Regional Coastal Plan	November 2014
Horizons Manawatu	New One Plan	December 2014

3.2 DISTRICT PLANS

Since 2009, councils can choose either to do a full plan review every 10 years, or undertake “rolling reviews” of individual chapters or topics. Ten new district plans or plan changes concerning heritage have been notified between June 2013 and July 2015 and these are set out in Table 7.

Table 7: Plan reviews and plan changes notified between June 2013 and July 2015

Territorial authority	Type of plan review or change	Date proposed
Whakatane District	Whole of plan review	June 2013
Invercargill City	Whole of plan review	August 2013
Auckland Council	Whole of plan review (district plan provisions)	September 2013
Hastings District	Whole of plan review	November 2013
Thames-Coromandel District	Whole of plan review	December 2013
Chatham Islands	Whole of plan review	July 2014
Hurunui District	Whole of plan review	May 2015
Christchurch City	Whole of plan review	July 2015
New Plymouth District	Plan change – wāhi tapu and archaeology	November 2014
Napier City	Plan change – earthquake strengthening and alignment with the Hastings District Plan	December 2013
Palmerston North City	Plan change – heritage	March 2014

Nineteen plans or plan changes also became operative in the review period, as shown in Table 8.

Table 8: District plans or plan changes that became operative during the assessment period

Territorial authority	Type of plan review or change	Date operative
Tauranga City	Second generation district plan	September 2013
Rangitikei District	Second generation district plan	October 2013
Kaipara District	Second generation district plan	November 2013
Stratford District	Second generation district plan	February 2014
Waimate District	Second generation district plan	February 2014
Ashburton District	Second generation district plan	August 2014
Hauraki District	Second generation district plan	September 2014
Otorohanga District	Second generation district plan	October 2014
Horowhenua District	Second generation district plan	March 2015
South Waikato District	Second generation district plan	July 2015
Hurunui District	Plan change Queen Mary Hospital Reserve	May 2013
Waitaki District	Plan change heritage schedule	June 2013
Western Bay of Plenty District	Plan change significant archaeological sites	September 2013
Wellington City	Plan change heritage	October 2013
Whanganui District	Plan change heritage	December 2013
Porirua City	Plan change heritage	March 2014
Gore District	Plan change heritage schedule	March 2014
Ruapehu District	Plan change heritage	December 2014
Manawatu District	Plan change Feilding Town Centre	April 2015
Far North District	Plan change Pahia Mission Heritage Area	June 2015

The PAUP replaces the following legacy district plans in the Auckland region:

- Auckland City District Plan – central area section
- Auckland City District Plan – isthmus section
- Franklin District Plan (part)
- Manukau City District Plan
- North Shore City District Plan
- Rodney District Plan
- Papakura District Plan
- Waitākere City District Plan.

The PAUP contains a range of new provisions for historic heritage, including revised heritage schedules, new criteria and processes for identifying historic heritage, and a range of heritage objectives, policies and rules and historic character areas.

Some recently notified proposed plans, such as the PAUP and the Proposed Christchurch Replacement District Plan, are now presented as e-plans. This means that it is straightforward to search the plan, by topic or area, and view heritage assessments for places on the heritage schedule.

Several councils have released draft discussion documents or started working on heritage-related plan changes, and once the proposed versions are notified they will be reviewed in the next assessment:

- Christchurch City Council has initiated consultation on a draft Lyttelton Port Recovery Plan
- Whanganui District Plan – earthworks provisions
- Whangarei District Council is preparing plan changes of provisions for built heritage and sites of significance to Māori
- South Taranaki District Council is undertaking a rolling review of their district plan
- Marlborough District Council is starting a review of the heritage schedules
- Dunedin City Council has been consulting in preparation for notifying a proposed plan (full plan review) in late 2015
- Wairoa District Council is starting a review of their district plan.

4. IDENTIFYING HISTORIC HERITAGE

4.1 IDENTIFYING NZ HERITAGE LIST ENTRIES IN RMA PLAN SCHEDULES

Heritage New Zealand advocates for the identification of historic heritage entered on the NZ Heritage List in RMA plan heritage schedules for protection with appropriate rules. NZ Heritage List entries include historic places, historic areas, wāhi tūpuna, wāhi tapu and wāhi tapu areas, as set out in the HNZPT Act. This is one of the four KPIs used to assess the quality of RMA plan provisions for heritage and the effectiveness of Heritage New Zealand's input into RMA planning processes, as set out in the *Statement of Performance Expectations*.¹³

4.2 HOW MANY NZ HERITAGE LIST ENTRIES ARE IDENTIFIED ON PLAN SCHEDULES?

There were 6,955 historic heritage items identified on the NZ Heritage List as at July 2015. Of these, 1,231 are identified as being "within a historic area" but are not individually entered on the NZ Heritage List. The standard does not anticipate that these sites would be individually identified on plan schedules, although some are. Of the 5,724 individual NZ Heritage List entries, 5,005 (87%) are scheduled in regional or district plans under the RMA. Table 9 gives a breakdown of the NZ Heritage List entries included and not included in plan schedules.

HNZPT standard and KPI for assessing plan quality: *District plan provisions include a heritage schedule that contains all properties entered on the NZ Heritage List.*

Table 9: NZ Heritage List entries not scheduled in plans (excluding sites only entered on the NZ Heritage List as "included in historic area")

Category	Total entered on NZ Heritage List	Number of NZ Heritage List entries scheduled in plans	Number of NZ Heritage List entries not scheduled ¹⁴	Percentage of NZ Heritage List entries scheduled
Total individually entered NZ Heritage List sites/areas	5,724	5,005	719	87%
Archaeological sites	c. 1,000	c. 600	415	c. 60%
Total individually entered NZ Heritage List sites/areas excluding Category 2 archaeological sites	c. 4,700	c. 4,400	304	c. 95%
<i>Category 1 historic places</i>	<i>1,003</i>	<i>984</i>	<i>19</i>	<i>97%</i>
<i>Category 2 historic places</i>	<i>c.3,400</i>	<i>c.3,208</i>	<i>192</i>	<i>94%</i>
<i>Wāhi tapu and wāhi tapu areas</i>	<i>166</i>	<i>125</i>	<i>41</i>	<i>75%</i>
<i>Historic areas</i>	<i>127</i>	<i>88</i>	<i>39</i>	<i>69%</i>

¹³ *Heritage New Zealand, Statement of Performance Expectations 2014-2015*, June 2014.

¹⁴ The number of NZ Heritage List entries not scheduled excludes items that were entered onto the List after the plan was made, so there has not yet been an opportunity to schedule the newly NZ Heritage List entry.

Of the 1,003 Category places entered on the NZ Heritage List before the most recent proposed district plan was notified, only 19 (2%) are not currently scheduled in the appropriate district or regional plan. Six of these items are protected outside of the RMA plan process, for example, by heritage covenants, reserve status or through active management by the Department of Conservation. Some of the remaining 13 have not been scheduled because of owner unease, and others may have been extensively modified or relocated since being entered on the NZ Heritage List, and require a review of their List status. A further 24 Category 1 places are not yet protected in plans because the heritage place was entered onto the NZ Heritage List after the plan schedule was proposed or finalised. Around half of these places are already protected by a mechanism outside the RMA plan process.

Only 75% of NZ Heritage List wāhi tapu and wāhi tapu areas are identified in plan schedules for protection with plan rules. Few plans recognise marae as significant cultural heritage places. Recognition of marae would enable councils to achieve better outcomes for the long-term sustainability of these important cultural heritage sites, for example, ensuring they are able to meet Building Act requirements for fire protection, egress and earthquake strengthening.

There are approximately 1,000 archaeological sites on the NZ Heritage List and many of these are not in plan schedules, or are itemised in “information only” appendices. For example, 60 of the 65 NZ Heritage List entries not scheduled in the Proposed Thames-Coromandel District Plan are archaeological sites. Identifying and protecting the most significant archaeological sites in plans is recommended in Heritage New Zealand guidance. However, it is not part of this particular Heritage New Zealand KPI because modification or destruction of, archaeological sites is managed through the archaeological authority process under the HNZPT Act.

Heritage NZ will continue to work with local authorities to ensure that all NZ Heritage List places and areas, particularly Category 1

historic places and sites of significance to Māori, are included in plan schedules at the next available plan change.

4.3 HOW MANY DISTRICT PLANS INCLUDE ALL NZ HERITAGE LIST ENTRIES IN HERITAGE SCHEDULES?

Despite the high number of NZ Heritage List entries scheduled in plans, only one-third of district plans schedule **all** NZ Heritage List entries. Table 10 shows the breakdown of district plans with some or all NZ Heritage List entries scheduled. This analysis excludes heritage places that were entered onto the NZ Heritage List after the most recent version of the plan was proposed or finalised. In the 2015 Assessment, the number of district plans reduces to 64 because of the amalgamation of the Auckland District Plans into a single plan. However, the percentage of plans with all NZ Heritage List entries scheduled stays about the same.

While one-third of plan schedules include all NZ Heritage List entries, a further 28% have only a small number (between one and three) of NZ Heritage List entries not scheduled. While there was an improvement in the number of plans with all NZ Heritage List entries scheduled between the 2011 and 2013 Assessments, there is no appreciable change in this statistic between 2013 and 2015.

Local authorities with high numbers of NZ Heritage List entries that were not scheduled in their district plans (as at July 2015) include the Far North, Kaipara, Auckland Council, Thames-Coromandel, Gisborne, Nelson and Waitaki. In many cases, the NZ Heritage List entries not protected in plans are archaeological or cultural sites included in “information only” schedules. Heritage New Zealand will continue to work with these local authorities to promote scheduling of all NZ Heritage List entries during heritage schedule reviews.

Table 10: Proportion of NZ Heritage List entries in RMA district plan heritage schedules at July 2015

	2008	2011	2013	2015
Number of district plans with all NZ Heritage List entries scheduled	11 (15%)	16 (21%)	24 (32%)	22 (34%)
Number of district plans with between one and three NZ Heritage List entries not scheduled				18 (28%)
Number of district plans with four or more NZ Heritage List entries not scheduled				24 (38%)
Number of district plans with at least one NZ Heritage List entry not scheduled	63 (84%)	58 (78%)	50 (67%)	42 (66%)
Number of plans in place	74	74	74	64

RECOMMENDATION 2:

Heritage New Zealand will work with local authorities to establish why NZ Heritage List entries are not being included in plan schedules and:

- in particular investigate why NZ Heritage List cultural sites are not being identified in plans; and
- work with councils and owners to improve owner acceptance of scheduling.

4.4 HOW MANY HISTORIC HERITAGE ITEMS ARE IDENTIFIED IN PLAN SCHEDULES?

Plan schedules are arranged in a variety of ways which makes it difficult to arrive at a definitive count. Some plans have a single schedule of heritage items, some identify historic precincts (with or without identifying individual contributing heritage items), and some have separate wāhi tapu schedules or schedules of sites of significance to Māori, and may have separate wāhi tapu areas schedules. Others have lower order heritage schedules and schedules of archaeological sites that are not protected by rules, and these are not included in the count of heritage items that are identified and protected in plans.

