



HERITAGE NEW ZEALAND
POUHERE TAONGA



NATIONAL ASSESSMENT RMA PLANS AND POLICIES – HERITAGE PROVISIONS 2021

February 2022



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COVER: Ward Domain War Memorial Gates: Plaques on the gates and on the adjacent monument (pictured here), present rolls of honour from the First and Second World Wars. The memorial is located in the Ward Domain, but is not entered on the New Zealand Heritage List/Rārangi Kōrero or scheduled in the district plan.

COVER IMAGE COURTESY OF Shelley Morris 2021 Flickr.com

CONTENTS

SUMMARY OF KEY FINDINGS – JULY 2018 TO JULY 2021	6
1. BACKGROUND AND SCOPE	9
1.1. PURPOSE OF THE 2021 ASSESSMENT	9
1.2. KEY PERFORMANCE INDICATORS	9
1.3. PRESSURE, STATE, RESPONSE MODEL	9
1.4. SCOPE OF THE ASSESSMENT	10
2. LEGISLATIVE CHANGES, NATIONAL POLICY INITIATIVES AND HERITAGE PROTECTION MECHANISMS	11
2.1. LEGISLATIVE CHANGES AND NATIONAL POLICY INITIATIVES UNDER THE RMA	11
2.2. COVID-19 LEGISLATION AND INITIATIVES	12
2.3. LEGISLATIVE CHANGES AND NATIONAL POLICY INITIATIVES ADDRESSING RISKS TO HISTORIC HERITAGE	12
2.4. HERITAGE PROTECTION MECHANISMS	13
3. DISTRICT AND REGIONAL PLANNING INITIATIVES SINCE THE 2018 ASSESSMENT	16
3.1. REGIONAL POLICY STATEMENTS AND PLANS	16
3.2. DISTRICT AND UNITARY PLANS	16
4. IDENTIFYING HISTORIC HERITAGE	18
4.1. HOW MANY LIST ENTRIES ARE IDENTIFIED ON PLAN SCHEDULES?	19
4.2. HOW MANY DISTRICT PLANS INCLUDE ALL LIST ENTRIES IN HERITAGE SCHEDULES?	20
4.3. HOW MANY HISTORIC HERITAGE ITEMS ARE IDENTIFIED IN PLAN SCHEDULES?	21
4.4. QUALITY OF HERITAGE SCHEDULES	22
4.5. IDENTIFICATION AND PROTECTION OF WAR MEMORIALS	23
5. ASSESSING THE RISKS TO HISTORIC HERITAGE	25
5.1. DEMOLITION OF HERITAGE BUILDINGS	25
5.2. EARTHQUAKES	25
5.3. FIRE	27
5.4. DEMOLITION BY NEGLECT	29
5.5. DEMOLITION DUE TO DEVELOPMENT PRESSURE	29
6. PROTECTING MĀORI HERITAGE FROM DEMOLITION AND DESTRUCTION	30
6.1. DESTRUCTION OF SCHEDULED MĀORI HERITAGE	30
6.2. RMA PLANNING FRAMEWORK FOR PROTECTING MĀORI HERITAGE	31
7. PROTECTING BUILT HERITAGE FROM DEMOLITION	34
8. INCENTIVES FOR THE CONSERVATION OF HISTORIC HERITAGE	36
8.1. LOCAL GOVERNMENT INCENTIVES FOR HERITAGE CONSERVATION	36
8.2. MĀTAURANGA MĀORI FUNDING	37
8.3. NATIONAL INCENTIVE FUNDING FOR HERITAGE CONSERVATION	37
9. OVERALL PLAN EFFECTIVENESS	38
9.1. MONITORING PLAN EFFECTIVENESS	38
9.2. HISTORIC HERITAGE PROTECTION IN REGIONAL COASTAL PLANS	39
9.3. REPAIR AND MAINTENANCE	41
9.4. SAFETY ALTERATIONS	42
9.5. ADDITIONS AND ALTERATIONS	44
9.6. RELOCATION	45
9.7. SUBDIVISION	46
9.8. HISTORIC AREAS	46
9.9. SUMMARY OF ADEQUACY OF PLAN PROVISIONS	48
9.10. CONCLUSIONS	49
APPENDIX 1: SUMMARY OF KPIS AND STANDARDS FOR ASSESSING PLAN QUALITY	50
APPENDIX 2: STATUS OF REGIONAL PLANS AND POLICY STATEMENTS	51
APPENDIX 3: STATUS OF DISTRICT AND UNITARY PLANS AND RELEVANT PLAN CHANGES	52

TABLES

TABLE 1: NEW RMA POLICY STATEMENTS, PLANS AND HERITAGE-RELATED CHANGES TO PLANS BETWEEN JULY 2018 AND JULY 2021	6
TABLE 2: PERCENTAGE OF DISTRICT PLANS THAT MEET HERITAGE NEW ZEALAND POUHERE TAONGA KEY PERFORMANCE INDICATORS	6
TABLE 3: NUMBER OF HISTORICAL AND CULTURAL HERITAGE ITEMS SCHEDULED IN RMA PLANS AND PROTECTED BY RULES (EXCLUDING ARCHAEOLOGICAL SCHEDULES)	7
TABLE 4: INDICATOR FRAMEWORK FOR HISTORIC HERITAGE	10
TABLE 5: REGIONAL PLANS PROPOSED BETWEEN JULY 2018 AND JULY 2021	16
TABLE 6: REGIONAL PLANS AND RPSS MADE OPERATIVE BETWEEN JULY 2018 AND JULY 2021	16
TABLE 7: NEW PLANS OR PLAN CHANGES NOTIFIED BETWEEN 20 JULY 2018 AND 1 JULY 2021	16
TABLE 8: NEW PLANS OR PLAN CHANGES THAT BECAME OPERATIVE BETWEEN JULY 2018 AND JULY 2021	17
TABLE 9: LIST ENTRIES NOT SCHEDULED IN PLANS	18
TABLE 10: PROPORTION OF LIST ENTRIES IN RMA DISTRICT PLAN HERITAGE SCHEDULES AT JULY 2021	21
TABLE 11: NUMBER OF HERITAGE ITEMS SCHEDULED IN RMA PLANS AND PROTECTED BY RULES (EXCLUDING ARCHAEOLOGICAL SCHEDULES)	22
TABLE 12: DEMOLITION OF LIST ENTRIES BY YEAR AND REASON FOR DEMOLITION	26
TABLE 13: ACTIVITY STATUS OF DISTRICT PLAN RULES GOVERNING THE DESTRUCTION OF MĀORI HERITAGE	31
TABLE 14: ACTIVITY STATUS OF DISTRICT PLAN RULES GOVERNING DEMOLITION OF SCHEDULED HERITAGE	34
TABLE 15: PLANS PROVIDING REGULATORY INCENTIVES	36
TABLE 16: ADEQUACY OF RULES IN PROPOSED PLANS OR PLAN CHANGES NOTIFIED SINCE 2018 ASSESSMENT	48

FIGURES

FIGURE 1: NATIONAL LIBRARY (FORMER) PALMERSTON NORTH.	12
FIGURE 2: SITES PROTECTED BY HERITAGE COVENANTS, BY HERITAGE STATUS	13
FIGURE 3: NG KING BROTHERS CHINESE MARKET GARDEN SETTLEMENT, ASHBURTON.	14
FIGURE 4: MCSKIMMING HOFFMAN KILN (LIST # 5179) AT BENHAR, SOUTHLAND.	14
FIGURE 5: FYFFE HOUSE REPAIR AND MAINTENANCE WORK: OFFICE CHIMNEY (SHOWING CEMENT RENDER) AND PARLOUR CEILING REPAIRS.	15
FIGURE 6: LIST WĀHI TAPU, WĀHI TAPU AREAS AND WĀHI TŪPUNA BY REGION	19
FIGURE 7: TE MANUNUI ROCK ART SITE, MAUNGATI, LIST # 7826.	20
FIGURE 8: NUMBER OF HERITAGE PLACES ON RMA PLAN SCHEDULES AND PROTECTED BY RULES 2008-2018	22
FIGURE 9: HERITAGE ITEMS SCHEDULED IN DISTRICT OR REGIONAL PLANS AND PROTECTED BY RULES 2008-2021	23
FIGURE 10: DEMOLITION OF HISTORIC HERITAGE BY DRIVER FOR DEMOLITION (EXCLUDING EARTHQUAKES) 1999-2020	25
FIGURE 11: DEMOLITION OF LIST ENTRIES SINCE 1999 BY TYPE OF USE AND EVENT TYPE	26
FIGURE 12: WESLEY CHURCH, WELLINGTON (CATEGORY 1, LIST # 4422) – EARTHQUAKE STRENGTHENING AND RE-ROOFING 2019-2021	27
FIGURE 13: ST ANDREW’S CHURCH, WHAREAMA (NOMINATED FOR LISTING)	28
FIGURE 14: WAIRAU PUBLIC HOSPITAL NURSES’ HOME (FORMER), BLENHEIM	28
FIGURE 15: REVINGTON’S HOTEL GREYMOUTH (LIST # 5060) DEMOLITION DUE TO NEGLECT, STRENGTHENING COSTS AND POTENTIAL REDEVELOPMENT	28
FIGURE 16: DISTRICT PLAN RULES GOVERNING THE DESTRUCTION OF MĀORI HERITAGE	31
FIGURE 17: STATUS OF DEMOLITION OF SCHEDULED HERITAGE IN DISTRICT PLAN RULES	35
FIGURE 18: DISTRICT PLAN SAFETY-RELATED RULES FOR HERITAGE ITEMS	43
FIGURE 19: DISTRICT PLAN ACTIVITY STATUS – ADDITIONS AND ALTERATIONS	45

SUMMARY OF KEY FINDINGS – JULY 2018 TO JULY 2021

SCOPE

The 2021 triennial national assessment of heritage protection (*2021 Assessment*) focuses on relevant changes to Resource Management Act 1991 (RMA) planning documents between July 2018 and July 2021 (the assessment period), summarised in Table 1 and discussed in section 2. It measures progress against Heritage New Zealand Pouhere Taonga key performance indicators (KPIs) and recommended standards for RMA plans, particularly the protection of Māori heritage (section 6). It also assesses other protection measures and incentive funding, and a case study on the recognition and protection of war memorials and other memorials. Only four new proposed district plans were notified during the assessment period, so changes may not be as great as an earlier assessment with more new proposed plans. Seventeen plans are currently under review, but district councils may be waiting for the outcome of the RMA review before releasing new proposed plans.

Table 1: New RMA policy statements, plans and heritage-related changes to plans between July 2018 and July 2021

PLAN TYPE	NUMBER OF PROPOSED PLANS OR PLAN CHANGES NOTIFIED	NUMBER OF PROPOSED PLANS OR PLAN CHANGES MADE OPERATIVE
Regional plans and policy statements	1	4
District plans and unitary plans	4	9 ¹

THE PERFORMANCE EXPECTATIONS OF HERITAGE NEW ZEALAND POUHERE TAONGA FOR DISTRICT PLAN HERITAGE PROVISIONS

The *Heritage New Zealand Pouhere Taonga Statement of Performance Expectations 2020-2021* (the *2020 SPE*) sets out the expectation that district plans will meet key performance indicators (KPIs) for the protection of historic heritage.² Table 2 lists these KPIs and the results of five national assessments. As for the *2018 Assessment*, only four plans meet all four of the KPIs and 13 meet three KPIs, but do not have all items entered on the New Zealand Heritage List/Rārangī Kōrero (the List) in the plan schedule.³

Table 2: Percentage of district plans that meet Heritage New Zealand Pouhere Taonga key performance indicators

PERFORMANCE STANDARD	2011	2013	2015	2018	2021
A heritage schedule that contains List entries	21%	32%	34%	33%	36%
Demolition of scheduled heritage as a non-complying activity for at least higher-ranked items	43%	56%	67%	72%	73%
Destruction of scheduled Māori heritage as a non-complying activity for at least higher-ranked items	9%	17%	25%	23%	23%
Regulatory incentives for retention of heritage	28%	32%	49%	59%	59%

IDENTIFICATION IN RMA PLANS

Heritage New Zealand Pouhere Taonga KPIs require identifying Listed heritage in RMA plan schedules and protecting historic heritage, in particular sites of significance to Māori, from demolition or destruction through suitable rules. Despite the increase in plan scheduling discussed below, the proportion of plans containing all List entries has been around one-third since 2015 (Table 2).⁴

1 Four Auckland plan changes that amend the heritage schedule are counted as a single plan change.

2 Heritage New Zealand Pouhere Taonga, *SPE 2020* (Wellington: HNZPT, 2020) www.heritage.org.nz/resources/statement-of-intent

3 In assessing this KPI, allowance is made for places/areas entered on the List after any plan review commenced.

4 Note that the number of plans assessed decreased from 75 to 64 between the 2013 and the 2015 *Assessment* periods due to the amalgamation of the Auckland councils, so pre-2015 figures are not strictly comparable with the 2015, 2018 and 2021 *Assessments*.