The 2015 Assessment count of scheduled heritage includes the following types of scheduled heritage items specifically identified in a plan schedule and protected by appropriate plan rules:

- historic buildings, other structures and sites
- historic areas and precincts and wāhi tapu areas (individual items within these scheduled areas or precincts are not counted separately)
- Māori heritage
- schedules of significant archaeological sites protected by specific rules such as subdivision rules.

The following items identified in plan schedules for information only are not included in the assessment:

- schedules of heritage items that are not protected by rules
- archaeological schedules and overlays provided for information only.

The biennial snapshot of scheduled sites is only an estimate of the actual number of scheduled heritage items. The number of scheduled sites changes frequently as a result of plan change decisions and appeals. Because of the time and expense of plan changes to update heritage schedules, demolished or destroyed heritage places are often not removed from the district plan until some time after the event.

The number of scheduled heritage items may not be a true reflection of the heritage resource of a district. For example, places with heritage significance may be excluded from plan schedules because of owner opposition. Smaller local authorities may not have the resources to survey, assess and add places of local or regional significance that are not entered on the NZ Heritage List, so simply schedule the NZ Heritage List entries.

As indicated in Table 11 and Figure 5, there are currently 13,127 heritage places or areas scheduled in RMA plans and protected by appropriate rules. There has been an increase in scheduled heritage places since May 2013. The increase is largely attributed to new heritage schedules in district plans, and ensuring that the count includes all historic heritage sites that are adequately protected by rules, including archaeological sites, and excluding schedules not protected by rules. The major changes from the 2013 count of scheduled, protected sites include:

- the addition of historic heritage items to plan schedules (and protection by appropriate rules) as a result of a plan change or review, for example Hurunui District
- ensuring the count includes all items scheduled in regional coastal plans, for example Southland Regional Coastal plan
- a recount of plan schedules to ensure that:
 - all sites that are adequately protected by rules, including archaeological and wāhi tapu sites, are included, for example Tasman District, Tauranga City
 - schedules not protected by rules are not included, for example Central Hawkes Bay heritage schedule and Hauraki archaeological schedule
- the removal of further items from schedules as a result of the Canterbury earthquakes.
- some recently notified proposed plans including a significant number of additional sites protected by plan rules.

Table 11: Number of heritage items scheduled in RMA plans and protected by rules

Date of assessment	November 2008	May 2011	May 2013	May 2015
Scheduled heritage items	10,886	11,454	11,576	13,127

Figure 5: Number of heritage places on RMA plan schedules and protected by rules 2008-2015

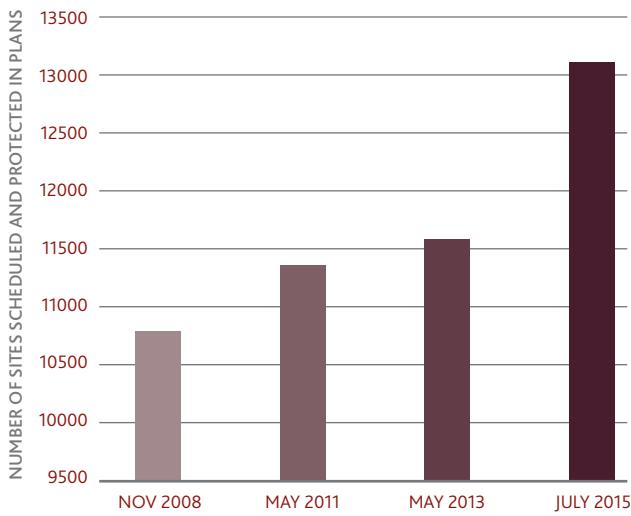
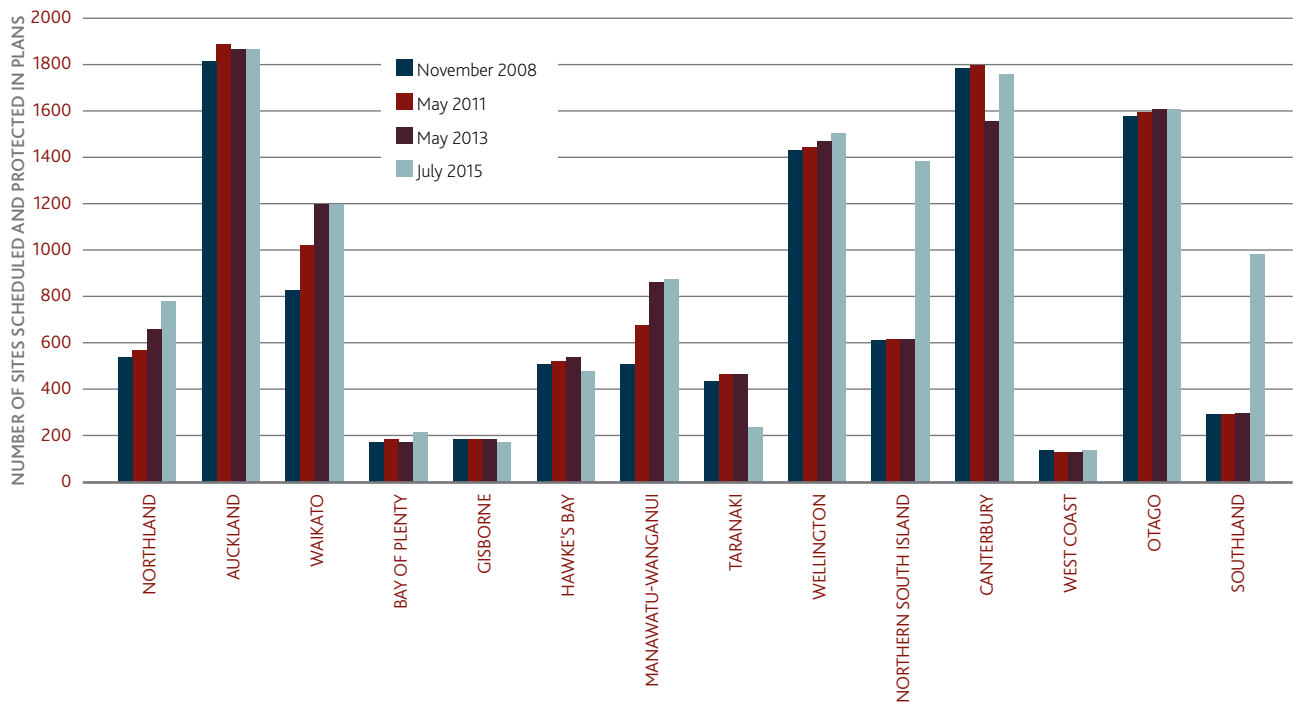


Figure 6 shows the geographic distribution of scheduled heritage items. As indicated, the Auckland, Canterbury, Otago and Wellington regions have the highest numbers of scheduled heritage items, but there have not been large increases in these regions, other than a significant increase in scheduled, protected, sites in the Hurunui Proposed District Plan. The main increase in scheduled sites is through inclusion of the 678 sites protected in the Southland Regional Coastal Plan and over 800 archaeological sites protected in the Tasman District Plan.

Figure 6: Heritage items scheduled in district or regional plans and protected by rules



5. ASSESSING THE RISKS TO HISTORIC HERITAGE

5.1 DEMOLITION OF HERITAGE BUILDINGS

The number of historic items that have been destroyed or demolished is a proxy indicator for the risks to historic heritage, or “pressures” in the PSR model. The 2015 Assessment examines items entered on the NZ Heritage List that were demolished and removed from the NZ Heritage List since 1999. It does not analyse items that have been removed from RMA plan schedules that were not NZ Heritage List entries, nor partial loss of historic heritage values.

Figure 7 shows a breakdown of demolitions of NZ Heritage List entries by year and the reason for demolition since 1999. This excludes earthquake-related demolitions. As shown in Table 12 and Figure 8, the Canterbury earthquake sequence caused a huge peak of demolitions in 2011, tailing off in 2012 and 2013.

Figure 7: Demolition of historic heritage by driver for demolition (excluding earthquakes) 1999-2015

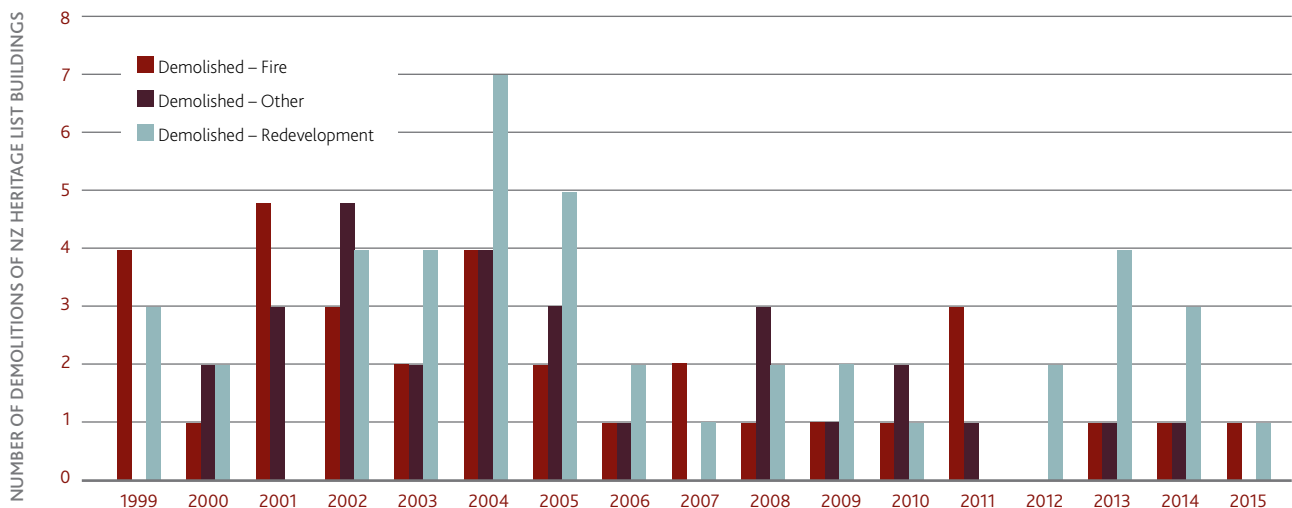
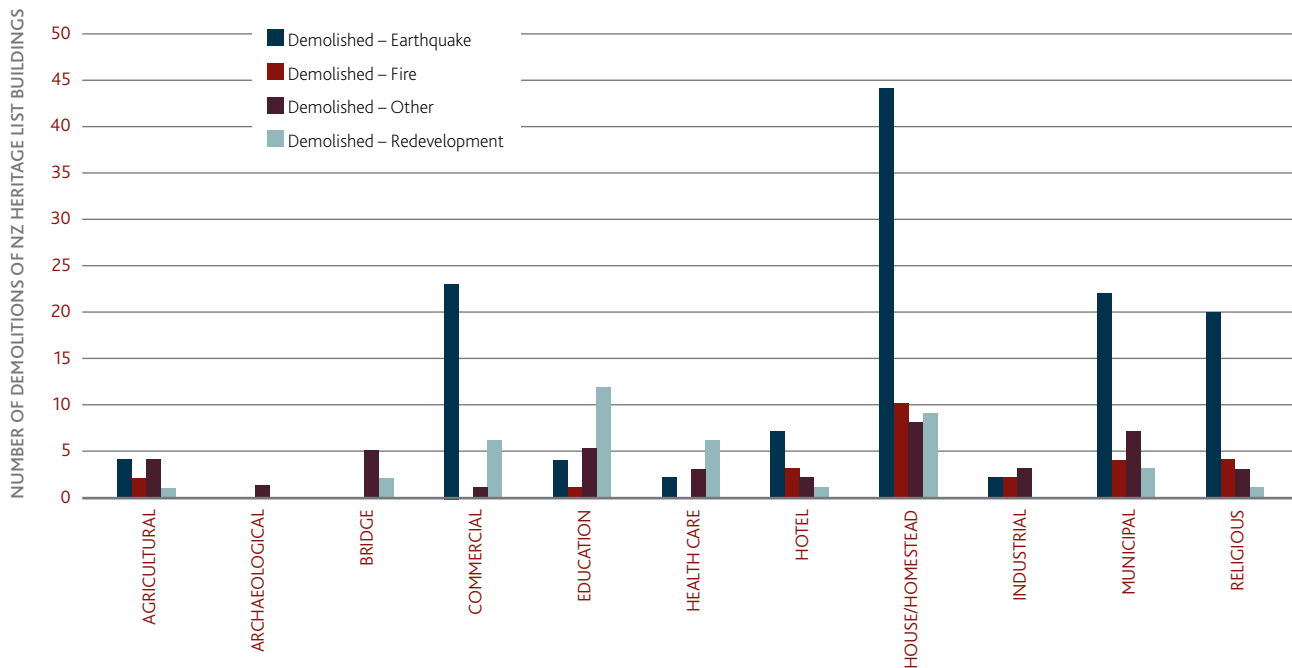


Table 12: Demolition of NZ Heritage List entries by year and reason for demolition

Year	Demolished – earthquake	Demolished – fire	Demolished – other	Demolished – redevelopment	Total
2009		1	1	2	4
2010	4	1	2	1	8
2011	94	3	1		98
2012	20			2	22
2013	13	1	1	4	19
2014	5	1	1	3	10
2015	1	1		1	3
Total	137	8	6	13	164

Figure 8: Demolition of NZ Heritage List entries since 1999 by type of use and event type



5.2 EARTHQUAKES

The 2011 and 2013 Assessments reported on the damaging earthquake events of Gisborne (20 December 2007) and Canterbury (2010-2011). The Canterbury earthquakes resulted in a large number of damaged heritage buildings. Between 2010 and 2015, Heritage New Zealand removed 134 heritage places from the NZ Heritage List, including 28 Category 1 historic places, that were demolished as a result of the Canterbury earthquakes. Figure 8 above shows that the earthquake-related demolitions of NZ Heritage List entries were predominantly residential buildings, followed by commercial, municipal and religious buildings or structures. At July 2015, the number of items on the Christchurch heritage schedule had reduced by 228 heritage items (from a pre-earthquake total of 930) as a consequence of the Canterbury earthquakes and the associated recovery operation.

Local authorities are required to assess buildings and can declare them to be potentially earthquake-prone under the Building Act. Earthquake-prone buildings are those assessed to be less than one-third of the current standard for new buildings. This applies to non-residential buildings, and residential buildings that are two or more storeys and contain three or more household units. Currently, each local authority has developed its own policy on earthquake-prone buildings and these establish a variety of timeframes for investigating and rectifying these buildings. The recent amendments to the Building Act discussed above establish specific timeframes for local authorities to assess potentially earthquake-prone buildings, and for owners to strengthen or demolish them.

While some local authorities are well advanced in assessing their building stock, others will need to work to much shorter timeframes. Some heritage building owners may see the new requirements as a threat and may respond by proposing demolition rather than face the costs of strengthening. This will be investigated in the next national assessment.

Demolition of potentially earthquake-prone heritage buildings due to the anticipated strengthening requirements is difficult to monitor nationally, particularly for heritage buildings not entered on the NZ Heritage List, since Heritage New Zealand may not be informed of this activity. While there has been some demolition of potentially earthquake-prone buildings, the demolition of scheduled heritage buildings is rare. Since 2009, 20 NZ Heritage List entries have been demolished due to redevelopment or other (unspecified) reasons, and some of these may have been in anticipation of future strengthening requirements. However, resource consent proposals to demolish significant heritage buildings must follow RMA processes and may be declined.



Figure 9: Relocation of Shands Emporium to allow for redevelopment of site after demolition of earthquake damaged buildings

PHOTO: COPYRIGHT FAIRFAX MEDIA NEW ZEALAND/THE PRESS, 2015¹⁵

5.3 FIRE

Fire remains one of the biggest threats to New Zealand’s heritage. Heritage New Zealand and the NZ Fire Service provide guidance for reducing fire risk for heritage buildings. A guide to fire safety is available from Heritage New Zealand’s website.¹⁶

Since May 2013, Heritage New Zealand has recorded that the following scheduled heritage buildings have been fully or partially destroyed by fire:

- Paradise House, Glenorchy, Category 1, demolished May 2014 (former List # 7766) (see Figure 10)
- Rangitawa, Manawatu, Category 2, destroyed March 2015 (former List # 1199) (see Figure 11).



Figure 10: Paradise House, Glenorchy, destroyed by fire 2014

PHOTO: JONATHAN HOWARD, HERITAGE NEW ZEALAND, 2007



Figure 11: Rangitawa, destroyed by fire and demolished 2015

PHOTO: KAREN ASTWOOD, HERITAGE NEW ZEALAND, 2009

¹⁵ Photo of the Shands Emporium (List number 307, Category 1), building originally located on Hereford Street, on a journey to its new home in Manchester Street alongside the Trinity Church (corner Manchester and Worcester Streets). Pictured here on the intersection of Hereford and Colombo Streets, being lifted above tram wires, 27 June 2015.

¹⁶ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, 'Fire Safety and Heritage Places', June 2012. www.heritage.org.nz



Figure 12: Albert Hotel, Hastings, demolished 2015 PHOTO: MICHAEL KELLY, 2012¹⁷

5.4 DEMOLITION BY NEGLECT

Demolition by neglect is the destruction of a heritage place or area through abandonment or lack of maintenance. This issue has been examined by Heritage New Zealand in the *Sustainable Management of Historic Heritage Guidance Series*.¹⁸

While district plans regulate activities such as alterations, additions, relocation and demolition, they provide few management or regulatory responses to demolition by neglect. Resource consents issued for demolition of heritage buildings often relate to neglect or deferred maintenance issues. Between June 2013 and July 2015, one NZ Heritage List building was demolished partly as a result of neglect:

- Albert Hotel, Hastings, demolition as an earthquake-prone and dangerous building, demolition completed April 2015 (former List # 1079) (see Figure 12).

Local heritage is susceptible to demolition by neglect, through a combination of long-term deferred maintenance and the owner not seeing a productive use for the place. For example, an iconic historic farmhouse in Appleby has been at risk for many years from lack of maintenance and was intentionally burnt down by the owner in May 2016 (see Figure 13).¹⁹

¹⁷ *Hastings CBD Heritage Inventory Project: Albert Hotel*, Michael Kelly and Chris Cochrane (2012) www.hastingsdc.govt.nz/files/all/documents/hastings_cbd_inventory/group1/1.%20Albert%20Hotel.pdf (accessed 27 May 2016).

¹⁸ www.heritage.org.nz

¹⁹ The historic farmhouse was a local icon but not entered on the List or in the district plan schedule. After years of neglect it was burnt down by the owner on 21 May 2016 (*Nelson Evening Mail*, 21 May 2016 www.stuff.co.nz/nelson-mail/news/80240194/One-of-the-South-Islands-most-photographed-houses-meets-a-fiery-end (accessed 27 May 2016).



Figure 13: Farmhouse of local heritage significance, Appleby

PHOTO: PAUL LE ROY, 2009

5.5 DEMOLITION DUE TO DEVELOPMENT PRESSURE

Heritage places often yield to development pressure, due to high demand for the land, or high maintenance costs coupled with an inability of the owner to see an economic use for the building. This is often compounded by deferred maintenance or, as discussed above, concerns about future costs of earthquake strengthening. Places demolished for redevelopment include:

- Nelson Nurses Home (former) Category 2, demolished September to November 2013 (former List # 1604)
- Ashburton Railway Station, Category 2, demolished July 2013 (former List # 7665) (see Figure 14).



Figure 14: Ashburton Railway Station, demolished 2013

PHOTO: PHIL BRAITHWAITE, 2013

RECOMMENDATION 3:

For the next review, Heritage New Zealand will collect information from local authorities on earthquake strengthening of heritage buildings, in particular strengthening work completed, and demolitions occurring because of the requirement to strengthen heritage buildings.

6. PROTECTING HISTORIC HERITAGE FROM DEMOLITION AND DESTRUCTION

6.1 DEMOLITION OF BUILDINGS

HNZPT standard and KPI: *Demolition of scheduled historic buildings is a non-complying activity.*²⁰

The activity status of demolition rules in New Zealand's district plans is generally either non-complying or discretionary. Four plans regulate demolition as a prohibited activity for higher-ranked items: Far North, PAUP, South Taranaki and Queenstown Lakes. At the other end of the scale, in the Central Hawke's Bay District Plan demolition is permitted following a notification process and in the Westland District Plan there are no specific rules for demolition of scheduled heritage. The current status of plan rules for demolition of scheduled heritage is summarised in Table 13 (those shown in bold meet the Heritage New Zealand standard).