Table 3: Number of historical and cultural heritage items scheduled in RMA plans and protected by rules (excluding archaeological schedules)

DATE OF ASSESSMENT	NOV 2008	MAY 2011	MAY 2013	MAY 2015	JULY 2018	JULY 2021
Scheduled heritage items	10,886	11,454	11,576	13,127	13,984	15,145

Since the 2018 Assessment, local authorities have added over 1,000 heritage items to RMA plan schedules and protected them with rules (see Table 3). An additional 1,500 sites have been explicitly identified as being of significance to Māori⁵ Another 8,000 archaeological sites, where the heritage values have not been specifically assessed, are identified in plans and protected with at least a basic rule.

Overall, 90% of individual entries on the List (as at 1 July 2021) are scheduled in plans (see Table 8).⁶ The proportion of Listed wāhi tapu, wāhi tūpuna and wāhi tapu areas (as at 1 July 2021) that are scheduled has decreased to 75%, as scheduling has not kept pace with new additions to the List. Of the 51 Māori heritage List entries not scheduled in plans, six have other regulatory protections: one is subject to a heritage covenant, one is included in an iwi management plan and four have reserve status.

PROTECTING HISTORICAL AND CULTURAL HERITAGE IN DISTRICT PLANS

The 2021 Assessment found a lower standard of regulation nationwide for Māori heritage than for scheduled built heritage and there has been no improvement. As shown in Table 2, in 2021 only 15 plans (23%) regulate the destruction of Māori heritage as a non-complying activity. This remains a critical deficiency in many district plans. Of particular concern is that seven plans have no rules governing the destruction of Māori heritage. However, some plans reviewed in the last few years are introducing new approaches to specifically provide for Māori cultural landscapes as overlays with rules targeted to the effects of the activity and values of the site. By comparison, 73% of plans regulate the demolition of historic buildings as a non-complying activity, at least for higher-ranked items, and of the 4% (46) of Category 1 historic places not scheduled, 21 are protected by other mechanisms.⁷

We assessed a sample of 60% of the 1,600 sites on the Ministry for Culture and Heritage Memorials Register and found that half of the sample is Listed or scheduled. Forty-three percent are scheduled in plans, although a few may not be protected by rules. Sixty percent of the unscheduled sites had another form of protection or an identified custodian.

5 Approximately 500 sites formerly on archaeological schedules and at least 300 new sites have been assessed and clearly identified to be of significance to Māori in a single proposed plan. Another 700 formerly in general historic heritage schedules or new sites have been specifically identified to be of significance to Māori in revised or new schedules.

6 Scheduled sites include historic places and areas, places and areas of significance to Māori (including significant archaeological sites), that are protected by appropriate objectives, policies and rules. Schedules of solely archaeological sites (around 8,000) protected by basic rules are counted separately.

7 Higher-ranked items are those identified in plan heritage schedules as 'Category A', 'Category 1' or equivalent.

8 Section 32 of the RMA requires local authorities to assess whether the objectives of plan changes and proposed new plans are the most appropriate way to meet the purpose of the RMA and whether the provisions are the most appropriate way to achieve the plan objectives.

INCENTIVES

Fifty-nine percent of district plans provide for heritage incentives, such as exemptions from rules that would restrict adaptive re-use of heritage and commitments to provide rates relief, consent fee waivers and grant funding. Overall, 75% of territorial authorities provide either regulatory incentives in RMA plans or financial incentives to owners via long-term plans under the Local Government Act 2002.

MONITORING PLAN QUALITY

Information on the state of the environment for historical and cultural heritage is limited by lack of systematic surveying and monitoring. Only Tasman District Council and Auckland Council produced state of the environment reports that addressed historic heritage during the 2021 Assessment period. However, the most recent RMA section 32 reports provided information on recent heritage plan changes and plan reviews, including for all four proposed district plans.⁸

REGIONAL POLICY STATEMENTS AND COASTAL PLANS

Regional Policy Statements (RPSs) generally address historical and cultural heritage, but half merely quote section 6 (e) or (f) of the RMA, and half fail to require identifying historical and cultural heritage. About one-third of RPSs explicitly defined the values to be used in identifying and categorising historic heritage, one-third used broad categories without further detail, and the final third did not offer definitions or criteria. However, 29 district plans still do not have adequate assessment criteria for including items on the heritage schedules. Plans with single heritage schedules may have a single set of rules focussed on built heritage and therefore may not give adequate protection to Māori heritage and archaeological sites. Four plans still have schedules of heritage items not protected by rules.

Regional Coastal Plans (RCPs) do not fully address the requirements of the New Zealand Coastal Policy Statement 2010 (NZCPS). Only one-third of RCPs include even half of the heritage requirements of the NZCPS and the remainder include only one or two of them. Half of the RCPs take an

integrated approach to sites within the coastal environment, whereas the other half only address the coastal marine area (CMA) below mean high water springs (MHWS).

OTHER PLAN RULES

Plan rules are assessed against the recommended standards set out in Appendix 1. In general, plans are making adequate provision for the repair and maintenance of historic heritage, although some lack criteria for assessment and others have unhelpful definitions. Few plans have repair and maintenance rules that are relevant to Māori heritage or archaeological sites. Six plans, including one recently operative plan, have inadequate or unclear rules.

Fifty-seven percent of plans still do not make specific provisions to facilitate safety improvements to heritage structures, including one recent proposed plan. Some recent plans have a useful hierarchy based on heritage significance and degree of intrusiveness of strengthening work, and one provides access and fire safety as well as seismic strengthening.

Half of the recent plans provide for additions and alterations as a restricted discretionary activity for the buildings with the highest heritage values, supporting the adaptive re-use of heritage buildings. All four proposed plans provided specific rules for subdivision affecting heritage and gave at least a restricted discretionary status for the activity.

Six of the 10 recently proposed or operative plans have a non-complying rule for relocation, and the remaining four have a discretionary rule, two of which provide assessment criteria. Several older plans continue to have inadequate rules for the relocation of heritage items.

While all plans have general subdivision rules, one recent plan has no specific rules for sites containing historic heritage and two have inadequate controls. Five older plans have a permitted rule for subdivision for sites containing historic heritage, which does not give adequate protection, particularly for Māori heritage. While some plans made good provision for historic areas or precincts, most do not have specific rules to address risks to historic areas.

Eleven plans have not been reviewed or had any heritage-related changes occur within the last 10 years, and 20 have operative dates predating 2011. Eight older plans have deficiencies in some (or all) of the areas assessed and some still have the heritage rules dispersed amongst zone and activity rules, rather than collated in the heritage chapters, making it difficult to determine the level of protection. The National Planning Standards require all new plans to have stand-alone heritage chapters if heritage is addressed.

RISKS TO HISTORIC HERITAGE

Recent earthquakes, the potential for future seismic events and measures to reduce seismic risk remain a significant threat to heritage buildings. Of 187 buildings previously entered on the New Zealand Heritage List/Rārangi Kōrero (the List) demolished since 2009, 142 (70%) resulted from earthquake damage (see section 5.2). There have been fewer than six demolitions of Listed buildings per year resulting from other risks.

The 2016 amendment to the Building Act 2004 established risk-based timeframes for strengthening earthquake-prone buildings (see sections 2.3 and 5.2). By July 2021, 38 territorial authorities had uploaded lists of earthquake-prone buildings to the Register of Earthquake-prone Buildings (EPB Register) and around 25% are identified as heritage.⁹ The Heritage EQUIP incentive fund for seismic strengthening, managed by the Ministry for Culture and Heritage, was wound up in mid-2021 and other sources of funding for owners are limited.

The requirements aim to improve building safety, but may increase the pressure on some owners and result in the demolition of heritage buildings, particularly in regions where intensification is desirable, or alternatively where there is no economic use for a building. Threats from earthquake strengthening requirements, development, neglect, fire and government policies are often interrelated. Thirty-seven List entries have been demolished since 2009 due to development pressure and/or neglect. The loss from all causes of items scheduled, but not Listed, is expected to be much higher than for Listed items.

⁹ Register of earthquake-prone buildings (EPB Register) <https://epbr.building.govt.nz> 291 of the heritage buildings on the Register are entered on the List and a further 675 scheduled in district plans.

1. BACKGROUND AND SCOPE

1.1. PURPOSE OF THE 2021 ASSESSMENT

The “relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga” and the “protection of historic heritage from inappropriate subdivision, use and development” are matters of national importance under section 6 (e) and (f) of the RMA. This recognises the important contribution historical and cultural heritage makes to people’s sense of place and identity, and of preserving our heritage for future generations. Entry of a place onto the List recognises historic and cultural heritage, but it provides no direct protection. The main forms of protection examined in the *2021 Assessment* are:

- identification and protection in RMA plans, policy statements and national direction
- other protections, such as heritage covenants and reserve status
- incentives for heritage conservation
- management by a government agency or dedicated custodian.

The *2021 Assessment* reviews the adequacy of provisions for heritage identification and protection, focusing on RMA plans and policy statements.¹⁰ In the absence of comprehensive national direction, Heritage New Zealand Pouhere Taonga advocates for a framework of objectives and policies in RPSs, given effect to in regional and district plans and unitary plans by objectives, policies, rules and other methods.¹¹ A particular focus of the *2021 Assessment* is the protection of Māori heritage. The *2021 Assessment* also includes a case study on the identification and protection of war memorials and other memorials. The findings may assist local authorities to improve provisions for the conservation of historic heritage.

1.2. KEY PERFORMANCE INDICATORS

The purpose of the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) is to “promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand”. This is reflected in the

Statement of Intent 2020-2024 and the annual *Statement of Performance Expectations (SPE)*.¹² A key strategic priority is “to conserve and protect important heritage places and cultural landscapes”.¹³ Heritage New Zealand Pouhere Taonga achieves this through “working with local authorities on identifying historic heritage in plans, promoting its protection with appropriate rules, monitoring plan quality, and promoting protection through resource consent processes”.¹⁴ The “number of heritage places where protection is increased or damage is reduced, where Heritage New Zealand Pouhere Taonga has advocated for heritage to be considered”, is an indicator measured annually.¹⁵

Heritage New Zealand Pouhere Taonga triennial KPIs measure RMA plan quality:¹⁶

- a heritage schedule that contains all List entries (section 4.2)
- the destruction of scheduled Māori heritage as a non-complying activity for at least higher-ranked items (section 6.1)
- the demolition of scheduled built heritage as a non-complying activity for at least higher-ranked items (section 7)
- local authority regulatory incentives for the retention of heritage (section 8.1).

Other indicators used in this assessment are based on Heritage New Zealand Pouhere Taonga guidelines on RMA plan quality (see Appendix 1).¹⁷

1.3. PRESSURE, STATE, RESPONSE MODEL

The indicators used are based on the Pressure, State, Response (PSR) model often used for environmental monitoring.¹⁸ The PSR framework assumes that sectoral or environmental trends are drivers of pressures on a resource, which has an impact on the state or condition of the resource, and this prompts a response from responsible agencies, owners or the public.

DRIVERS AND PRESSURES

Current drivers increasing the pressure on the heritage resource and risk of demolition include:

10 Provisions are assessed against Heritage New Zealand Pouhere Taonga best practice *Sustainable Management of Historic Heritage (SMHH)* guidance series (currently under review), www.heritage.org.nz/resources/sustainable-management-guides

11 This assessment refers to the functions of regional councils and territorial authorities – where a territorial authority has regional council functions (i.e. is a unitary authority) – the assessment discusses the relevant regional or territorial functions separately. Likewise, unitary plans are discussed in terms of their regional or district plan provisions.

12 www.heritage.org.nz/resources/statement-of-intent

13 *SPE 2021-22*, p. 11.

14 *SPE 2021-22*, p. 9.

15 *SPE 2021-22*, p. 11.

16 *SPE 2021-22*, Indicator 7, p. 20.

17 NZHPT, *Sustainable Management of Historic Heritage (SMHH)* guidance, www.heritage.org.nz/resources/sustainable-management-guides

18 NZHPT, *SMHH Guide No. 5: State of the Environment Reporting and Monitoring* (Wellington: NZHPT, 2007). A variation of the PSR model is the DPSIR model, which looks at Drivers, Pressures, States, Impact and Response.

Table 4: Indicator framework for historic heritage

	IDEAL INDICATOR	AVAILABLE INFORMATION AS PROXY INDICATOR
PRESSURE/DRIVER	Full assessment of economic, social, regulatory pressures and risks from natural hazards	Demolitions resulting from risks (s. 5) Earthquake-prone building notices (s. 5.2)
STATE/IMPACT	Monitoring of the state of the heritage resource	Number of heritage items scheduled in plans and on the List (s. 4) Demolitions resulting from risks (s. 5) Earthquake-prone building notices (s. 5.2)
RESPONSE	National and local authority initiatives to protect heritage	Local authority initiatives to identify and protect heritage (ss. 4, 6, 7 & 9) Local authority incentives to owners (s. 8) National protection measures, e.g. heritage covenants (ss. 2.4 & 4.4)

- population growth, increasing urbanisation and urban intensification, resulting in rising demand for land for housing and commerce
- government policies to address housing shortages through the National Policy Statement – Urban Development (see section 2.1)
- physical risks, such as earthquake, fire and natural hazards, increasing regulation requiring owners to address these risks, and associated costs to owners (see section 4)
- changes in owner and user requirements for heritage places, or loss of commercial viability.