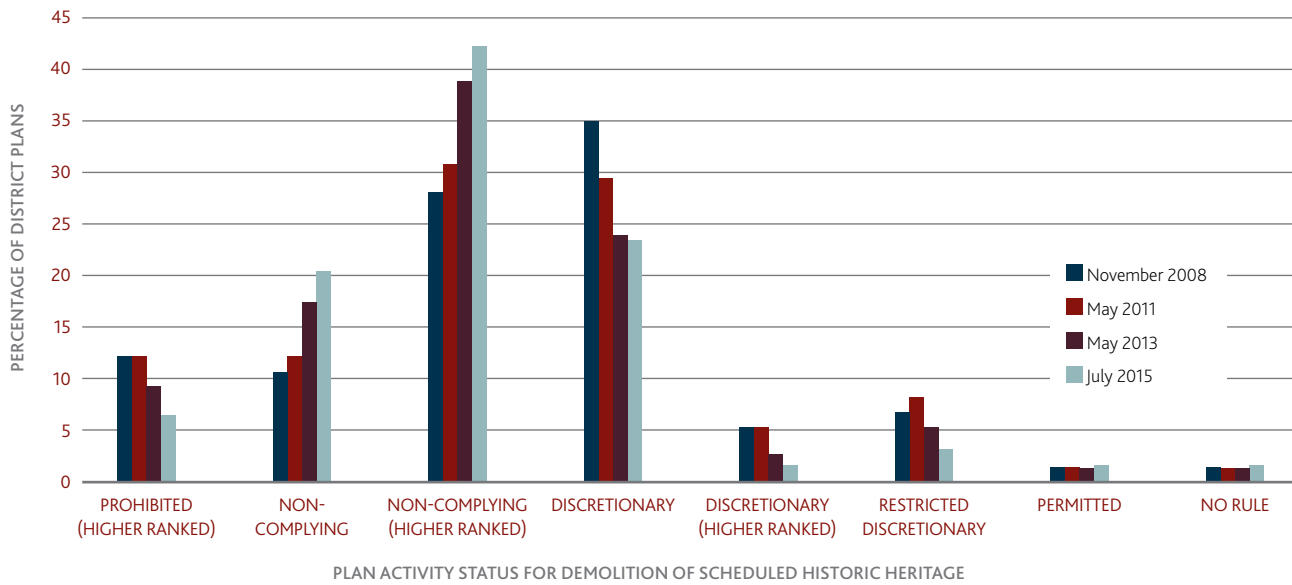
Table 13: Activity status of district plan rules governing demolition of scheduled heritage

Activity status for demolition of heritage items	Number of plans	Percentage of plans
Prohibited activity for higher-ranked items	4	6%
Non-complying activity	13	20%
Non-complying activity for higher-ranked items	27	42%
Discretionary activity	15	23%
Discretionary activity for higher-ranked items	1	2%
Restricted discretionary activity	2	3%
Permitted activity or no specific rule	2	3%
Total meeting HNZPT standard	44	68%

The regulation of demolition continues to improve, as shown in Figure 15. The 2015 Assessment found that 68% of plans regulate demolition of scheduled heritage items as a non-complying activity for all items or higher-ranked items. This is an improvement on the 56% of plans meeting the Heritage New Zealand standard in the 2013 Assessment. There has been a marked reduction in the use of discretionary or restricted discretionary rules (18 compared with 24 in the 2013 Assessment). The number of plans using non-complying rules for all scheduled or higher-ranked scheduled heritage items has reduced from 49 to 44. However, this is largely because the PAUP incorporated nine district plans into a single plan with a prohibited activity status for demolition. Three of these legacy plans had demolition as a prohibited activity, two as non-complying for higher-ranked items, two as discretionary and two restricted discretionary. The percentage of plans meeting the standard is a more meaningful measure and this continues to improve.

²⁰ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No. 3, 'District Plans', August 2007, p 31. Heritage New Zealand's guidance notes that prohibited activity status may be also used to protect places of national or international significance. Demolition rules also need to make appropriate provision for earthquake-prone or potentially dangerous heritage buildings.

Figure 15: Status of demolition of scheduled heritage in district plan rules



Poor quality demolition heritage rules

The following districts have poor quality rules:

- both the Central Hawke’s Bay District Plan and Westland District Plan have critical deficiencies in relation to the demolition of scheduled historic buildings (discussed above)
- Napier District Plan – demolition is a discretionary activity for Groups 1 and 2 and the demolition of scheduled Group 3 items is a permitted activity
- Waimate and Mackenzie District Plans and Nelson Resource Management Plan – demolition of scheduled Category C or Z items is a permitted activity subject to a limited information process.

- Manawatu District Plan – demolition of scheduled Group C items is a permitted activity. This plan is subject to a rolling review, and the Feilding Town Centre Plan Change (operative April 2015) identifies the demolition of Category A historic heritage as a non-complying activity, but makes provision for demolition if necessary to remove risk: “vi. Partial or complete demolition of any significant historic built heritage where the work is necessary to make the site safe after an accidental fire, flooding or earthquake event”.

6.2 DESTRUCTION OF SCHEDULED MĀORI HERITAGE

HNZPT standard and KPI: *Destruction of scheduled Māori heritage is a non-complying activity.*²¹

Plans are considered to meet this standard if scheduled Māori heritage is protected by rules with non-complying activity status, at least for higher-ranked items. Table 14 shows the activity status of district plan rules governing the destruction of Māori heritage. The entries in bold meet the Heritage New Zealand standard.

The 2015 Assessment shows that there is an overall lower standard of regulation across the nation for historic sites and Māori heritage in comparison with scheduled historic buildings. Only 16 plans regulate destruction of historic sites and Māori heritage as a non-complying activity. This compares with 42 plans that regulate demolition of historic buildings (at least for higher-ranked items) as a non-complying activity. Some plans, such as the Invercargill City Proposed Plan and the Chatham Islands Proposed Resource Management Plan, rely on rules governing modification of archaeological sites, but this may not capture all sites of significance

to Māori. Other plans rely on rules that would only protect Māori built heritage but are not appropriate for other types of site.

While fewer local authorities are using discretionary or restricted discretionary activity rules to regulate Māori heritage, as shown in Figure 16, these rules have been improved by being more specific and targeted to the protection of Māori heritage. However, of particular concern is that the following five plans have no rules governing the destruction of Māori heritage:

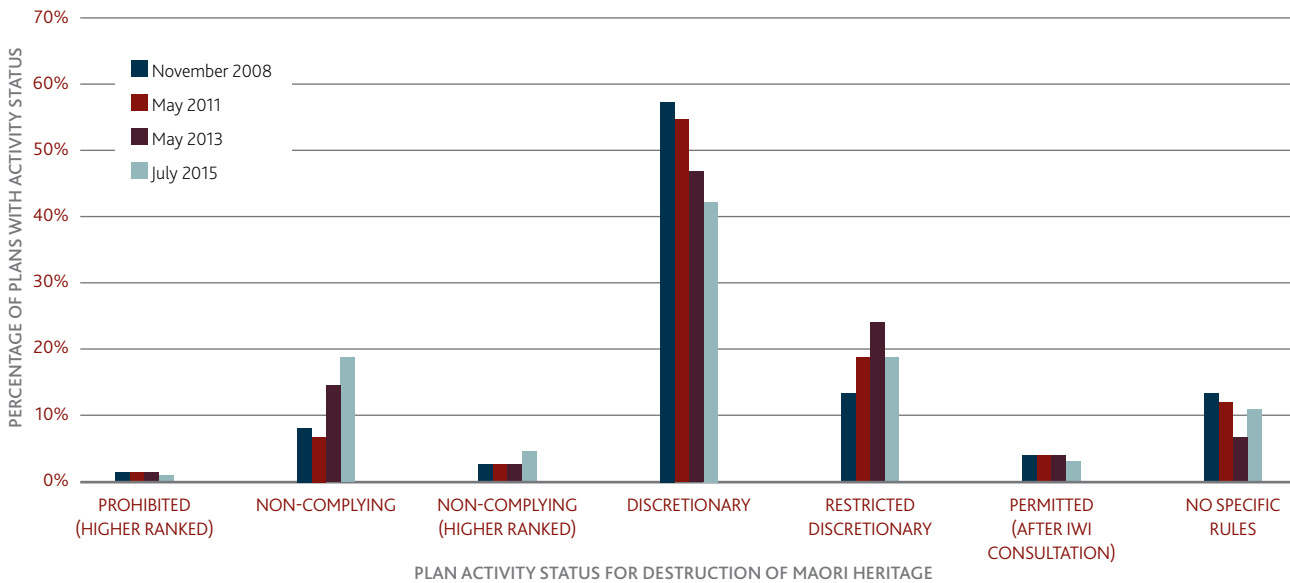
- Manawatu District Plan
- Whanganui District
- Grey District
- Westland District
- Waitaki District.

Table 14: Activity status of district plan rules governing the destruction of Māori heritage

Activity status for the destruction of scheduled Māori heritage	Number of plans	Percentage of plans
Prohibited activity for higher-ranked items	1	1%
Non-complying activity	12	19%
Non-complying activity for higher-ranked items	3	5%
Discretionary activity	27	42%
Restricted discretionary activity	12	19%
Permitted after consultation with iwi	2	3%
No specific rule	7	11%
Total meeting HNZPT standard	16	25%

²¹ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No. 3, 'District Plans', August 2007, pp 33-37.

Figure 16: District plan rules governing the destruction of Māori heritage



Despite a small improvement in recent district plans, New Zealand’s system of providing for Māori heritage and significant historic sites continues to be inadequate in most districts. While the HNZPT Act regulates modification of pre-1900 archaeological sites, all district plans should schedule and protect sites of significance to Māori and protect these sites with appropriate rules. This relies on having good information on the nature and cultural significance of sites. Rules should take account of the risks to these sites.

The 2015 Assessment has not examined the rules in regional coastal plans, but there may be some rules in these plans to protect sites of significance to Māori. For example, the Southland Regional Coastal Plan (operative March 2013) identifies 170 coastal historic heritage sites and 508 archaeological sites, many of which are of significance to Māori, and protects these with a non-complying rule.

The level of protection of Māori heritage in district plans is clearly unacceptable. There is no reason why scheduled Māori heritage should not have regulatory provisions comparable to scheduled heritage buildings. In fact, the principles of the Treaty of Waitangi promote adequate and equivalent protection for Māori heritage.

RECOMMENDATION 4:

Heritage New Zealand will work with local authorities to ensure that Māori heritage is identified in plans and protected through appropriate rules, supported by clear objectives and policies.

7. LOCAL GOVERNMENT INCENTIVES FOR THE CONSERVATION OF HISTORIC HERITAGE

HNZPT standard and KPI: *District plans should include positive regulatory provisions for historic heritage.*²²

Heritage New Zealand encourages all local authorities to ensure district plans have incentive provisions for historic heritage. As a basic standard, all plans should include provisions that allow flexibility for scheduled heritage items with regard to compliance with standard zone provisions, such as car parking, to ensure the appropriate adaptive reuse of heritage buildings is not discouraged. Heritage New Zealand also encourages local authorities to provide for safety upgrades, such as earthquake strengthening, in a way that takes account of the need to preserve heritage values but reduces regulatory barriers to upgrades.

Heritage New Zealand first prepared a heritage incentives toolkit in August 2010. This toolkit was updated in 2013 and is available on Heritage New Zealand's website as part of the *Sustainable Management of Historic Heritage Guidance Series*.

In November 2011, Heritage New Zealand identified 21 district plans with some form of heritage incentive provisions. Most of these plans are clustered in the upper part of the North Island. There has been a significant increase in the number and percentage of plans providing incentives for the retention of historic heritage since the 2013 review. Six Auckland legacy plans that had incentives were replaced by the PAUP, and 11 plans introduced incentives since the 2013 Assessment, as shown in Table 15. This may be as a result

of a heightened awareness of earthquake strengthening of heritage buildings following the Canterbury earthquakes and taking account of the time lag required to change plan provisions.

Most plan reviews or plan changes that were proposed during the assessment period include incentives. The role of plan rules in facilitating earthquake strengthening and other safety upgrades is discussed in Section 8.5 of this report. Other positive incentive heritage provisions in plans include:

- the PAUP provides a range of incentives such as a bonus floor area allowance for the retention of historic heritage, as well as incentive funding
- the Hamilton City Plan provides for a relaxation of parking requirements in the inner city
- the Proposed South Waikato District Plan provides new permitted activity status for some types of change of use involving scheduled heritage items
- the Proposed Waipa District Plan makes provision for medical centres, offices, restaurants, cafes and other eating places, and childcare and pre-school facilities to occur within scheduled heritage buildings. There are also provisions to relax parking, loading and access requirements

Table 15: District plans with regulatory incentives for the retention of historic heritage

Performance standard	2010-2011 actual	2012-2013 actual	2014-2015 actual
Percentage of district plans providing regulatory incentives for retention of heritage	28%	32%	49%
Number of district plans providing regulatory incentives for retention of heritage	21	25	31
Number of plans in existence	75	75	64

²² NZHPT, *Sustainable Management of Historic Heritage Guidance Series, Guide No. 3, 'District Plans'*, August, p 26.