The resulting pressures could result in the demolition or destruction of the historic heritage resource, a significant impact on the state of the resource.

STATE

Few local authorities monitor the condition of historic heritage, so the number of historic heritage items scheduled in plans is used as a proxy for the state of heritage items (see section 8.1).¹⁹ The number of scheduled sites is an imprecise indicator as approaches used by local authorities, and resources available to identify historic heritage, vary widely (see section 4.3). It gives no indication of the condition of heritage items. The number of heritage buildings identified as earthquake-prone (see sections 5.2 and 9.5) and demolitions (see section 5) are also partial indicators of their state.

RESPONSE

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, or provide regulatory and non-regulatory incentives and funding to encourage heritage conservation and adaptive re-use. This is the most reliable source of information and forms the basis of this assessment.

INDICATORS USED IN THE 2021 ASSESSMENT

Table 4 sets out the ideal indicators for pressure, state and response, and the proxy indicators used in the *2021 Assessment*.

1.4. SCOPE OF THE ASSESSMENT

The scope is limited to:

- the most recent version of proposed or operative RMA plans or policy statements, focusing on those proposed or made operative since the *2018 Assessment*²⁰
- plan changes: recent plan changes that modify heritage schedules or heritage rules, including for archaeological and cultural sites, notified or made operative since the *2018 Assessment*
- heritage rules: core heritage rules, but not all heritage-related rules, such as general zone provisions, resource consent information requirements, or financial contributions
- risks to historic heritage, including assessing the recognition and protection of memorials
- non-RMA protection mechanisms, such as heritage covenants, and active management by a government agency with heritage responsibilities.

The *2021 Assessment* includes significant archaeological sites that have been evaluated, specifically identified on plan schedules and protected by appropriate rules. It does not assess provisions for notable trees, unless Listed or scheduled as historic heritage. This assessment is a snapshot at July 2021. The proposed plans assessed may change following submissions, decisions and appeals before they become operative.

¹⁹ Heritage New Zealand Pouhere Taonga undertakes regular condition surveys of properties it manages, but is not resourced to do condition surveys of the wider heritage resource. See *SPE 2018*, p. 10.

²⁰ Heritage provisions of plans have legal effect once a proposed new plan or plan change is notified. Plans that are formally deemed to be “operative in part” are included in the assessment. However, this assessment does not include plans where an appeals version is available, but there is no clear council decision that it is operative in part. The latter will be reviewed once they become operative.

2. LEGISLATIVE CHANGES, NATIONAL POLICY INITIATIVES AND HERITAGE PROTECTION MECHANISMS

2.1. LEGISLATIVE CHANGES AND NATIONAL POLICY INITIATIVES UNDER THE RMA

RMA AMENDMENTS

The Resource Legislation Amendment Act 2017, discussed in the *2018 Assessment*, introduced amendments to the RMA to reduce the opportunities for Heritage New Zealand Pouhere Taonga and the community to have input into decisions affecting historic heritage. The Resource Management Amendment Act 2020 reversed many of these changes including:²¹

- reintroducing public notification and appeal provisions for resource consents for subdivision and residential activities; subdivision activity reverts to the presumption of being “restricted”
- removing the regulation-making power restricting notification for particular activities.

REVIEW OF THE RMA: PROPOSALS FOR A NATURAL AND BUILT ENVIRONMENTS ACT

In 2019, the Minister for the Environment appointed the Resource Management Review Panel (the Panel) to review the resource management system in New Zealand. The aim was to improve environmental outcomes and better enable urban and other development within environmental limits, focusing on the RMA. The Panel analysis included information from the *2018 Assessment*.

The June 2020 report of the Panel proposed a new Natural and Built Environments Act (NBA) with a purpose of enhancing the quality of the environment to support the wellbeing of present and future generations by:

- promoting positive outcomes for both the natural and built environments
- ensuring that the use, development and protection of resources only occurs within prescribed environmental limits, and
- ensuring that the adverse effects of activities on the environment are avoided, remedied or mitigated.

The Panel report was used as a basis for a policy framework for a replacement for the RMA, and this is discussed in section 10.

NATIONAL PLANNING STANDARDS

The first National Planning Standards (the Standards), discussed in the *2018 Assessment*, took effect in May 2019.

21 <https://environment.govt.nz/assets/Publications/Files/overview-of-changes-introduced-by-the-resource-management-amendment-act-2020-updated.pdf>

22 National Planning Standards: <https://environment.govt.nz/publications/national-planning-standards/>

23 www.doc.govt.nz/about-us/science-publications/conservation-publications/marine-and-coastal/new-zealand-coastal-policy-statement/policy-statement-and-guidance/

24 The NPS-UD replaced the former National Policy Statement on Urban Development Capacity 2016 (NPS-UDC).

25 www.hud.govt.nz/urban-development/national-policy-statement-on-urban-development-nps-ud/ and <https://environment.govt.nz/acts-and-regulations/national-policy-statements/national-policy-statement-urban-development/>

They set out requirements for RMA policy statements and plans, including structure and format, electronic functionality and accessibility of plans and maps.²² The Standards require that separate district-wide chapters on historic heritage and sites of significance to Māori “must be included if relevant to the district plan”. All current district plans discuss these matters in various ways.

The Standards have improved the readability of plans by introducing a standardised plan structure and requirements for e-plans. Most plans now have an integrated heritage chapter and user-friendly maps. Some local authorities, such as the Rotorua District Council, have reformatted their existing plans to this plan structure and many have adopted the e-plan presentation format for existing plans. However, some plans still have heritage rules within each zone rule rather than collated in a heritage chapter as suggested by the Standards, e.g. the Waikato District Proposed Plan, and South Waikato and Westland District Plans.

NATIONAL POLICY STATEMENTS

Two National Policy Statements are in force that affect historic heritage: The New Zealand Coastal Policy Statement 2010 (NZCPS) and the National Policy Statement on Urban Development 2020 (NPS-UD):

- The NZCPS is a national instrument under the RMA, issued by the Minister for the Environment and the Minister of Conservation. Policy 17 sets out a policy framework for the management and protection of historic heritage in the coastal environment.²³ The NZCPS is discussed in section 9.2.
- The NPS-UD promotes well-functioning, liveable urban environments.²⁴ It directs local authorities to enable greater housing supply and ensure that planning is responsive to changes in demand. It requires councils to remove overly restrictive rules that affect urban development outcomes. It also seeks to ensure that new development capacity enabled by councils will meet the diverse needs of communities.²⁵ Local authorities are starting to respond to these requirements by preparing spatial plans and designating urban zones for development. This may undermine district plan heritage protection. Qualifying matters, such as historic heritage values, may be exempt from intensification requirements; having a robust heritage schedule with clear criteria will make it easier to demonstrate those values.



Figure 1: National Library (former) Palmerston North. Photo credit: Heritage New Zealand Pouhere Taonga, 1 May 2018

2.2. COVID-19 LEGISLATION AND INITIATIVES

In response to the COVID-19 outbreak, the Government introduced legislation providing a fast-track consenting route for projects that can boost employment and economic recovery. The COVID-19 Recovery (Fast-track Consenting) Act 2020 listed 17 projects eligible to lodge consent applications directly with an Expert Panel and a pathway for further eligible projects to apply to be referred to them. The Minister for the Environment consults with other Ministers, including the Minister for Arts, Culture and Heritage, before making a decision on referral applications.

Eligible consent applications (or requirements for designations) are considered by an Expert Panel. Comments are invited from directly affected parties, selected Ministers and a range of agencies, including Heritage New Zealand Pouhere Taonga, on the application and on draft conditions. Appeals can only be lodged on points of law. Heritage New Zealand Pouhere Taonga provides input to conditions addressing archaeological sites, and on factors affecting built heritage sites, including vibration, noise, dust, restricting access, and overshadowing.

2.3. LEGISLATIVE CHANGES AND NATIONAL POLICY INITIATIVES ADDRESSING RISKS TO HISTORIC HERITAGE

As discussed in the *2018 Assessment*, the Building (Earthquake-prone Buildings) Amendment Act 2016 specifies a management regime for earthquake-prone buildings. In areas of high seismic risk councils must identify earthquake-prone buildings by mid-2022. The timeframes for owners to strengthen or demolish earthquake-prone buildings depend on the seismic risk zone and building use. These requirements are discussed in more detail in sections 5.2 and 9.5.

A further amendment to the Building Act in 2019 gave territorial authorities comprehensive powers to undertake work, including demolition, on unsafe buildings where an area has been designated as being affected by an emergency.²⁶ There are requirements to consult the Minister for Arts, Culture and Heritage or Heritage New Zealand Pouhere Taonga where work affects a heritage building. Several areas affected by major flooding were designated in 2021, but no heritage buildings were affected.

The HNZPT Act specifies Heritage New Zealand Pouhere Taonga's advisory role in a declared national or local civil

²⁶ An affected area is designated under subpart 6B of the Building Act 2004, and it may also be within an area where an emergency has been declared under the Civil Defence and Emergency Act 2002.

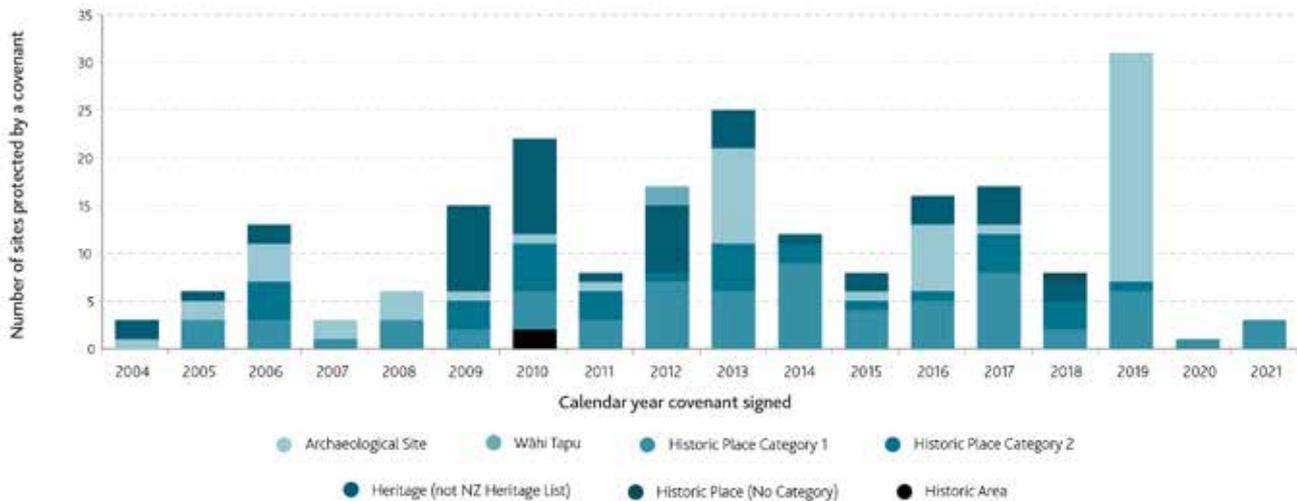


Figure 2: Sites protected by heritage covenants, by heritage status

defence emergency. The 2019 National Disaster Resilience Strategy outlines the vision and long-term goals for civil defence emergency management in New Zealand.²⁷ It identifies cultural resilience as an important contributor to wellbeing and resilience: cultural values; taonga, traditional knowledge and practices, places, institutions, our identity as New Zealanders, and our history and heritage.

2.4. HERITAGE PROTECTION MECHANISMS

HERITAGE COVENANTS

Heritage covenants are agreements between owners and Heritage New Zealand Pouhere Taonga to provide for the “protection, conservation and maintenance” of a heritage place, and are registered on the record of title.²⁸ As discussed elsewhere, while heritage covenants can prevent the intentional destruction of heritage values, they have limited use in preventing demolition by neglect. However, many have been issued as a consequence of owners receiving grants from the Heritage New Zealand Pouhere Taonga National Heritage Preservation Incentive Fund (NHPIF) for conservation work (see section 8.3). Others arose from heritage assessments undertaken by Heritage New Zealand Pouhere Taonga when Crown land is disposed of,²⁹ such as the National Library (former) shown in Figure 1; a covenant was agreed to in 2019.³⁰

There are 292 sites protected by heritage covenants. Covenants that protect multiple sites include groups of archaeological sites, showing evidence of occupation, in Taranaki (2013), Long Bay (2016) and Mercury Bay (2019). Figure 2 shows the types of sites protected by heritage covenants.

DECLARATION OF ARCHAEOLOGICAL SITES

The HNZPT Act provides for declaring a post-1900 site of archaeological significance to be an ‘archaeological site’ and

subject to requirements of the HNZPT Act; an archaeological authority is required to modify or destroy a declared archaeological site. To date, eight archaeological sites have been declared, the most recent being the Ng King Brothers Chinese Market Garden Settlement in Ashburton in October 2020 (List number 9826), shown in Figure 3.³¹ The Ng King Brothers site is also protected by scheduling in the Ashburton District Plan and a heritage covenant is in place with the owners. In 2020, the owners received funding from the NHPIF towards restoration of selected buildings on the site.

HERITAGE ORDERS

Under the RMA, a heritage order is a provision in a district plan to protect the heritage values of a particular place or structure. Heritage orders have not been used often; most were put in place before 1993 and there have been no new heritage orders since 2013. There were 18 heritage orders in place at July 2021 where Heritage New Zealand Pouhere Taonga is the Heritage Protection Authority, and at least five local authority heritage orders.³²

As discussed in section 5.4, while heritage orders can protect against activities that would damage or destroy the heritage values of a place, they cannot force an owner to maintain a place. Some places with heritage orders have fallen into disrepair through neglect, such as the McSkimming Hoffman Kiln (List # 5179) at Benhar, Southland, shown in Figure 4.

OTHER PROTECTION MECHANISMS FOR HISTORIC HERITAGE

Some historic heritage is identified or protected through legislation, such as the Reserves Act 1977, the Conservation Act 1987, the Crown Pastoral Land Act 1998, or the Queen Elizabeth the Second National Trust Act 1977. Other mechanisms include site-specific legislation, statutory acknowledgement areas, and iwi management plans. Some

27 www.civildefence.govt.nz/cdem-sector/plans-and-strategies/national-disaster-resilience-strategy/

28 HNZPT Act, Sections 39 and 40.

29 When Crown land is disposed of (sold or transferred to an agency that is not part of the core public sector) Heritage New Zealand Pouhere Taonga assesses the heritage values of the land and makes recommendations for the protection of significant historic heritage.

30 *Manawātū Standard*, 19 July 2019, [Brutalist Features Protected](https://www.nzherald.co.nz/manawatu-standard/news/article.html?storyid=11111111)

31 www.heritage.org.nz/protecting-heritage/archaeology/declaration; www.heritage.org.nz/the-list/details/9826

32 Two heritage orders that were in progress have been withdrawn (September 2018) as the places have been scheduled and protected with rules.



Figure 3: Ng King Brothers Chinese Market Garden Settlement, Ashburton.
Photo credit: Heritage New Zealand Pouhere Taonga, 27 August 2020

Figure 4: McSkimming Hoffman Kiln (List # 5179) at Benhar, Southland.
Photo credit: Heritage New Zealand Pouhere Taonga, 17 March 2021





Figure 5: Fyffe House repair and maintenance work: office chimney (showing cement render) and parlour ceiling repairs. Photo credit: Heritage New Zealand Pouhere Taonga, December 2019

heritage items are active working infrastructure, such as bridges and lighthouses, and are actively managed by the responsible agency, respecting their heritage values.

Heritage New Zealand Pouhere Taonga actively manages a portfolio of 43 properties to ensure their ongoing survival, and 24 are staffed and open to the public. The condition of these properties is reported annually, and the latest survey showed that 87% are in good or very good condition and a further 9% in moderate condition.³³ Fyffe House, the oldest surviving building in Kaikōura, is undergoing repairs to earthquake and other damage, as shown in Figure 5, including:

- remediation of damage to lath and plaster walls and ceilings created by the inappropriate use of modern heavy cement and non-breathable paint (the repair was done using traditional lime plastering methods)
- repair of badly damaged brick chimneys and a bread oven, and of drystone retaining walls
- sprinkler system maintenance
- future work programme includes repair of deteriorating paintwork, the removal of cement from the office chimney and the repair of deteriorating bricks.

The Department of Conservation (DOC) has specific responsibilities under the Conservation Act 1987 to manage historic resources on conservation land for conservation purposes, and to advocate for the conservation of historic resources generally.³⁴ DOC had completed heritage assessment reports for 351 historic places at June 2020.³⁵ Two stretch goals are: to tell the stories of and protect 50 historic Icon Sites; and that a representative sample of 577 Actively Conserved Heritage Places is maintained.³⁶

33 *Heritage New Zealand Pouhere Taonga Annual Report Purongo ā Tau for the Year Ended 30 June 2021* (Wellington: Heritage New Zealand Pouhere Taonga, 2021), p. 35.

34 Conservation Act 1987, s. 6.

35 *Department of Conservation Annual Report 2020* (Wellington: DOC, 2020), p. 59.

36 *DOC Annual Report 2020*, p. 57.

3. DISTRICT AND REGIONAL PLANNING INITIATIVES SINCE THE 2018 ASSESSMENT

3.1. REGIONAL POLICY STATEMENTS AND PLANS

One proposed new RPS was notified during the assessment period (see Table 5) and four regional planning documents were made operative or operative in part (see Table 6). In 2021, the Otago Regional Council both declared the Regional Policy Statement 2019 partially operative and notified a new proposed RPS. Regional planning documents are discussed further in section 9.2. The status of all regional documents at 1 July 2021 is summarised in Appendix 2.

Waikato Regional Council has released a high-level discussion document initiating the review of its RCP and two regional councils have published appeals versions of proposed plans, which will be reviewed when they become operative:

- Wellington Regional Council integrated Proposed Natural Resources Plan (2019)
- Northland Regional Council Proposed Regional Plan (2021).

Table 5: Regional plans proposed between July 2018 and July 2021

REGIONAL COUNCIL	TYPE OF PLAN REVIEW OR CHANGE	DATE PROPOSED
Otago Regional Council	New RPS	26 June 2021

Table 6: Regional plans and RPSs made operative between July 2018 and July 2021

REGIONAL COUNCIL	TYPE OF PLAN REVIEW OR CHANGE	DATE OPERATIVE
Bay of Plenty	New regional plan (coastal)	3 December 2019
Otago Regional Council	New RPS	15 March 2021 (in part)
Southland Regional Council	New regional plan (water and land)	1 March 2021 (in part)
West Coast Region Council	New RPS	14 July 2020

3.2. DISTRICT AND UNITARY PLANS

PROPOSED

Four proposed new district plans were notified between July 2018 and July 2021, as shown in Table 7.³⁷ This compares with the five new planning proposals assessed in the *2018 Assessment* and 12 planning proposals in 2015. The status of district plans at 1 July 2021 is summarised in Appendix 4. The low number could be because the review of the RMA (see section 2.1) was announced in July 2019, and local authorities may be waiting for the outcome of the review before notifying proposed plans.³⁸

Table 7: New plans or plan changes notified between 20 July 2018 and 1 July 2021

TERRITORIAL AUTHORITY	TYPE OF PLAN REVIEW OR CHANGE	DATE PROPOSED
Central Hawke's Bay District	New plan	28 May 2021
New Plymouth District	New plan	23 September 2019
Porirua City	New plan	28 August 2020
Selwyn District	New plan	5 October 2020

OPERATIVE

Six plans and six heritage-related plan changes, including four amendments to the Auckland Unitary Plan heritage schedule, were made operative during the assessment period, as shown in Table 8.³⁹

The following local authorities released appeals versions of proposed plans, which will be reviewed in the next triennial assessment:

- Dunedin City District Plan (November 2018)
- Marlborough Environment Plan (updated regularly)
- Queenstown Lakes District (December 2020)
- Thames Coromandel District (March 2021).

³⁷ The Waikato District Proposed Plan, notified on 17 July 2018, was assessed in the *2018 Assessment*. The Proposed Waimakariri District Plan was notified on 17 September 2021 and will be assessed in the next triennial assessment.

³⁸ For example, Nelson City Council have paused the release of the Whakamahere Whakatū Nelson Plan, primarily due to the risk that anticipated new legislation will require significant changes to resource management plans in local government, www.nelson.govt.nz/environment/nelson-plan/. Gore District has also suspended its plan review awaiting the outcome of the RMA review <https://www.theensign.co.nz/community/gore-district-plan-under-review-in-wake-of-rma-changes/>

³⁹ Gisborne District Council made the Tairāwhiti Plan operative in part on 30 March 2020, but it has not been reviewed in this assessment period as there were no significant changes to the heritage provisions from previous versions and a full plan review has commenced.

REVIEW INITIATED

Of 10 reviews initiated during the previous assessment period, five have resulted in notified proposed plans and three in draft plans. The local authorities listed below are currently undertaking plan reviews:

- Far North District (draft district plan released)
- Gore District (full review of district plan initiated)
- Gisborne District (full review of unitary plan initiated)
- Hutt City (rolling review of district plan initiated)
- Kaikōura District (rolling review of district plan initiated)
- Kaipara District (rolling review of district plan initiated)
- Nelson City (rolling review, draft unitary plan chapters released)
- Tasman District (rolling review of unitary plan initiated)
- Taupō District (full review of district plan initiated)
- Timaru District (draft plan released)
- Waimakariri District (full review of district plan completed)⁴⁰
- Waitaki District Plan (full review of district plan initiated)
- Waitomo District (full review of district plan initiated)
- Wellington City (full review of district plan initiated)
- Buller, Grey and Westland Districts (full combined review initiated).

Table 8: New plans or plan changes that became operative between July 2018 and July 2021

TERRITORIAL/UNITARY AUTHORITY	TYPE OF PLAN REVIEW OR CHANGE	DATE OPERATIVE
Chatham Islands	New unitary plan	22 December 2020
Hastings District	Operative	12 March 2020 (in part)
Invercargill City	Operative	30 August 2019
Kāpiti Coast District	Operative	30 June 2021
Ōpōtiki District	Operative	5 January 2021
South Taranaki	Operative	22 January 2021
Auckland Council	Plan change 7 – Additions to Historic Heritage Schedule 14.1	27 August 2020
	Plan change 10 – Amendments to Historic Heritage Schedules 14.1 and 14.2	12 June 2020
	Plan change 22 – Additions to Schedule 12	12 March 2021 (in part)
	Plan change 31 – Additions to Schedule 14.1	9 April 2021
Horowhenua District	Plan change 1 – Additions to Heritage Schedule	1 November 2018
Hutt City	Plan change 52 – Heritage Schedule update	20 August 2019

⁴⁰ Waimakariri District Council notified a new proposed plan on 17 September 2021. Provisions for heritage will be assessed in the next triennial assessment.

4. IDENTIFYING HISTORIC HERITAGE

KEY RESULTS:

- Over 15,000 historical and cultural heritage sites and areas are scheduled and protected in plans, an increase of 1,000 since the *2018 Assessment* and nearly three times as many as places and areas on the List.
- Another 8,000 archaeological sites are identified in plans and protected by at least a basic rule.
- The overall percentage of List entries scheduled and protected in plans has increased slightly from 88% to 90% since the *2018 Assessment*.
- The percentage of Listed Māori heritage scheduled in plans has dropped to 75% as plan scheduling has not kept pace with additions to the List. Six unscheduled sites have other regulatory protections.
- Ninety-six percent of Category 1 historic places are included in plan schedules; 21 of the unscheduled 46 Category 1 places are protected by other means.
- Sixteen percent of plans have four or more List entries not scheduled (down from 28% in the *2018 Assessment*).
- Only 36% of district plans (23) meet the KPI by identifying all List entries in their schedules, a slight increase on previous assessments.
- Half of the 1,600 sites on the MCH Memorials Register are Listed or scheduled. Forty-three percent are scheduled in plans, although some are not protected by rules. Sixty percent of the unscheduled sites had another form of protection or an identified custodian.

Table 9: List entries not scheduled in plans

CATEGORY	TOTAL ENTERED ON LIST	NUMBER OF LIST ENTRIES SCHEDULED IN PLANS	PERCENTAGE OF LIST ENTRIES SCHEDULED	NUMBER OF LIST ENTRIES NOT SCHEDULED ⁴¹
Total individual List sites/areas	5,808	5,214	90%	594 (490)
BREAKDOWN BY LIST CATEGORY:				
National Historic Landmark Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu	1	1	100%	0
Wāhi tapu, wāhi tupuna and wāhi tapu areas	202	151	75%	51 (30)
Category 1 historic places	1,055	1,009	96%	46 (18)
Category 2 historic places (excluding archaeological sites)	4,420	3,944	89%	476 (426)
Historic areas	130	109	84%	30 (24)

⁴¹ The number in brackets is the number of List entries that were entered onto the List before the plan was made and would be expected to be scheduled. However, the total figure includes places where there may not have been an opportunity for Heritage New Zealand Pouhere Taonga to advocate for scheduling.

4.1. HOW MANY LIST ENTRIES ARE IDENTIFIED ON PLAN SCHEDULES?

There were 5,808 places and areas individually entered on the List at July 2021, a net increase of 76 since 2018.⁴² Another 1,633 places are identified as contributing to a historic area. The standard does not require that these contributing sites be individually identified on plan schedules; it is preferable that historic areas be scheduled as areas so plan rules can address risks to the whole area.