- the Gisborne District Plan provides exemptions from parking requirements for heritage buildings, and non-regulatory incentives such as incentive funding, rates relief and a reduction in consent fees for work that is positive for heritage
- the Hastings Proposed Plan has a policy to encourage the use of non-regulatory incentives, and ensuring that regulatory provisions are not a barrier to upgrading heritage buildings. The plan also provides for relaxation of the requirements for outdoor areas for residential heritage buildings in commercial areas
- the Proposed Christchurch City Replacement Plan contains incentives to promote earthquake strengthening, adaptive reuse and change of use of scheduled heritage items. For example, the plan provides a comprehensive list of exemptions from zone rules for historic heritage, including minimum floor areas, outdoor space and parking in inner city areas, and exemptions for a wide range of commercial and residential uses.

Most plans lacking incentives have not been reviewed for several years. However, it is disappointing that plans or heritage chapters that have become operative since the 2013 Assessment do not contain incentives for historic heritage:

- Waimate District Plan (operative Feb 2014)
- Stratford District Plan (operative Feb 2014)
- Tauranga District Plan (operative Sept 2013)
- Ruapehu District Plan (operative Dec 2014).

8. OVERALL PLAN EFFECTIVENESS

8.1 MONITORING PLAN EFFECTIVENESS

HNZPT standard: *Local authorities need to monitor the effectiveness of plan provisions relating to historic heritage.*²³

While having robust heritage provisions in district plans is important, it is equally critical to ensure these provisions are implemented. Assessing the degree of plan implementation success is a requirement under section 35 of the RMA. This work should be integrated into State of the Environment Monitoring (SER) programmes.²⁴

Heritage-related plan effectiveness monitoring reports have been prepared in 2005 for the former North Shore City and in 2009 for the Thames-Coromandel District Plans. More recently, Wellington City produced the *Shaping Up 2013: District Plan Monitoring and Research Report*, which includes a heritage chapter. Auckland

Council released *The Health of Auckland's Natural Environment in 2015 – Te Oranga o te Taiao o Tāmaki Makaurā* in October 2015. This state of the environment report has a section on historic heritage that contains an inventory of historic heritage, discusses protection mechanisms and recognises the lack of systematic monitoring. It does not seem that any other monitoring reports explicitly addressing historic heritage have been prepared recently.

Another source of information on the effectiveness of plan provisions for historic heritage may be RMA section 32 reports, which must be prepared as part of the plan review or heritage chapter plan review process.

RECOMMENDATION 5:

The next national assessment of RMA plans should investigate whether section 32 reports and other types of review can be used to provide information on the effectiveness of plans.

²³ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No. 5, 'State of the Environment Reporting and Monitoring', August 2007, pp 28-30.

²⁴ Ibid.

8.2 HISTORIC HERITAGE OBJECTIVES AND POLICIES

HNZPT standard: *The district plan should contain objectives and policies for historic heritage.*²⁵

District plans give effect to the requirement under the RMA to protect historic heritage from inappropriate subdivision, use and development by:

- identifying the issues affecting historic heritage
- establishing a hierarchy of objectives and policies to address the issues
- implementing these objectives and policies through rules, incentives and other methods.

The 2015 Assessment has identified that the district plans of New Zealand contain generally reasonable quality objectives and policies for historic heritage (often termed “cultural heritage” or just “heritage”). Nearly all the heritage-related objectives and policies provide for identification (or recognition) and protection (or conservation) using a variety of terms and phases. Objectives and policies should also explicitly provide for incentive-based heritage provisions.

Most district plans have an adequate alignment between objectives, policies, methods and rules. This alignment can fall short when rules are weak in comparison to strong objectives and policies. For example, in the Central Hawke’s Bay District Plan, the heritage objective refers to the conservation and enhancement of heritage values in order to preserve the character and history of the district, but lacks the necessary rules to achieve this objective. Conversely, the non-complying activity status of the demolition of scheduled historic heritage in the Southland District Proposed Plan is potentially undermined by Policy HH.5, which “provided” for demolition under certain circumstances. Objectives and policies also often mention the need to protect heritage places and Māori heritage sites without providing adequate schedules of these places or rules to protect them.

A few district plans continue to have serious deficiencies with regard to heritage-related objectives and policies. For example, Westland District Plan has a number of objectives relating to the general environment of Westland, settlements and Māori heritage, but it lacks an explicit objective to identify and protect historic heritage. It is also of concern that the recently notified proposed West Coast RPS does not contain overarching objectives and policies for historic heritage.

While many RMA plans have been reviewed or are in the process of review, objectives and policies in older plans need to be revised in light of the elevation of historic heritage as a matter of national importance in the 2003 RMA amendment, and the adoption in the RMA of the term “historic heritage” as opposed to other terms such as “cultural heritage”. Plans that need updating to take account of this 2003 amendment include the Waimakariri, Timaru, Mackenzie, Wairoa, Central Hawke’s Bay and Clutha Districts. Objectives and policies also need to more explicitly address the various types of historic heritage: places, sites, areas and Māori heritage places and areas.

The following plans (or the heritage sections) were last reviewed at least 10 years ago, and as at July 2015 had not signalled an intention to do a review:

- Clutha District Plan (1998)
- Westland District Plan (2002)
- Central Hawke’s Bay (2003)
- McKenzie District (2004)
- Opotiki, Wairoa, Grey, Timaru and Waimakariri Districts (2005).

RECOMMENDATION 6:

For the next review, Heritage New Zealand will investigate the linkages between the objectives and policies in regional policy statements and plans and how these guide and are reflected in district plans.

²⁵ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No. 3, ‘District Plans’, August 2007, p 5.

8.3 QUALITY OF HERITAGE SCHEDULES

HNZPT standard: *The district plan should contain appropriate rules for the protection of historic heritage, including a heritage schedule.*²⁶

A heritage schedule should identify specific places that are protected by the rules in the plan and provide information about those places. Schedules should be simple and avoid unnecessary or complex ranking systems. Only the Timaru District Plan did not have a schedule available on the council website (although a schedule was provided on request); the sites are identified on planning maps. The more recent e-plans such as the Proposed Christchurch Replacement District Plan have useful links within the heritage schedules to heritage assessments of the scheduled places and diagrams showing the setting of the places.

Heritage schedules should be backed up with appropriate rules. Heritage New Zealand discourages the use of schedules of historic places that are for “information purposes only” and have no protection under the district plan. The following plans still have schedules of lesser-ranked items that are for information only and not protected by adequate rules:

- Hauraki District Plan – 98 scheduled Category C items, no protective rules
- Kaipara District Plan – 15 scheduled Group B local heritage significance items – partial or full demolition or removal is restricted discretionary, no other controls
- Central Hawke’s Bay District Plan – 163 Schedule C items of significance to tangata whenua (earthworks rules only) and 71 Schedule B historic heritage sites with no protective rules (only notification to Heritage New Zealand and local authority)
- Mackenzie District Plan – 56 Scheduled Group Z items of local significance – demolition is permitted, but anomalously additions and alterations are controlled
- Nelson Resource Management Plan – Scheduled Group C of 70 items, including 21 NZ Heritage List entries, with no protective rules.

Some plans only provided partial protection for lesser-ranked items. The Waimate District Plan – Scheduled Group C items are not adequately protected from demolition and relocation (permitted activity). The following plans do not provide adequate provisions for managing additions and alterations for lower-ranked items:

- Marlborough Resource Management Plans – Scheduled Class B items
- Queenstown-Lakes District Plan – Scheduled Group 3

- Grey District Plan – Scheduled Group II items
- Kaikoura District Plan – Scheduled Class II items.

Schedules should also recognise the district’s most significant archaeological sites and protect the identified significant features with rules. In some districts there are thousands of known archaeological sites, and it is not necessary to duplicate the requirements of the HNZPT Act by providing additional protection under the RMA except for the most significant sites. However, it is helpful if plans make information available on the location of known archaeological sites through an information overlay and back this up with an advisory note on the requirements of the HNZPT Act to obtain an archaeological authority if sites are likely to be modified.

Heritage schedules should be based on an assessment of the heritage values of the scheduled places, including locally significant places, against a set of assessment criteria. Currently 29 district plans do not have adequate assessment criteria, and some of these simply schedule all the places on the NZ Heritage List. Thirty-one district plans have assessment criteria that are based on the HNZPT Act criteria for entering places onto the NZ Heritage List and five have stand-alone criteria. Of the recently proposed plans, only the Proposed Chatham Islands Resource Management Plan has no scheduling criteria.

Considerable improvement continues in the review and updating of district plan heritage schedules as part of ongoing district plan and heritage chapter changes. New heritage schedules have been prepared and inserted into the Whakatane, Invercargill, Auckland, Thames-Coromandel, Hurunui, Christchurch and Palmerston North Proposed Plans or through plan changes.

Ensuring a plan is regularly updated also involves removing demolished places. Heritage New Zealand has invested considerable resources into ensuring historic places that were demolished following the Canterbury earthquakes have been removed from the NZ Heritage List. These places are remembered on Heritage New Zealand’s website, along with other “lost heritage” from around the country. Ashburton District Council and Christchurch City Council have now removed demolished places from their respective heritage schedules. Other local authorities should also ensure that demolished places do not remain on heritage schedules.²⁷

²⁶ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No. 3, ‘District Plans’, August 2007, pp 5, 13-14.

²⁷ www.heritage.org.nz/the-list/lost-heritage

8.4 REPAIR AND MAINTENANCE

HNZPT standard: *Repair and maintenance of a scheduled historic building, historic site, including archaeological site, and place and area of importance to Māori is a permitted activity provided the performance standards in the plan are complied with. If the activity does not comply with the performance standards the activity is to be treated as a restricted discretionary activity.*²⁸

*Performance standards for repair and maintenance should ensure that the work involves stabilisation, preservation and conservation.*²⁹

Most district plans contain rules for repairs and maintenance as a permitted activity with appropriate performance standards. However, many are hampered by poor explanations or definitions of repair and maintenance which adopt technical terminology that are difficult for the public to understand, or by the absence of performance standards. For example, the Proposed Christchurch Replacement District Plan has a confusing set of definitions of repair, maintenance, restoration and replacement that make determining the activity status of repair/maintenance work difficult.

A permitted activity rule without performance standards is an invitation to potentially ignore heritage values. Guidance is available on the issue of repair and maintenance standards in the *Sustainable Management of Historic Heritage Guidance Series*.³⁰

The quality of repair and maintenance rules for historic heritage is gradually improving as local authorities update their plans. In particular, district plans and plan changes since May 2013 have revised repair and maintenance rules, performance standards and definitions, and have generally followed the approach advocated by Heritage New Zealand's *Sustainable Management of Historic Heritage Guidance Series*. For example, the Proposed Hastings District Plan makes repair and maintenance a permitted activity and provides a detailed definition (essentially a list of assessment criteria) that sets clear boundaries for what is intended to be permitted. However, it would have been preferable to include these criteria within the rule rather than relying on users finding it in the definitions section.