Ninety percent (5,214) of individual List entries (at 1 July 2021) are scheduled in district or regional plans under the RMA. This is an improvement on the 88% (5,067) List entries scheduled at the 2018 Assessment and 87% (5,005) in 2015. Table 9 gives a breakdown of the List entries included in plan schedules.

MĀORI HERITAGE

The 202 wāhi tapu and wāhi tūpuna places and wāhi tapu areas on the New Zealand Heritage List (Listed Māori heritage) represent some of our most important cultural heritage. The spatial distribution is shown on Figure 6. An estimated 300 Listed Category 1 and 2 historic places also have significance to Māori. The number of Listed Māori heritage that is scheduled has remained static since 2018. However, the percentage scheduled has decreased from 83% in the 2018 Assessment to 75% in 2021 because 19 Māori heritage sites and areas have been added to the List, but scheduling has not kept pace with these additions.

Thirty-nine plans fail to schedule all Listed Māori heritage, with most of them failing to schedule between one and four sites. Of the 51 List entries not scheduled in plans, six have other regulatory protections: one is subject to a heritage covenant, one is included in an iwi management plan and four have reserve status. At least one is noted as being in urgent need of restoration work.

Methods of protection and the adequacy of plan rules are discussed in more detail in section 6.2.

NATIONAL HISTORIC LANDMARKS/NGĀ MANAWHENUA O AOTEAROA ME ŌNA KŌRERO TŪTURU

There is one entry on the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list of places of outstanding national heritage value. Te Pitowhenua Waitangi Treaty Grounds (List # 10001) is protected in the Far North District Plan, subject to site-specific legislation, and has a site-specific risk management plan.



Figure 6: List wāhi tapu, wāhi tapu areas and wāhi tūpuna by region

CATEGORY 1 HISTORIC PLACES

The 1,055 Category 1 historic places on the New Zealand Heritage List represent another group of our most important cultural heritage. Many of these places are also of significance to Māori, such as the Te Manunui Rock Art Site shown in Figure 7.

Ninety-six percent of Listed Category 1 historic places (at 1 July 2021) are scheduled in plans or are protected by another mechanism. However, 28 district plans (46%) do not schedule all Category 1 places. Forty-six Category 1 historic places (4%) are not currently scheduled in a plan and 25 of these have no additional protections. Five are at risk of demolition through neglect or development pressure and one has been relocated.

The length of time some of these sites have remained unprotected is a concern. Twenty-six Category 1 places have been unscheduled for a decade or more and 12 unscheduled for more than 20 years. Some of these at-risk sites are in districts that have not had their relevant district plans updated for a significant length of time. Seven Category 1 places are not scheduled in the Wellington District Plan: five are now entered in the draft plan schedule (released November 2021 for consultation), one is in council ownership and will be earthquake strengthened, and one has suffered partial demolition.

Nineteen unscheduled Category 1 Places are protected outside of the RMA plan process. Protection mechanisms include heritage covenants, reserve status, active management by DOC, or public ownership with investment in conservation, as discussed in section 2.4.

⁴² The List is continuously updated with newly assessed places and areas added and items that have been demolished removed. In the assessment period, there were 100 new Listings and 24 removals. Reference to "Listed" in this assessment means places and areas entered on the New Zealand Heritage List/Rārangi Korero at 1 July 2021.

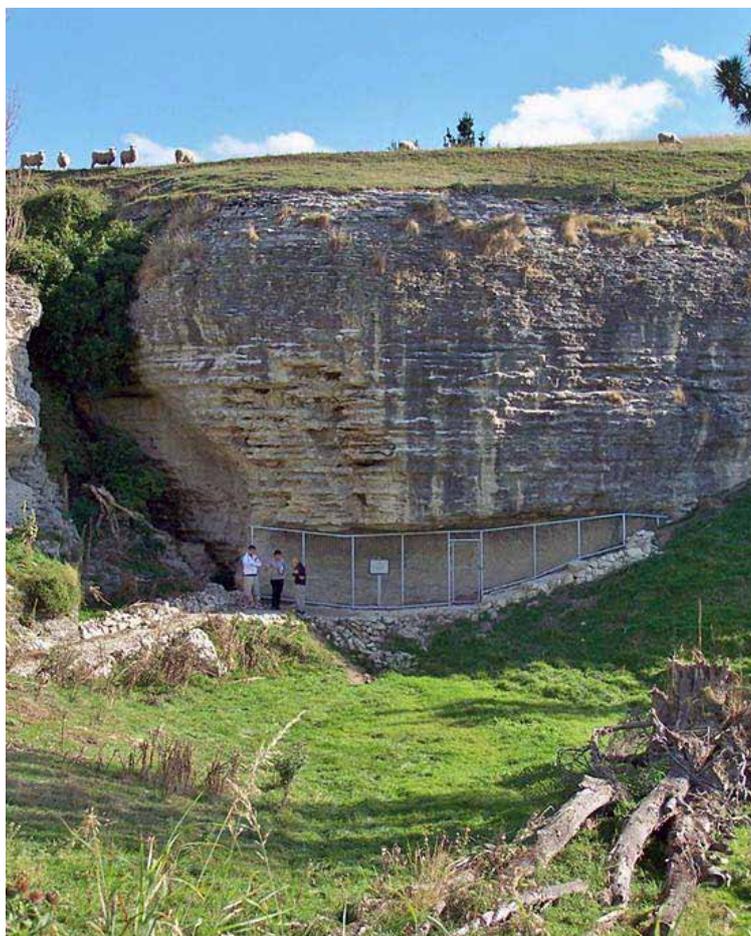


Figure 7: Te Manunui Rock Art Site, Maungati, List #7826.
Photo credit: Heritage New Zealand Pouhere Taonga, 1 May 2007

CATEGORY 2 HISTORIC PLACES

An even greater percentage of Category 2 historic places are not scheduled. Of 4,422 Category 2 places, 447 (10%), including 188 built heritage places, are not scheduled:

- 434 of these have been unscheduled for more than 20 years
- 414 have been unscheduled for more than 30 years.

This includes 288 out of approximately 1,000 Listed archaeological sites that are unscheduled. For example, 62 Listed archaeological sites are not scheduled in the proposed Thames-Coromandel District Plan (proposed December 2013) and 87 in Western Bay of Plenty (operative June 2012).

Some unscheduled Category 2 archaeological sites may currently be included in 'information only' schedules or shown on overlays. Heritage New Zealand Pouhere Taonga recommends identifying and protecting the most significant archaeological sites in plans. While the modification or destruction of archaeological sites is regulated through the archaeological authority process under the HNZPT Act, the main purpose is to protect archaeological information rather than the site itself.

4.2. HOW MANY DISTRICT PLANS INCLUDE ALL LIST ENTRIES IN HERITAGE SCHEDULES?

Heritage New Zealand Pouhere Taonga KPI standard for assessing plan quality:

District plan heritage schedules include all New Zealand Heritage List entries located within the district.

The KPI anticipates that every district plan will contain a schedule that includes all List entries, and that these are protected with rules. Despite 90% of List entries being scheduled in plans, only one-third of district plans schedule all List entries. Table 10 shows the breakdown of district plans with some (or all) of the List entries scheduled. The KPI analysis excludes heritage places that were entered onto the List after the most recent version of the plan was proposed. It also excludes the 288 Category 2 Listed archaeological sites that are not included in plan schedules and sites identified as contributing to a Listed historic area, but not separately Listed.

There is a slight increase since the *2018 Assessment*, from 21 to 23, in the number of plans recognising all List entries. While just over one-third of plan schedules include all List entries, a further 39% have only a small number (between one and three) of List entries not scheduled. The number of plans with four or more List entries not scheduled has decreased to 16 (25%) from 25 (39%) in 2018.

Table 10: Proportion of List entries in RMA district plan heritage schedules at July 2021

	2008	2011	2013	2015	2018	2021
Number of district plans with all List entries scheduled	11 (15%)	16 (22%)	24 (32%)	22 (34%)	21 (33%)	23 (36%)
Number of district plans with at least one List entry not scheduled	63 (85%)	58 (78%)	50 (68%)	42 (66%)	43 (67%)	41 (64%)
Number of district plans with between one and three List entries not scheduled				18 (28%)	18 (28%)	25 (39%)
Number of district plans with four or more List entries not scheduled				24 (38%)	25 (39%)	16 (25%)
Number of plans in place	74	74	74	64	64	64

Local authorities with high numbers of List entries that were not scheduled in their district plans include Gisborne and Thames Coromandel Districts and Christchurch City. However, some of the List items not included in heritage schedules may be within heritage precincts, special character areas or areas protected for outstanding landscape values.⁴³

4.3. HOW MANY HISTORIC HERITAGE ITEMS ARE IDENTIFIED IN PLAN SCHEDULES?

Heritage New Zealand Pouhere Taonga is the only agency that collates nationwide information on the scheduling of historical and cultural heritage in RMA plans. Plan schedules are arranged in a variety of ways, which makes it difficult to arrive at a definitive breakdown. Some plans have a single schedule of heritage items, and some identify historic precincts (with or without identifying individual contributing heritage items). Some have separate schedules of sites of significance to Māori and may have separate wāhi tapu areas schedules. Māori heritage schedules may include archaeological sites, or vice versa.

The 2021 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:

- Māori heritage: including wāhi tapu, wāhi tūpuna, wāhi taonga
- 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)
- archaeological sites with identified heritage significance and contained within historical or cultural heritage schedules.

Schedules of archaeological sites protected by specific rules, such as subdivision and earthworks rules, are reported separately.

The following items identified in plan schedules for information only are not included in the scheduled heritage count:

- schedules of heritage items that are not protected by rules, or do not require a resource consent for demolition
- archaeological schedules that do not identify heritage values, and overlays provided for information only.

The 2021 Assessment provides a snapshot of scheduled heritage items at July 2021. The number of scheduled sites changes regularly due to plan change notifications, decisions and appeals. For example, Auckland Council has undertaken four plan changes during the assessment period to amend heritage schedules. Demolished or destroyed heritage places or items relocated out of a district are often not removed from the district plan until the next plan review.

The number of scheduled heritage items may not be an accurate reflection of the heritage resource of a district, as discussed in section 1.3. 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 List, so simply schedule the List entries. For example, the proposed Ōpōtiki plan schedule contains all List items, but currently contains no other historic heritage items. The Horowhenua, Clutha, Grey, Taupō and Timaru District Plans have few sites scheduled beyond Listed sites, although the Timaru Draft Plan (October 2020) proposes adding 80 sites to the schedule, including five Listed sites previously unscheduled.

43 Note that due to the consolidation of Auckland region local authorities into a single local authority (hence the reduction in the number of plans assessed), the number of plans with all List entries scheduled in 2008, 2011 and 2013 is not directly comparable with the two most recent assessments.

Table 11: Number of heritage items scheduled in RMA plans and protected by rules (excluding archaeological schedules)

DATE OF ASSESSMENT	NOVEMBER 2008	MAY 2011	MAY 2013	MAY 2015	JULY 2018	JULY 2021
Scheduled heritage items	10,886	11,454	11,576	13,127	13,984	15,145
Increase in number of scheduled items		568	122	1,551	757	1,139

Table 11 and Figure 8 show that at July 2021, 15,145 heritage places or areas are scheduled in RMA plans and protected by appropriate rules. In addition, around 8,000 archaeological sites are identified in schedules and protected by at least a basic rule. There has been an increase of 1,139 scheduled heritage places and areas since July 2018, despite the small number of proposed new plans and heritage schedules during the assessment period. The major changes from the 2018 count of scheduled, protected sites include:

- reassessment of the former archaeological schedule in the New Plymouth Proposed District Plan to specifically identify over 800 sites of significance to Māori, including adding over 300 sites
- significant numbers of wāhi tapu sites and areas added to the Auckland Unitary Plan, Hastings and Porirua Proposed District Plans
- a net increase in 64 historic heritage items in the Selwyn Proposed District Plan schedule
- Central Hawke’s Bay Proposed District Plan schedule now protected with appropriate rules
- the inclusion in the count of scheduled sites in the Northland Proposed Regional Plan and the Kermadec and Offshore Islands and Canterbury RCPs.

Figure 9 shows the geographic distribution of scheduled heritage items. The Auckland, Canterbury, Otago and Wellington regions have the highest numbers of scheduled heritage items, but other than in the New Plymouth Proposed District Plan, there have not been large increases in any regions.

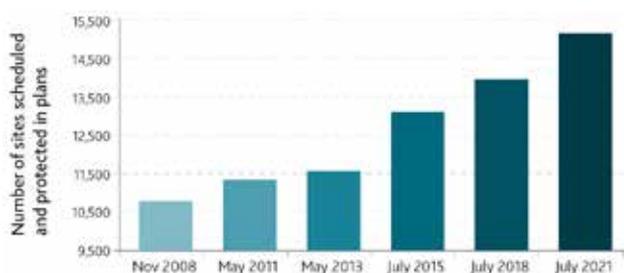


Figure 8: Number of heritage places on RMA plan schedules and protected by rules 2008-2018

4.4. QUALITY OF HERITAGE SCHEDULES

KEY RESULTS:

- All four recently proposed new plans have adequate assessment criteria for including items on the heritage schedules, but 29 plans still do not have adequate assessment criteria.
- Plans with single heritage schedules with a single set of rules, that are often focused on built heritage, may not give adequate protection to Māori heritage and archaeological sites.
- Four plans still have third tier schedules of heritage items not protected by rules.
- Recent e-plans have useful links within the heritage schedules to heritage assessments.