A small number of district plans still do not have specific rules for repair and maintenance, or the relevant rules are unclear or restricted to only one aspect such as repainting:

- Hurunui District Proposed Plan (2015) – provisions for repair and maintenance are unnecessarily complex, as the permitted activity rule applies to all activities not included within the more stringent rules, with a “performance standard” limiting the scope to repairs and maintenance. The performance

standard fails to set out criteria for ensuring that repairs and maintenance follow good practice

- Marlborough Sounds/Wairau-Awatere Resource Management Plans – no explicit repair and maintenance rule
- Central Otago District Plan – while the plan provides for repair and maintenance of the heritage precincts, the plan does not include an explicit repair and maintenance rule for scheduled heritage items
- Taupo District Plan – the repair and maintenance rule is unclear
- Opotiki District Plan – the heritage rule lacks clarity as it relates to non-structural modification as part of a controlled activity rule
- New Plymouth District Plan – the heritage rules applying to repairs and maintenance are unclear – the plan uses the term “restoration or redecoration” without defining these terms
- Clutha District Plan – provides for “redecoration or restoration” (without defining these terms) as a permitted activity with an emphasis on “enhancing the character” of heritage items rather than conservation of heritage values through repair and maintenance
- Whakatane District Proposed Plan – the proposed plan had inadequate definitions of repair and maintenance to support the permitted rule, but this is being rectified as a result of submissions.

Many repair and maintenance rules are designed to apply to buildings and have little practical application to historic sites, including archaeological sites, historic areas and places and areas of importance to Māori. There are, however, a number of examples of plan rules that provide good guidance for the different types of historic heritage, including the Gisborne and Selwyn District Plans and the Wairarapa Combined Plan.

²⁸ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No. 3, 'District Plans', August 2007, p. 31.

²⁹ *Ibid*, p. 42.

³⁰ *Ibid*

8.5 SAFETY ALTERATIONS

HNZPT standard: *District plan provisions should facilitate and encourage alterations to heritage buildings to improve structural performance, fire safety and physical access while minimising significant loss of heritage values.*

Overview

Work such as improving structural performance (earthquake strengthening), fire safety and physical access all aims to promote improved building safety and can be collectively defined as “safety alterations”.

As discussed above, the Gisborne earthquake (2007) and the Canterbury earthquakes (2010-2012) have highlighted the importance of providing for upgrading building safety, particularly earthquake strengthening. New Building Act requirements to take effect in 2017 specifying risk-based timeframes for earthquake strengthening make it imperative to address such safety modifications in planning processes, particularly in high-risk regions.

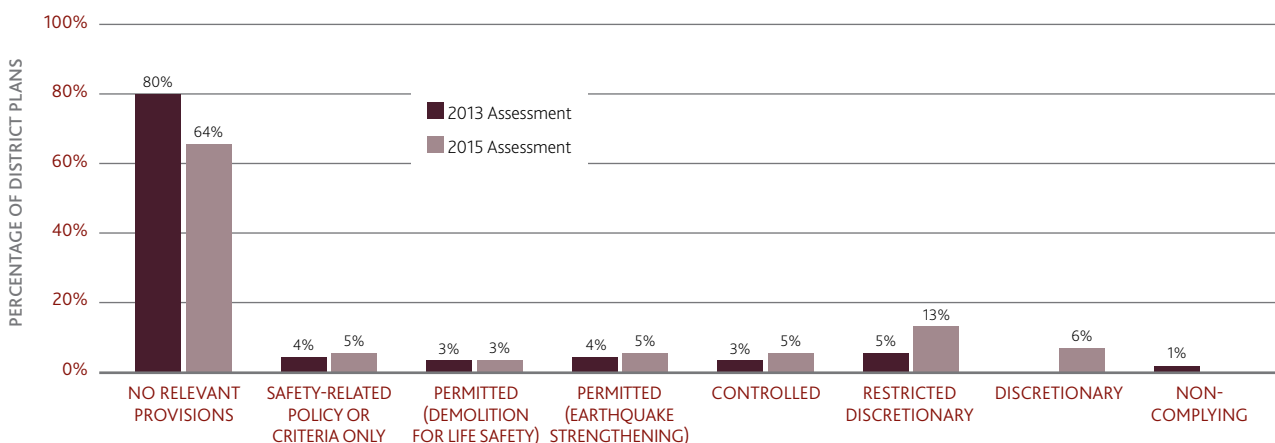
RMA policies and plans should provide guidance and regulation to promote and improve heritage building safety. Plans and policy statements should contain objectives and policies to promote safety modifications. Heritage rules should not be a barrier to undertaking earthquake strengthening and ensure that the work is undertaken in a manner compatible with the heritage values of the building.

Overall, more than half of the district plans have no explicit provisions relating to heritage building safety, as indicated in Figure 17. However, an increasing number of district plans now include specific provisions for work addressing heritage building safety, and 16 plans include provisions for earthquake strengthening as permitted, controlled or restricted discretionary. Interior safety modifications are often permitted. The primary types of provisions are:

- **safety-related policy or assessment criteria** (but no specific rules) – Gisborne Unitary Plan, for example, includes policies to consider earthquake, fire or other safety risk, and level of earthquake risk to the community, in assessing a resource consent application
- **permitted demolition rule** – if the heritage building has been damaged and demolition is necessary to ensure life safety (Manawatu and Hauraki District Plans)
- **permitted activity rule** – for earthquake strengthening (Tauranga District Plan and Proposed Southland, Whakatane and Hamilton District Plans)³¹
- **controlled activity rule** – for earthquake strengthening or safety-related works (in the Rangitikei District Plan internal strengthening is permitted)
- **restricted discretionary activity rule** – for earthquake strengthening or safety-related work (Proposed Horowhenua and Kapiti Coast, operative Wellington and Porirua District Plans – generally interior work is permitted in these plans)
- **discretionary activity rule** – for earthquake strengthening of the most significant items or where no conservation plan has been prepared (Taranui and Whanganui District Plans, Proposed Hurunui Plan)
- **a hierarchy of rules** – for example the proposed Hastings District Plan, and Napier Plan Change 10 permit internal safety alterations, and external safety work is restricted discretionary for the most significant heritage buildings and controlled for other scheduled places.

Figure 17: District plan safety-related rules for heritage items as percentage of the number of plans assessed

Note: activity status shown is for the most stringent status, either for the highest-ranked items or the exterior/façade of heritage buildings



³¹ The Proposed Hamilton District Plan permitted activity rule relates to earthquake strengthening works that result in no visible structural change to the external building façade. Otherwise, the work is a restricted discretionary activity.

Recently modified plans

Both the Napier and Hastings District Plans are being amended to provide for consistent requirements, including for earthquake strengthening. Objectives and policies “encourage alterations to heritage items to improve structural performance, fire safety and physical access while minimising the significant loss of associated heritage values.” This is supported by the hierarchy of rules described above.

The Whakatane Proposed District Plan (decisions version) contains a policy “To enable the strengthening of buildings included in the heritage schedule to increase their ability to withstand the effects of future earthquakes while minimising the significant loss of associated heritage values”, and this policy is supported by a controlled activity status for earthquake strengthening with appropriate criteria. Other councils with plan rules that encourage earthquake strengthening are Western Bay of Plenty, Rangitikei, Manawatu and Waimakariri.

Of the other plans or plan changes proposed within the 2015 Assessment timeframes:

- the Proposed Christchurch City Council’s Replacement District Plan objective acknowledges the role of heritage in recovery, and “upgrade works” are a controlled activity, with suitable assessment criteria
- the Proposed Hurunui District Plan provides for safety upgrade work as restricted discretionary for heritage, but discretionary for NZ Heritage List Category 1 places³²
- the PAUP only makes provision for dismantling work required for strengthening (as restricted discretionary), otherwise safety alterations are discretionary
- the Proposed Chatham Islands Resource Management Plan has no relevant objectives or policies, and all additions and alterations are a discretionary activity (the same status as demolition), with assessment criteria including “whether the alteration will assist in retaining the item”
- the Invercargill Proposed Plan has no relevant policies, and although it includes assessment criteria related to seismic strengthening, the rules do not distinguish between safety alterations and general alterations
- the Palmerston North Proposed Plan (decisions version 2015) makes provision for the destructive testing of a heritage building to determine its structural strength and design upgrading, providing the damage to the building fabric is reinstated
- the Thames-Coromandel Proposed Plan does not include any objectives, policies, rules or assessment criteria for safety alterations.

At a regional level, Policy 13.3.4 of the Canterbury RPS (2013) states a need to “recognise and provide for the social, economic and cultural well-being of people and communities by enabling appropriate repair, rebuilding, upgrading, seismic strengthening and adaptive re-use of historic buildings and their surrounds in a manner that is sensitive to

their historic values.” The relevant method for Policy 13.3.4 requires territorial authorities to “set out objectives and policies, and may include methods that enable appropriate repair, rebuilding, upgrading, seismic strengthening and adaptive re-use of historic buildings in a manner that is sensitive to their historic values.”

Heritage New Zealand is encouraged by local authorities that have been proactive in introducing heritage building safety-related provisions into district plans.

Heritage rules often apply one set of rules to a large number of diverse buildings. Ideally, specific types of buildings should have specific rules. For example, to earthquake strengthen a large public building may involve a number of highly complex heritage-related challenges. Meanwhile, simple works would be required to strengthen a small retail establishment. The Proposed South Waikato District Plan (notified November 2012) is an example of a district plan that does provide specific heritage rules for different types of buildings and this approach is encouraged.

Controls on alterations for improving building safety should be tailored to the heritage significance of the places, and not create regulatory barriers to upgrade projects. A controlled activity status gives the local authority the opportunity to ensure that heritage values are taken into account. For significant alterations to NZ Heritage List Category 1 historic places, such as earthquake strengthening, fire safety and physical access, a restricted discretionary activity may be more appropriate.

Exterior and interior heritage rules influence changes to heritage buildings. In terms of earthquake strengthening, it is often the façade of the building that requires strengthening and presents the highest public safety risk. Heritage rules, therefore, should not promote rear or interior strengthening while discouraging strengthening front facades. While the visual appearance of strengthening work is a consideration, it should not be the primary determinant of a resource consent activity.

In summary, Heritage New Zealand is advocating for improved heritage building safety provisions, which will involve:

- making clear provisions for safety alterations, including improving structural performance (earthquake strengthening), fire safety and physical access works. There should be clarity between safety-related alterations as distinct from general additions and alterations
- inclusion of specific heritage building safety-related objectives, policies and assessment criteria
- regulation of heritage safety-related alterations based on the heritage value of the place as either a controlled or restricted discretionary activity
- avoiding rules that apply to different parts of buildings as these rules may discourage façade strengthening or partial strengthening works
- providing a range of regulatory and non-regulatory incentives.