Heritage New Zealand Pouhere Taonga standard for assessing plan quality:

*The district plan should contain appropriate rules for the protection of historic heritage, including a heritage schedule and criteria for including items in the schedule.*⁴⁴

Heritage schedules 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. Four plans still have a third tier of scheduled items not protected by rules, or with a rule that only requires notification or a photographic record before demolition:

- Hauraki District Plan (2014): 98 scheduled Category C items
- Mackenzie District Plan (2007): 56 Scheduled Group Z items
- Nelson Resource Management Plan (2004): 71 Scheduled Group C items, including 20 List entries (plan review initiated)
- Waimate District Plan (2014): 91 Scheduled Group C items (including four List items).

44 NZHPT, SMHH Guide No. 3, District Plans (Wellington: NZHPT, 2007), pp. 5, 13-14.

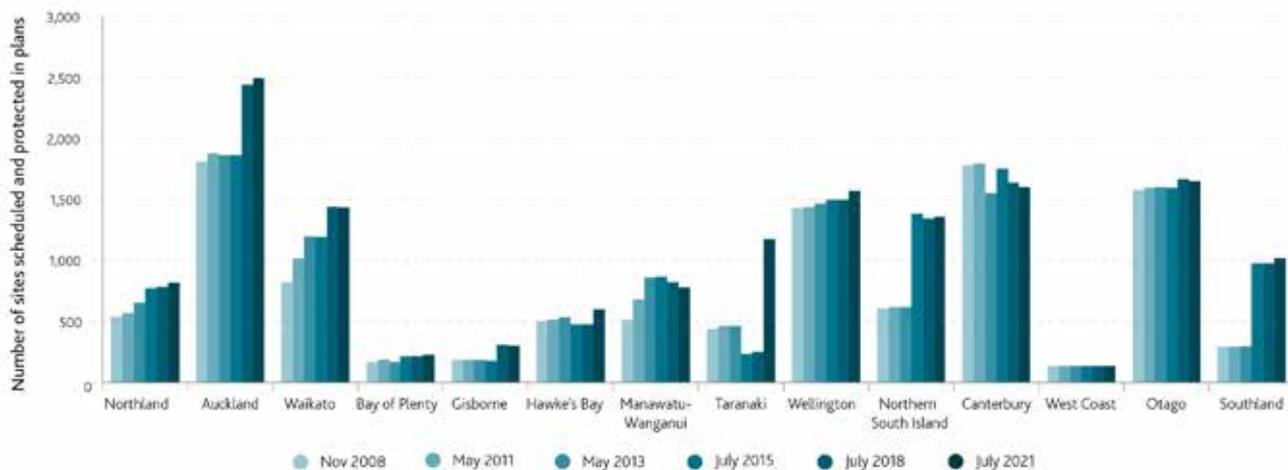


Figure 9: Heritage items scheduled in district or regional plans and protected by rules 2008-2021

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. The *2021 Assessment's* findings are consistent with the *2018 Assessment*, with 29 district plans still not having adequate assessment criteria. Most district plans have assessment criteria that are based on the HNZPT Act or draw from the definition of historic heritage given in the RMA, with five having stand-alone criteria. All four of the newly proposed plans have assessment criteria and of the newly operative plans:

- Hastings, Invercargill City, Kāpiti Coast District Plans have assessment criteria.
- Opōtiki District Plan has assessment criteria, but for assessing resource consent applications rather than for inclusion in the heritage schedule. The schedule contains only List items, and no locally significant heritage, despite having information available on a range of potential sites.
- The Chatham Islands and South Taranaki plans do not have assessment criteria.

Information on heritage places is valuable for increasing public appreciation of heritage and managing the place. Two recently proposed plans, Porirua City and Selwyn District, provide easily accessible information on the heritage item's value and significant features. The Selwyn Proposed District Plan's approach of hyper-linking heritage assessment reports shows the value of e-plan formats and ensures that the information is widely available. All the recent plans have used the e-plan format to identify scheduled sites and areas identified on planning maps.

Different rules may be appropriate for built heritage, heritage areas and landscapes, sites of significance to Māori and archaeological sites. Plans with a single mixed schedule and single set of rules may be applying inappropriate or irrelevant rules, e.g. built heritage rules applied to archaeological sites. Multiple plan schedules, or identifying the type of heritage within a single schedule, allow targeting rules to different types of historic heritage. Porirua City specifies rules applicable to the following schedules:

- Historic Heritage Items (Group A)
- Historic Heritage Items (Group B)
- Historic Heritage Sites
- Sites and Areas of Significance to Māori.

However, having multiple schedules risks doubling up. For example, in the Porirua plan, Ngāti Toa Domain is included in both the Sites and Areas of Significance to Māori and Historic Heritage schedules. Having too many schedules for similar items, such as 'Structures & monuments' and 'Churches' schedules within the Tararua Plan, can be confusing and risks failing to apply rules to a schedule.

As discussed in the *2018 Assessment*, schedules should also recognise a district's significant archaeological sites and protect the assessed significant features with rules, but avoid duplicating the role of the HNZPT Act. Provision of an information overlay supported with an advisory note on the requirements of the HNZPT Act is a helpful starting point.

Improvement continues as councils review and update district plan heritage schedules. New heritage schedules have been prepared for the four new proposed district plans, as discussed above, and three local authorities have added places to heritage schedules through plan changes.

Removing demolished places is also important to ensure plans are accurate. Selwyn District Council removed several heritage items from their schedules that were demolished following earthquake damage, and Hutt City removed one place that was destroyed by fire. List items that are demolished or destroyed are remembered on Heritage New Zealand Pouhere Taonga's Lost Heritage website.⁴⁵

4.5. IDENTIFICATION AND PROTECTION OF WAR MEMORIALS

War memorials are a tangible reminder of events in our history that contributed to the shaping of the nation. Jock Phillips describes the "shock at the sheer number of names carved in stone", "the terrible cost of war to this country" and the emotion invested in the construction of these memorials.⁴⁶ The

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

46 Jock Phillips, *To the Memory: New Zealand's War Memorials* (Nelson, Potter & Burton, 2016), p. 11.

value these memorials increasingly have to local communities is demonstrated by the renovation of many memorials and use for ceremonies, such as Anzac Day commemorations.

The Ministry for Culture and Heritage hosts the Memorials Register of 1,600 war and other memorials, including memorials to the fallen in the New Zealand Wars, South African War the First World War and a less complete coverage of the Second World War. The register also includes a handful of peace memorials, and memorials commemorating the victims of accidents, disasters and pandemics, and other events. Of the 87 memorials relating to the New Zealand Wars memorials, 68 were dedicated to forces supporting a British (colonial) Government, 10 to forces supporting Māori governance and nine that acknowledged both sides neutrally.

A partial analysis of 981 (60%) of the sites on the register showed that 50% of these (489) are either Listed or scheduled in a district plan, or both. One-quarter (245) are entered on the List and 92% of these are scheduled. Overall, 43% of the sample (422) are scheduled in district plans. However, some of the plan schedules that memorials are found on are for information only. For example, there are approximately 30 memorials and plaques in the Waimate District Plan schedule rated 'C' and not protected by rules. Other local authorities, such as Central Hawke's Bay District Council, feature the district's memorials on the council website, but have not yet included them in a schedule.

Sixty percent of the unscheduled sites assessed had other protection mechanisms or identified custodians, such as the Ward Domain Memorial and Gates (see cover photo) that is neither Listed nor Scheduled, but is in a local authority-managed reserve. Protections of the sites assessed include:

- within church grounds or cemetery (196)
- reserve status (176)
- public building or museum (131)
- in school grounds (19)
- marae (10)
- recent major investment in conservation (at least nine).

Heritage New Zealand Pouhere Taonga recommends that all significant memorials be scheduled and protected with rules. Although more than half of the unscheduled sites had another form of protection or an identified custodian, in the longer term these sites need to be assessed and scheduled.

5. ASSESSING THE RISKS TO HISTORIC HERITAGE

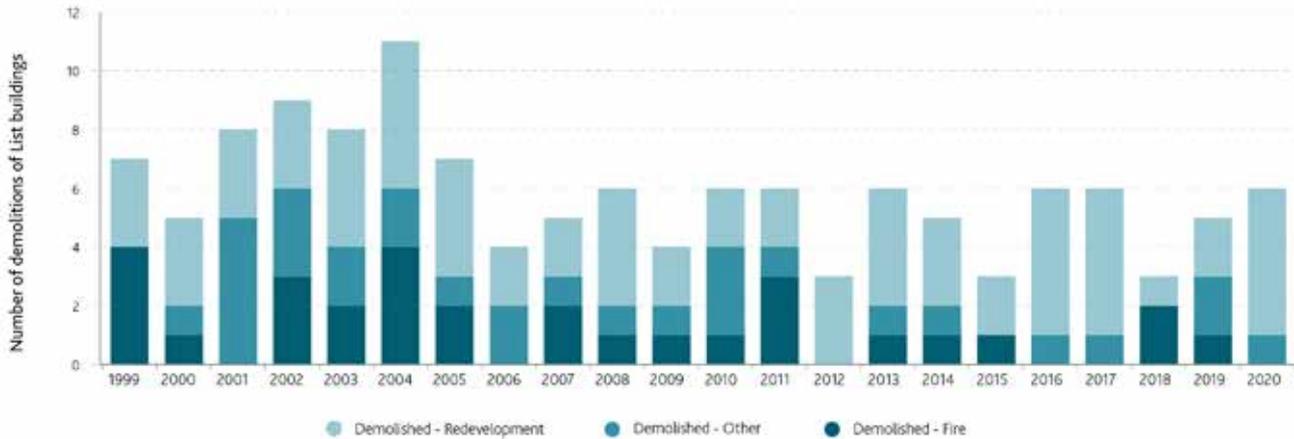


Figure 10: Demolition of historic heritage by driver for demolition (excluding earthquakes) 1999-2020

KEY RESULTS:

- Since 2009, there have been six or fewer demolitions of List items per year, other than demolitions resulting from earthquake damage.
- Over 70% of demolitions since 2009 resulted from earthquake damage; 25% of earthquake-prone buildings on the Ministry for Business, Innovation and Employment (MBIE) Register are Listed or scheduled heritage.
- Redevelopment is a key driver for demolishing heritage buildings, but the reasons for demolition are often a mix of deferred maintenance, anticipated earthquake strengthening costs, and development pressure or lack of an economic use for the place.
- Fire continues to be a risk, particularly to timber heritage buildings.
- Houses, homesteads and commercial buildings are at the greatest risk of demolition, followed by municipal and religious buildings.

5.1. DEMOLITION OF HERITAGE BUILDINGS

The number of historic items destroyed or demolished reflects the risks and is an indicator of the impacts of the pressures and drivers, as discussed in section 1.3. The *2021 Assessment* examines heritage that has been demolished and removed from the List since 1999. It does not assess partial loss of historic heritage values. Information on demolition of items scheduled in plans, but not Listed, is not collected nationally. It is likely to be much higher than the number of List entries demolished, especially where district plans have lenient

demolition rules for lower-ranked heritage items.

Figure 10 shows annual demolitions, and the reason for demolition, of List entries since 1999, excluding earthquake-related demolitions. As shown in Table 12, the Canterbury earthquake sequence caused a peak of demolitions in 2011, tailing off in 2012 and 2013. Figure 11 shows the type of heritage item destroyed or demolished by event type. Since 2009, there have been six or fewer demolitions of Listed buildings per year, most related to development.

5.2. EARTHQUAKES

As shown below, over 70% of demolitions of heritage buildings since 2009 are the result of earthquake damage. The 2016 amendments to the Building Act discussed in section 2.3 establish specific timeframes for local authorities to assess potentially earthquake-prone buildings, and for owners to strengthen or demolish them. Timeframes are shorter in higher-risk zones and for priority buildings.⁴⁷ Earthquake-prone buildings are those assessed to be less than one-third of the current standard for new buildings. The requirements only apply to non-residential buildings, and residential buildings that are two or more storeys and contain three or more household units. The legislation also establishes a centralised register of earthquake-prone buildings, including information on heritage Listing and scheduling.

Thirty-eight out of 67 territorial authorities have uploaded information on earthquake-prone buildings to the MBIE EPB Register at July 2021. One-quarter of the 3,800 buildings on the register are identified as heritage: 290 Listed buildings and another 967 scheduled earthquake-prone heritage buildings. Of these 190 are identified as priority buildings, with shorter deadlines for completion of strengthening, and 100 of these

47 www.mbie.govt.nz/building-and-energy/building/investigations-and-reviews-for-safer-buildings/managing-earthquake-prone-buildings Priority buildings are defined in the Building Act and are buildings, such as hospitals, medical centres, emergency centres, that need to be operational immediately following a major event, buildings with a high occupancy, and those that may endanger footpaths or roads.