³² The 2016 section 42A officer’s report to the hearings panel recommends accepting the Heritage New Zealand proposal that all work-related to safety alterations be a controlled activity, with appropriate assessment criteria.

8.6 ADDITIONS AND ALTERATIONS

HNZPT standard: *Alterations and additions to a scheduled historic building and within a scheduled historic area is a restricted discretionary activity.*³³

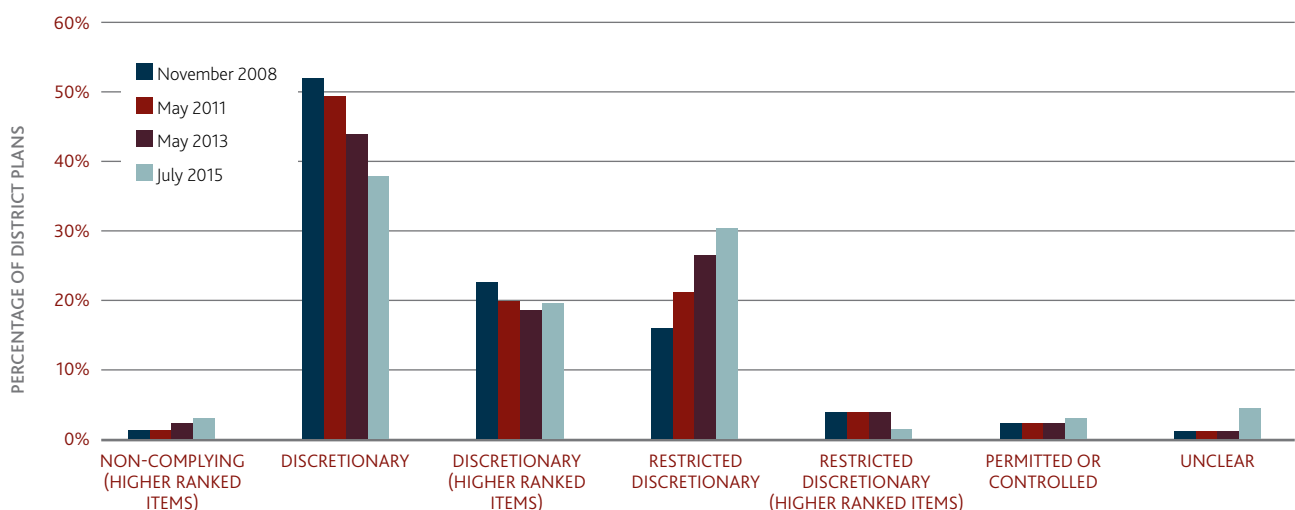
Most district plans regulate alterations and additions as a restricted discretionary or discretionary activity. As indicated in 2013, and shown in Figure 18, there is a general trend towards adopting the restricted discretionary activity rule for alterations and additions, and fewer plans with additions and alteration as discretionary. The PAUP and the New Plymouth District have a discretionary rule for “modifications” or additions and alterations. The Christchurch City Replacement District Proposed Plan, the Whakatane Proposed Plan and the Thames-Coromandel District Plan have a restricted discretionary rule. Other recently proposed plans provide rules taking account of the visibility of the work and the heritage significance of the item, ranging from controlled to discretionary. The Hurunui District Proposed Plan had a non-complying status for additions and alterations to Category 1 items and discretionary for Category 2.³⁴

Despite an overall improvement, the following plans have critical deficiencies:

- three plans are unclear – the heritage rule in the Buller District Plan is limited to destruction. It is unclear if this rule could apply to alterations and additions. The Nelson and Southland plans are also not clear about how the rules for additions and alterations apply to different categories of heritage items

- additions and alterations to the specified categories of scheduled items are permitted in the following plans:
 - Central Hawke’s Bay District Plan, subject to notifying Heritage New Zealand of the work to be carried out
 - Nelson Resource Management Plan – scheduled Group C items
 - Mackenzie District Plan – Category Z items
- additions and alterations to the specified categories of scheduled items are controlled in the following plans, meaning that a local authority cannot decline a consent application:
 - Upper Hutt District Plan – all scheduled items
 - Palmerston North District Plan – external work on scheduled Category 2 item
 - Marlborough Sounds and Wairau/Awatere Resource Management Plans – scheduled Class B items
 - Grey District Plan – scheduled Category 2 items
 - Kaikoura District Plan – scheduled Group B items
 - Waimate District Plan – scheduled Category C items
 - Queenstown-Lakes District Plan– scheduled Category 3

Figure 18: District plan activity status: additions and alterations



³³ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No.3, 'District Plans', August 2007, p 31.

³⁴ The hearings panel supported Heritage New Zealand’s submission and amended this to restricted discretionary for all scheduled items.

- The Waitomo District Plan regulates alterations as a non-complying activity for Schedule 1 items, and this level of stringency could discourage adaptive reuse.

Many plans also have internal additions and alterations as permitted activities, sometimes without appropriate criteria. For example, the Hastings and Napier Proposed Plan/plan change have a permitted activity status for internal modifications to Category 2 items.

RECOMMENDATION 7:

Heritage New Zealand will work with councils to facilitate revision of plan provisions to ensure that alterations and additions to all scheduled heritage buildings other than safety modifications (fire protection, earthquake strengthening) are a restricted discretionary activity.

8.7 RELOCATION

HNZPT standard: *Relocation of a scheduled historic building within or beyond the setting or property boundaries is a discretionary activity, or for higher-ranked historic buildings – non-complying.*³⁵

Relocation of scheduled historic buildings may result in significant adverse effects and is managed as a restricted discretionary/ discretionary or non-complying activity by most district plans in New Zealand.

While in previous national assessments there has been a trend towards the use of the restricted discretionary activity rule for relocation, this report indicates that some local authorities are applying a more stringent approach to relocation of especially higher-ranked heritage items as a non-complying activity. Other local authorities, however, are continuing to use the restricted discretionary rule. The 2013 Assessment reported improvements in the management of relocation in revised district plans and heritage plan changes, especially in Rotorua, Waipa, Otorohanga, Kawerau, Horowhenua, Porirua and Southland.

Plan reviews and plan changes proposed during the 2015 Assessment period have activity statuses for relocation ranging from restricted discretionary to non-complying, with some distinguishing between on-site and off-site relocations. Recently revised plans have the following provisions:

- the PAUP has a prohibited activity status for relocation of Category A items off-site, and non-complying status for relocation of Category A items on-site and any relocation of Category B items
- Hastings, Hurunui and Thames Coromandel Districts and Invercargill City have a discretionary status for Category 2 and a non-complying status for relocation of Category 1 items
- Whakatane, the Chatham Islands, and Napier, have a discretionary activity status for relocation
- Palmerston North has a restricted discretionary status for relocation of Category 2 and a discretionary status for relocation of Category 1
- the Christchurch City Replacement Plan has a restricted discretionary status within the heritage setting and discretionary for relation beyond the setting.

Many district plans do not meet Heritage New Zealand's guidance standard either because the relocation rule is absent, it is unclear, or the plan regulates relocation as a permitted or controlled activity. By region the rules are:

- Several plans – do not have clear relocation rules:
 - Queenstown-Lakes District Plan –does not regulate relocation of heritage. However, relocation is a discretionary activity in most zones
 - Buller District Plan – the heritage rule is limited to destruction. It is unclear if this rule could apply to relocation. No other general relocation rules were identified in the Buller District Plan
 - Westland District Plan – modification of scheduled heritage items is a discretionary activity but the definition excludes demolition and removal. Consequently, relocation of scheduled heritage items is not regulated in the plan. Further, no other general relocation rules were identified
 - Gore District Plan – regulates excavation beneath, demolition or alteration of any heritage structure as a discretionary activity. It is unclear whether this rule would cover relocation and there are no other general rules controlling relocation
 - Matamata-Piako District Plan has a “modification” rule with varying forms of definition
- Several plans fail to adequately regulate the modification of lower significance heritage items:
 - Nelson Resource Management Plan – relocation of scheduled Group C items is not explicitly regulated (see plan for general relocation rules)
 - Waimate and Mackenzie District Plans – relocation of scheduled Category C or Z items is a permitted activity subject to limited information process
- Central Hawke's Bay District Plan – permits relocation of scheduled heritage buildings where the proponent notifies the council two months prior to the work starting and notifies interested agencies. However, in the general relocation rules the activity is restricted discretionary, with discretion being restricted to the appearance of the building.

Relocation of historic buildings away from the town or district can have a very significant adverse effect on heritage values. Further, local authorities should be careful to ensure that the relocation rule applies to relocation inside and outside the original property boundary. Plans that do not make adequate provision for relocation must be reviewed to include an explicit relocation rule for scheduled heritage items.

³⁵ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No. 3, 'District Plans', August 2007, pp 31-35.

8.8 SUBDIVISION

HNZPT standard: *The subdivision of land containing or affecting a scheduled historic building, historic site, historic area, or Māori heritage is a discretionary or non-complying activity.*³⁶

Subdivision often results in major land use changes, and the potential impacts are recognised in the RMA requirement to protect historic heritage from “inappropriate subdivision, use and development”.³⁷ Subdivision must be carefully managed and should not compromise the condition or integrity of historic heritage values. It should be designed to protect historic heritage and its setting. In particular, subdivision design should take account of the likelihood of the presence of archaeological sites and avoid these sites.

All district plans regulate subdivision through general subdivision rules that apply to particular zones or the whole district. Many of these general subdivision rules also have assessment criteria for historic heritage. However, Heritage New Zealand advocates for explicit subdivision rules that are specific to scheduled heritage items and regulate this activity as a discretionary or non-complying activity.

Recent proposed plans make the following provisions:

- Non-complying – Auckland
- Discretionary – Whakatane, Napier, Thames-Coromandel, Hurunui, New Plymouth

- No specific subdivision rule for heritage subdivision (general rules apply) – Invercargill, Chatham Islands
- Restricted discretionary – Christchurch City
- Hastings – subdivision of wāhi tapu sites is discretionary, otherwise general rules apply.

Operative district plans, mostly older plans, that contain no specific heritage subdivision rules include:

- Clutha District Plan (operative 1998)
- Central Hawke’s Bay District Plan (operative 2003)
- Upper Hutt District Plan (operative 2004)
- Buller District Plan (heritage plan change operative 2004)
- Grey District Plan (operative 2005)
- Westland District Plan (operative 2002).

Some district plans continue to provide basic protection with a reliance on a permitted (with performance standards) or a controlled activity rule. This level of protection is not sufficient for historic heritage.

RECOMMENDATION 8:

Heritage New Zealand will work with local authorities to ensure that subdivision rules in plans provide adequate protection for historic heritage, particularly archaeology, from inappropriate subdivision.

³⁶ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No. 3, ‘District Plans’, August, pp 32-37.

³⁷ Section 6(f), RMA.

8.9 HISTORIC AREAS

HNZPT standard: *The rules protect scheduled historic areas in terms of:*

- *Repair and maintenance (permitted with performance standards)*
- *Alterations and additions (restricted discretionary)*
- *Construction of new buildings (restricted discretionary)*
- *Additions to non-contributory buildings (restricted discretionary)*
- *Land disturbance (restricted discretionary)*
- *Signage (restricted discretionary)*
- *Subdivision (discretionary)*
- *Relocation (discretionary)*
- *Partial demolition (discretionary)*
- *Demolition (non-complying).³⁸*

In the urban setting, historic areas may involve significant townscapes and streetscapes. Change in these areas needs to be carefully managed to preserve heritage values. Demolition, relocation or inappropriate additions can undermine the collective integrity of historic areas and landscapes.

The construction of new buildings can compromise historic areas. New buildings should be designed in a manner that is sympathetic to the significance and character of the area.

In the rural setting, historic areas may include complex archaeological and cultural sites associated with extractive industries (i.e. goldmining), pastoral farming and nature conservation. Rural historic areas are threatened by a range of land use changes in the environment. Transport and land use planning needs careful consideration with protection offered by protective zones and overlays.

As with previous assessments, the 2015 Assessment continues to report historic area protection is not advanced in most

district plans in New Zealand. Some of the new district plans, however, do include some new heritage zoning or area provisions, in particular, Waipa, Horowhenua and the Kapiti Coast. The Whanganui Plan contains revised provisions for the Old Town Conservation Zone, including the individual scheduling of significant heritage buildings within this zone.

Of the plan reviews between June 2013 and July 2015, those for Thames-Cormomandel, Auckland, Hastings, Hurunui, Christchurch and Napier contained good provisions for historic areas, but the remainder had poor provisions.

Heritage New Zealand advocates, as a minimum requirement, that historic areas entered on the NZ Heritage List are scheduled in district plans with associated protective rules. Around 70% of Listed historic areas are scheduled in plans. Many district plans had a schedule of a small number of historic areas, but these did not necessarily align with the historic areas on the List.

³⁸ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No. 3, 'District Plans', August 2007, p 36.

8.10 SUMMARY OF ADEQUACY OF PLAN PROVISIONS

Table 16: Adequacy of rules in proposed plans or plan changes notified since 2013 Assessment

Territorial authority	Type of plan review or change	Repairs and maintenance	Additions and alterations	Safety alterations	Relocation	Subdivision	Historic areas
HNZPT recommended standard for Group A/Group B or Category I/Category II scheduled items:		Permitted subject to performance standards or controlled	Restricted discretionary	Controlled or restricted discretionary	Non-complying for most significant heritage	Discretionary	Appropriate rule structure for activities as shown for heritage items
Whakatane District	Whole of plan review	Permitted – similar design and materials	Restricted discretionary	Permitted – strengthening to meet requirements of the Earthquake Prone Buildings Policy (amended to controlled, December 2015)	Discretionary	Discretionary	Poor – no specific requirements
Invercargill City	Whole of plan review	Permitted – similar design and materials	Sites of local significance, permitted if façade not affected, otherwise restricted discretionary; NZ Heritage List sites and memorials – discretionary	As for additions and alterations – no specific rules	Sites of local significance – discretionary; NZ Heritage List entries – non-complying	No rule relating to heritage subdivision	Poor – no specific requirements
Hastings District	Whole of plan review	Permitted – standards set out in definition of repairs and maintenance	Category II – permitted (internal), restricted discretionary (external); Category I – discretionary	Category II – permitted (internal), controlled (external); Category I – restricted discretionary	Category II – discretionary; Category I – non-complying	Creation of conservation lots – controlled; Wāhi tapu sites – discretionary	Four areas scheduled and rules specifically apply to these areas
Thames-Coromandel District	Whole of plan review	Permitted – standards set out in definition of repairs and maintenance	Exterior and scheduled interiors – restricted discretionary	As for additions and alterations – no specific rules	Discretionary or non-complying	Discretionary activity	Specific schedules and rules
Chatham Islands	Whole of plan review	Permitted – external repairs and maintenance	Discretionary	Discretionary	Discretionary	General rules apply – discretionary or controlled	Poor – no specific requirements
Hurunui District	Whole of plan review	Permitted	NZ Heritage List Category 1 – non-complying; Other scheduled items – discretionary (recommended to be changed to restricted discretionary June 2016)	NZ Heritage List Category 1 discretionary; Other scheduled items – restricted discretionary (recommended to be changed to controlled June 2016)	NZ Heritage List Category 1 – non-complying; Other scheduled items – discretionary	Zone rules apply	One historic heritage zone identified and components separately scheduled
Christchurch City	Whole of plan review	Permitted	Restricted discretionary	Controlled	Restricted discretionary in “heritage setting”; Discretionary “beyond its heritage setting”	Restricted discretionary	Sets out historic precincts
Napier City	Plan change – earthquake strengthening and alignment with Hastings Plan	Permitted	Group 2 permitted (internal), restricted discretionary (external); Group 1 – discretionary	Permitted (internal), controlled (external); Group 1 – restricted discretionary	Discretionary	Discretionary	Identifies four heritage character areas with associated rules
Palmerston North City	Plan change – heritage chapter	Permitted	Interior alterations – permitted Category II (residential) external – controlled; Category II (non-residential) external – restricted discretionary; Category I – restricted discretionary	As for additions and alterations – no specific rules, but safety is an assessment criteria for alterations	Category II – restricted discretionary; Category I – discretionary	Discretionary	No clear provisions for historic areas

9. CONCLUSIONS AND RECOMMENDATIONS

In general, the more recently revised plans contain provisions for the identification and protection of historic heritage that meets Heritage New Zealand's recommended standards. There is room for considerable improvement in older plans. Of particular concern is the lack of protection provided in plans for Māori heritage. Other concerns are the lack of assessment criteria for including historic heritage on plan schedules, and the continued use of schedules of historic heritage that are not protected by rules. Several older plans are deficient in not providing adequate protection for historic heritage.

Recommendation 1: For the next review, Heritage New Zealand will collect information on protection afforded to historic heritage through legislation other than the HNZPT Act to provide a fuller picture of protection of New Zealand's historic heritage.

Recommendation 2: Heritage New Zealand will work with local authorities to establish why NZ Heritage List entries are not being included in plan schedules and:

- in particular investigate why NZ Heritage List cultural sites are not being identified in plans; and
- work with councils and owners to improve owner acceptance of scheduling.

Recommendation 3: For the next review, Heritage New Zealand will collect information from local authorities on earthquake strengthening of heritage buildings, in particular strengthening work carried out, and demolitions occurring because of the requirement to strengthen heritage buildings.

Recommendation 4: Heritage New Zealand will work with local authorities to ensure that Māori heritage is identified in plans and protected through appropriate rules, supported by clear objectives and policies.

Recommendation 5: The next national assessment of RMA plans should investigate whether section 32 reports and other types of review can be used to provide information on the effectiveness of plans.

Recommendation 6: For the next review, Heritage New Zealand will investigate the linkages between the objectives and policies in regional policy statements and plans and how these guide and are reflected in district plans.

Recommendation 7: Heritage New Zealand will work with councils to facilitate revision of plans to ensure the alterations and additions to all scheduled heritage buildings other than safety modifications (fire protection, earthquake strengthening) are a restricted discretionary activity.

Recommendation 8: Heritage New Zealand will work with local authorities to ensure that subdivision rules in plans provide adequate protection for historic heritage, particularly archaeology, from inappropriate subdivision.

APPENDIX 1: SCHEDULE OF PLANS AND PLAN CHANGES ASSESSED

Local authority name	Version of plan reviewed
Ashburton District	Plan operative Aug 2014
Buller District	Plan operative Jan 12 incorporating plan change heritage operative Aug 2011
Central Hawke's Bay District	Plan operative May 2003
Central Otago District	Plan operative Apr 2008
Chatham Islands	Proposed plan Jul 2014
Christchurch City	Replacement plan operative May 2015, new plan proposed Jul 2015
Clutha District	Plan operative Jun 1998
Dunedin City	Plan operative Jul 2006, plan change heritage schedule operative Apr 2008
Far North District	Plan operative Aug 2009 incorporating Pahia Mission operative Jun 2015
Gisborne District	Plan operative Dec 2009
Gore District	Heritage operative Jan 2008, plan change heritage schedule operative Mar 2014
Grey District	Plan operative Mar 2005
Hamilton City	Proposed Nov 2012
Hastings District	Proposed plan Nov 2013
Hauraki District	Plan operative Sept 2014
Horowhenua District	Plan operative Mar 2015
Hurunui District	Plan proposed May 2015 (incorporating Queen Mary Hospital plan change operative May 2013)
Hutt City	Heritage chapter operative Aug 2007
Invercargill City	Plan proposed Aug 2013
Kaikoura District	Plan operative Jun 2008
Kaipara District	Plan operative Nov 2013
Kapiti Coast District	Proposed plan Nov 2012
Mackenzie District	Plan operative May 2004, heritage plan change operative Oct 2011
Manawatu District	Feilding plan change operative Apr 2015
Marlborough District	Heritage plan change operative Oct 2010, plan operative Aug 2011
Matamata-Piako District	Plan operative Jul 2005
Napier City	Plan change (including heritage provisions) proposed Dec 2013
Nelson City	Heritage plan change operative Aug 2010
New Plymouth District	Wāhi tapu and archaeology plan change proposed Nov 2014
Opotiki District	Plan operative Sept 2005
Otorohanga District	Plan operative Oct 2014
Palmerston North City	Heritage plan change proposed Mar 2014

APPENDIX 1: SCHEDULE OF PLANS AND PLAN CHANGES ASSESSED

Local authority name	Version of plan reviewed
Porirua City	Heritage plan change operative Mar 2014
Proposed Auckland Unitary Plan (PAUP)	Plan proposed Sept 2013
Queenstown-Lakes District	Heritage plan change operative Mar 2008
Rangitikei District	Plan operative Oct 2013
Rotorua District	Plan proposed Oct 2012
Ruapehu District	Heritage plan change operative Dec 2014
Selwyn District	Plan operative Jun 2008
South Taranaki District	Plan operative Dec 2004
South Waikato District	Plan proposed Nov 2012
Southland District	Plan proposed Dec 2012
Stratford District	Plan operative Feb 2014
Tararua District	Plan operative Sept 2012
Tasman District	Heritage plan change operative Aug 2012, plan change heritage schedule proposed Jan 2015
Taupo District	Plan operative Oct 2007
Tauranga City	Plan operative Sept 2013
Thames-Coromandel District	Proposed Dec 2013
Timaru District	Plan operative Mar 2005
Upper Hutt City	Operative 2004, minor revision March 2011
Waikato District	Plan operative Mar 2013 and archaeology plan change proposed Jul 2014
Waimakariri District	Plan operative Nov 2005
Waimate District	Plan operative Feb 2014
Waipa District	Heritage chapter operative Mar 2015
Wairarapa Combined Plan (Masterton, Carterton, South Wairarapa)	Plan operative May 2011
Wairoa District	Plan operative Jun 2005
Waitaki District	Plan change heritage schedule operative Jun 2013
Waitomo District	Plan operative Mar 2009
Wellington City	Plan change heritage operative Oct 2013
Western Bay of Plenty District	Archaeology plan change operative Sept 2013
Westland District	Plan operative Jun 2002
Whakatane District	Proposed plan Jun 2013
Whanganui District	Plan change heritage operative Dec 2013
Whangarei District	Plan operative May 2007

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