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

YEAR	DEMOLISHED – EARTHQUAKE	DEMOLISHED – FIRE	DEMOLISHED – OTHER	DEMOLISHED – REDEVELOPMENT	TOTAL
2009		1	1	2	4
2010	6	1	3	2	12
2011	95	3	1	2	101
2012	20			3	23
2013	14	1	1	4	20
2014	5	1	1	3	10
2015	3	1		2	6
2016	2		1	5	8
2017			1	5	6
2018	2	2		1	5
2019		1	2	2	5
2020			1	5	6
Total	147	10	11	34	202

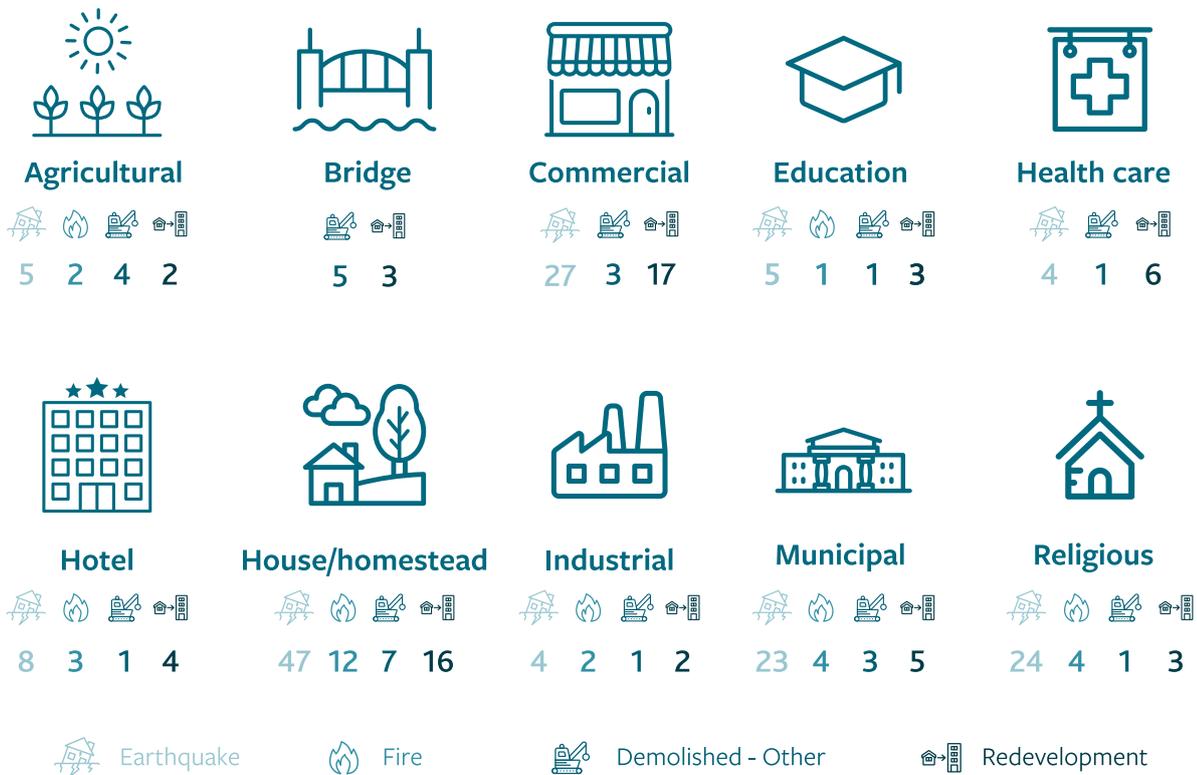


Figure 11: Demolition of List entries since 1999 by type of use and event type



Figure 12: Wesley Church, Wellington (Category 1, List # 4422) – earthquake strengthening and re-roofing 2019-2021
Photo credit: Wesley Church, Paul Cummack, December 2019 (foundation), July 2020 (roof)

priority buildings are Category 1 or Category 2 Listed buildings. Forty of these priority Listed buildings must be strengthened by 2026. Overall, 450 heritage buildings where a notice has been served are rated at less than 20% of NBS. It is likely that a high proportion are privately owned.

Between 2010 and 2021, 147 List places, including 31 Category 1 historic places, were demolished following the Canterbury and Kaikōura earthquakes. In the current assessment period, two Listed buildings were demolished following earthquake damage:

- Girl Guide Headquarters, Christchurch (former List # 1873 Category 2)
- Pine Terrace, Hapuku, Kaikōura (former List # 2913 Category 2).

Figure 11 shows that the earthquake-related demolitions of List entries were mainly residential buildings, followed by commercial, municipal and religious buildings or structures. However, the Building Act will not require strengthening of most residential buildings.

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. The 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 List. Earthquake strengthening costs are often cited in consent applications to demolish unreinforced masonry buildings. However, as discussed below, neglect, prospects for redevelopment of the site, or lack of an economically viable use to offset strengthening costs also exacerbate the risk of demolition.

48 www.ltmcguinness.co.nz/projects/heritage/wesley_church/

49 www.heritage.org.nz/resources/sustainable-management-guides

50 www.nzherald.co.nz/nz/blaze-that-destroyed-wellingtons-tapu-te-ranga-marae-accidental/

51 www.newshub.co.nz/home/new-zealand/2019/07/boy-14-charged-with-arson-of-historic-christchurch-building.html

52 www.nzherald.co.nz/northern-advocate/news/hokianga-town-kohukohu-reeling-as-fire-destroys-130-year-old-masonic-lodge/

On the other hand, many owners have successfully strengthened and conserved heritage buildings, such as the Category 1 Wesley Church, Wellington, shown in Figure 12. The church was strengthened, including strengthening the 12 timber buttresses and installing huge ground beams, and re-roofed. Other conservation work included replacing degraded timbers, stripping exterior lead paint and repainting in original colours, and interior conservation work.⁴⁸

5.3. FIRE

Fire remains a serious threat to New Zealand's built heritage, particularly to the many timber buildings scheduled in plans or on the List as Category 2 historic places. Heritage New Zealand Pouhere Taonga and the NZ Fire Service provide guidance for reducing fire risk for heritage buildings.⁴⁹ Heritage New Zealand Pouhere Taonga is also working with iwi to improve fire safety for marae and other traditional buildings. One marae building being considered for Listing unfortunately burnt down in June 2019:

- Tapu Te Ranga Marae, Island Bay, Wellington.⁵⁰

Many heritage buildings are in remote locations or suffering neglect and at risk of vandalism. Fire often results from arson. For example, Antonio Hall, Christchurch (Category 2, List # 7336) has suffered a second major fire in 2021.⁵¹ There are many examples of scheduled but unlisted heritage buildings burning down, often due to arson:

- Masonic Hall in Kohukohu (former List # 440), arson suspected⁵²



Figure 13; St Andrew's Church, Whareama (nominated for Listing)
Photo credit: Len French, 23 November 2021



Figure 14: Wairau Public Hospital Nurses' Home (former), Blenheim
Photo credit: Heritage New Zealand Pouhere Taonga, 14 February 2020

Figure 15: Revington's Hotel Greymouth (List # 5060) demolition due to neglect, strengthening costs and potential redevelopment
Photo credit: *Greymouth Star*, 26 September 2020.



- 76 Park Terrace, Christchurch (within Listed Historic Area), arson confirmed⁵³
- 1898 House, 128 Abel Smith Street, Wellington (not Listed) – damage too extensive to determine the cause⁵⁴
- Thains Building, Whanganui (not Listed), cause could not be determined⁵⁵
- Club Hotel, Shannon (not Listed), arson suspected⁵⁶
- St Andrew's Church, Whareama (nominated for the List), damage too extensive to determine the cause (see Figure 13).⁵⁷

5.4. DEMOLITION BY NEGLECT

Demolition by neglect is the destruction of a heritage place or area through abandonment or long-term deferred maintenance. This issue has been examined by Heritage New Zealand Pouhere Taonga in the *Sustainable Management of Historic Heritage (SMHH)* guidance series.⁵⁸ As discussed throughout section 5, the potential cost of earthquake strengthening can precipitate a decision to demolish, and neglect increases the risk of vandalism and arson. The Building Act can require an owner to fix a dangerous or insanitary building, or demolish the structure. Owners may see demolition as the only viable option when faced with rectifying years or decades of deferred maintenance, particularly if the owner cannot see a productive use for the place.

Financial incentives encourage the conservation and restoration of historic heritage. Twenty-three territorial authorities (36%), including 10 that do not have explicit regulatory provisions, have a heritage incentive fund, but district plans provide few other methods to prevent demolition by neglect.

Two known instances of combined economic pressures, neglect and earthquake strengthening requirements resulting in demolition are:

- Wairau Public Hospital Nurses' Home (former), Blenheim (former List # 1534 Category 2), see Figure 14
- Revington's Hotel, Greymouth (former List # 5060, Category 2), see Figure 15.

5.5. DEMOLITION DUE TO DEVELOPMENT PRESSURE

Heritage places often yield to development pressure, due to high demand for the land. For many places, such as the Marlborough A&P Showgrounds Grandstand, development pressure is compounded by deferred maintenance and concerns about the future costs of earthquake strengthening. Places demolished for redevelopment include:

- Grandstand, Marlborough A&P Showgrounds, Blenheim (former List # 2952, Category 2)
- Newburgh Building (former), Invercargill (former List # 2470, Category 2)
- Waitaiki House, Greymouth (former List # 5061, Category 2)
- W. Lewis Drapery (former), Invercargill (former List # 2519, Category 2)
- George Porter Flats, Wellington (not Listed)
- Terraced houses, 55 Rugby Street, Wellington (not Listed)
- Petone Working Men's Club and Literary Institute (not Listed)
- Watersiders' Union Building, Dunedin (not Listed)
- Scribe Bookshop, Dunedin (not Listed).⁵⁹

Other heritage buildings, such as the Maniototo Hospital (List # 7306) and the Union Court Building, University of Otago, are at risk of demolition if they no longer meet the operational requirements of the owner and the future cost of adaption and seismic strengthening.⁶⁰

53 www.stuff.co.nz/national/crime/124769874/man-guilty-of-torching-christchurch-heritage-home-worth-4-million

54 www.stuff.co.nz/dominion-post/wellington/122562719/large-fire-engulfs-heritagelisted-building-in-wellington-cbd

55 www.newshub.co.nz/home/new-zealand/2019/07/emergency-services-respond-to-massive-fire-in-whanganui.html

56 www.stuff.co.nz/national/crime/123975211/fire-in-120yearold-horowhenua-hotel-considered-to-be-arson

57 www.stuff.co.nz/dominion-post/news/127071616/historic-117yearold-whareama-church-near-masterton-burns-to-the-ground

58 www.heritage.org.nz/resources/sustainable-management-guides

59 www.odt.co.nz/news/dunedin/demolition-scribes-able-restart

60 www.thenews.co.nz/news/hospital-set-date-with-wrecking-ball/ ; <https://www.odt.co.nz/news/dunedin/union-court-be-demolished>

6. PROTECTING MĀORI HERITAGE FROM DEMOLITION AND DESTRUCTION

KEY RESULTS:

- Since the *2018 Assessment*, around 1,500 additional sites have been assessed as having significance to Māori, either through a reassessment of scheduled archaeological sites or additions to wāhi tapu or wāhi tūpuna schedules.
- Significant numbers of wāhi tapu sites and areas have been added to Auckland Unitary Plan, Hastings District Plan, and New Plymouth and Porirua Proposed District Plans.
- The number of plans meeting the Heritage New Zealand Pouhere Taonga standard for Māori heritage has remained static at 23% to 25% since the *2015 Assessment*.
- Seven plans have no rule protecting Māori heritage, one fewer than in the *2018 Assessment*.
- An alternative approach introduced in the Otago region, using wāhi tūpuna overlays identified by iwi and targeting rules to specific activities and sites, may provide equivalent or better protection than a blanket non-complying rule and reduce landowner resistance.

This section looks at the KPI for the protection of Māori heritage from demolition or destruction, and assesses the framework in RPSs and recent district plans for protecting Māori heritage. Activity-based rules for protecting heritage values are assessed in chapter 8.

6.1. DESTRUCTION OF SCHEDULED MĀORI HERITAGE

Heritage New Zealand Pouhere Taonga KPI standard for assessing plan quality:

*Destruction of scheduled Māori heritage is a non-complying activity, at least for highest ranked items.*⁶¹

Table 13 shows the activity status of district plan rules governing the destruction of Māori heritage; the entries in bold meet the Heritage New Zealand Pouhere Taonga standard.

As noted in section 4.3, around 1,500 sites have been specifically identified in plans as Māori heritage. Significant numbers of wāhi tapu sites and areas have been added to Auckland Unitary Plan, Hastings District Plan, and Porirua and New Plymouth Proposed District Plans. Preparation of the New Plymouth Proposed District Plan included a reassessment of the former archaeological schedule to specifically identify a total of 880 sites of significance to Māori, including adding over 300 sites. Despite the increase in scheduled Māori heritage sites, the number of plans meeting the Heritage New Zealand Pouhere Taonga KPI for rules governing the destruction of Māori heritage has not improved since the *2015 Assessment* (see Table 2). Rules for Māori heritage are much more permissive than for built heritage and the rule structure is less straightforward. Figure 16 shows changes in rule status over time.

Although 85% of district plans provide rules requiring consent for the demolition or destruction of scheduled wāhi tapu, wāhi tūpuna or other culturally significant sites or areas, only 23%

(15 plans) meet the KPI by having a non-complying activity status. The demolition or destruction of scheduled wāhi tapu sites and areas is a non-complying activity for both the new Porirua Proposed and Kāpiti Coast Operative District Plans, and in the Ōpōtiki District Plan destruction defaults to a non-complying activity. However, three of four newly proposed and six of eight newly operative plans do not meet the KPI:

- Central Hawke's Bay Proposed and Hastings Operative District Plans permit a suite of activities, subject to not damaging or destroying wāhi tapu, wāhi taonga or sites of significance. Failure to comply triggers a restricted discretionary status.
- The Selwyn Proposed District Plan provides for potentially destructive activities (earthworks, primary industry, mining, forestry) as a restricted discretionary activity.
- In the New Plymouth and South Taranaki District Plans the destruction and demolition of Māori heritage sites is an activity outside the scope of permitted activities and so has a discretionary status.
- The Invercargill District Plan and Chatham Islands Resource Management Document have no specific rule relating to the destruction or demolition of Māori heritage.

Five older district plans have no clear rules governing the destruction of Māori heritage:

- Grey District (operative 2005)
- Manawatū District (operative 2002)
- Waitaki District (operative 2010)
- Whanganui District (plan change archaeological sites, operative 2016)
- Westland District (operative 2002).

By comparison, 74% of plans meet the KPI for built heritage. Many plans fail to integrate provisions for Māori heritage in

⁶¹ NZHPT, *SMHH Guide No. 3, District Plans*, pp. 33-37.

Table 13: 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
Non-complying activity	11	17%
Non-complying activity for higher-ranked items	4	6%
Discretionary activity	27	42%
Restricted discretionary activity	14	22%
Permitted after consultation with iwi	1	2%
No specific rule	8	12%
Total meeting Heritage New Zealand Pouhere Taonga standard	15	23%

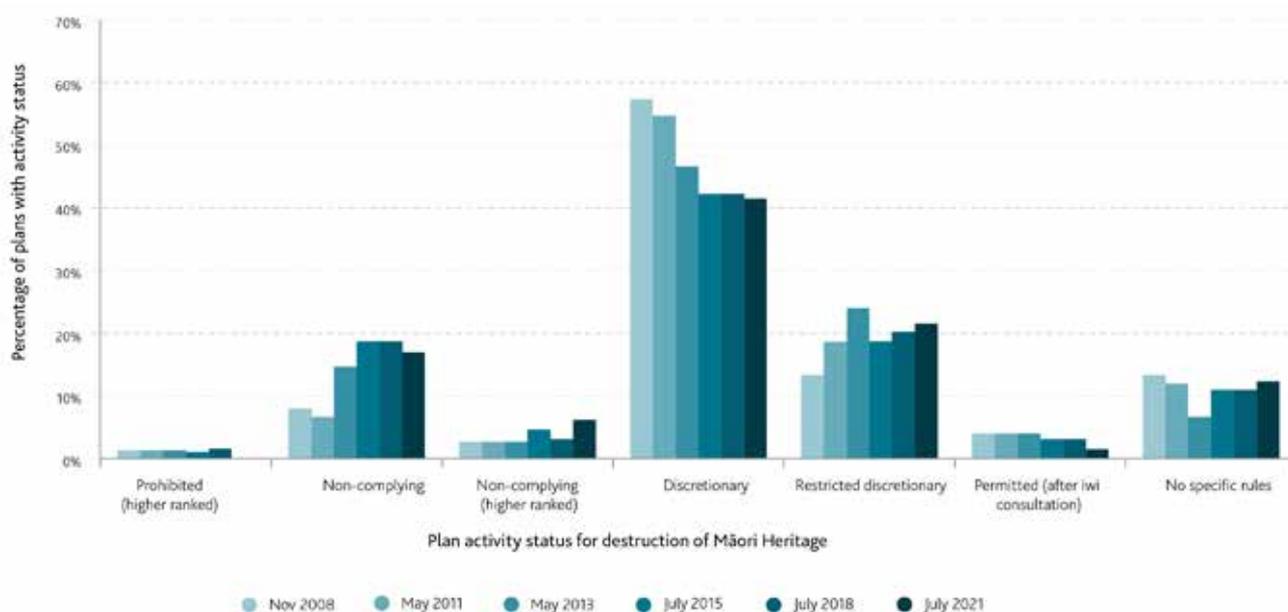


Figure 16: District plan rules governing the destruction of Māori heritage

a clear and comprehensive manner, as discussed below. This lack of clear protections, along with poor cross-referencing or integration of the provisions for Māori heritage into chapters regulating potentially destructive activities, such as subdivision, earthworks and infrastructure, is of concern. The next section examines how RPSs and RMA plans address risks to Māori heritage.

6.2. RMA PLANNING FRAMEWORK FOR PROTECTING MĀORI HERITAGE

This section examines the Māori heritage management framework in recently proposed or operative district plans and their links to RPSs.

REGIONAL POLICY STATEMENT ASSESSMENT

The seven RPSs assessed all address⁶² Māori cultural heritage sites and areas, either in historic heritage chapters or in chapters specific to sites and areas of significant to Māori or

tangata whenua resource management interests.⁶³ RPSs are discussed further in section 9.2.

RPSs that used strong terminology that emphasised prioritising protection were the most robust. For example, the proposed Otago RPS has an objective of prioritising “the avoidance of significant adverse effects on cultural values” and providing for mitigation and remediation when adverse effects were “unavoidable” (as discussed below).

DISTRICT PLAN ASSESSMENT

Many of the recently proposed or operative plans approach the protection of Māori heritage through controlling the activities that could damage the site rather than directly regulating the outcome of the destruction of the site. For example, the Selwyn District Proposed Plan provides for Māori heritage in chapters controlling activities, such as earthworks and subdivision, in a consistent and comprehensive manner.

62 Canterbury, Bay of Plenty, Greater Wellington, Hawke’s Bay, Manawatū-Whanganui, Otago, Southland and Taranaki.

63 The 2019 National Planning Standards directed that for RPSs, matters relating to Māori heritage are to be located in a dedicated Sites and Areas of Significance to Māori chapter. RPSs predating 2019 do not include such chapters, and may have an equivalent alternatively named chapter or include provisions on Māori heritage within Historic Heritage chapters.

Seven of 10 recent plans gave potentially destructive activities more permissive activity statuses than the non-complying activity status anticipated by the KPI, as noted above. A restricted discretionary activity status may not give effect to the policies and objectives of the plan or the RPS. Several of the recent plans provided opportunities for iwi, hapū and hapori input on proposals impacting Māori heritage, with Central Hawke’s Bay directing that mana whenua recommendations for protection be considered.

The recent plans with the most robust protections were those that gave potentially destructive activities (earthworks, subdivision, forestry) restricted discretionary or discretionary status, paired with comprehensive matters of discretion, supported by a catch-all non-complying status for destructive activities. Appropriate regard for the views of iwi, hapū and hapori, coupled with a non-complying rule for activities that could destroy sites, provide local authorities with a basis for weighing heritage values and Māori cultural and heritage values against the benefits of proposals that would result in damage or destruction.

PORIRUA CITY PROPOSED DISTRICT PLAN

This plan both addresses potentially destructive activities through rules and has a non-complying status for destruction. For example, a 100m² earthworks activity impacting scheduled Sites and Areas of Significance to Māori (SASM) sites and areas would be assessed under this plan as follows:

- the Greater Wellington RPS (2015) has a policy to protect heritage sites and the objective of maintaining Māori cultural relationships with wāhi tapu and other taonga
- a proposed plan objective to “avoid the demolition or destruction of [scheduled] sites and areas of significance”
- activity could only be permitted, or consent granted, if the method avoided impacts on heritage values.

Earthworks chapter: Permitted activity if no destruction of sites. Cross-reference to SASM chapter alerts applicant to restricted discretionary status.

SASM chapter: restricted discretionary activity status for earthworks, excluding burials within urupā. Non-complying for activities that destroy scheduled SASM sites and areas.

Matters of discretion: “Only allow earthworks on sites and areas where it can be demonstrated that the identified values will be protected” regarding the extent, manner and monitoring of works and the avoidance of archaeological sites.

OTAGO RPS AND RELATED DISTRICT PLANS

Local authorities in the Otago region, in consultation with Kāi

Tahu rūnaka, have developed an alternative approach that targets rules to specific activities and the effect on cultural and heritage values. The proposed RPS directs territorial authorities within the Otago region to identify wāhi tūpuna sites, areas and values, and to map, describe and protect identified areas and places. The RPS supports the district plan rule structure for wāhi tūpuna areas and sites.

Operation of wāhi tūpuna layer

Both the proposed Dunedin 2nd Generation District Plan (Dunedin 2GP) and the proposed Queenstown Lakes District Plan (Queenstown PDP) include wāhi tūpuna as a planning map overlay.⁶⁴ The overlay requires considering the provisions of the plans’ wāhi tūpuna or mana whenua chapter and the values of places and sites identified on the wāhi tūpuna schedule when assessing consent applications for identified activities.

Under the Dunedin 2GP, for development activities in an area identified as a wāhi tūpuna, a resource consent process is triggered if the activity is one of those identified as a potential threat to the values of the wāhi tūpuna. For example, the wāhi tūpuna mapped area identifies values to be protected as urupā, kāika and archaeological remains. Earthworks is identified as a principal threat to those values, and the assessment of an earthworks consent requires consideration of the effects on cultural values of mana whenua in accordance with rule 14.3 in the mana whenua chapter.

Activities that threaten these values may in some cases be required to undertake a cultural impact assessment and are then assessed against the relevant objectives and policies of the mana whenua chapter. Consent applications for an activity identified as having potentially adverse impacts are flagged and shared with the relevant rūnaka for their consideration.

The Queenstown PDP protects cultural and heritage values by requiring that applications for activities identified as potential threats to the values of scheduled wāhi tūpuna be assessed for their impacts on these values, considering the objectives and policies of the Wāhi Tūpuna chapter. Mapping of the Queenstown Lakes wāhi tūpuna involved rūnaka from both Otago and Southland as Queenstown Lakes District is a shared interest area between these rūnaka. The Queenstown PDP wāhi tūpuna maps also appear as an information layer in the new Queenstown Lakes - Kāi Tahu spatial plan.⁶⁵

The Queenstown PDP encourages applicants to consult mana whenua to understand the effects of their application on mana whenua values. For larger scale developments, applicants may also be required to complete a cultural impact assessment as part of their application.

Methodology

Both local authorities developed their district plan provisions for wāhi tūpuna in collaboration with Kai Tahu rūnaka.

⁶⁴ There are many appeals on the proposed Queenstown Lakes District proposed plan that have not yet been resolved, so the plan provisions could change when the plan becomes operative.

⁶⁵ www.qldc.govt.nz/media/hsdjlrv3/the-spatial-plan_a4-booklet_jul21-final-web-for-desktop.pdf

Kaumātua, with support from their rūnaka, detailed the extent, connections between and values of areas, which informed the planning maps and the schedules. The proposed locations in the Dunedin ZGP were mapped by the two local rūnaka, who provided information on the location and values of places. Rules were targeted to the values of identified places and their sensitivity, as well as past resource consents, within the extent of the wāhi tūpuna. As the overlay deals with tangible and intangible pre-colonial rohe, neither overlay follows cadastral or territorial boundaries.

Strengths of this approach

Using overlays to identify and recognise wāhi tūpuna acknowledges those Māori cultural and heritage values that exist on a broader (up to landscape) scale and require alternative methods of care because they include natural, spiritual or intangible values. The softer boundaries and multi-layered approach of an overlay could also be more suitable as it integrates the consideration of Māori cultural and heritage values, rather than limiting these values to property boundaries. It also allows for 'silent file' sites where the precise location of a site does not need to be in the public arena. Both the overlay and the method of development recognises the kaitiakitanga and mātauranga of rūnaka and supports rūnaka to be involved in the management and care of their culturally significant places. It also allows targeting rules to the activities likely to impact specific types of cultural sites and areas.

Potential risks

By only triggering protections for specific activities, both overlays may risk permitting activities that could degrade wāhi tūpuna or destroy sites within them. As discussed above, the level of protection depends on the activity status, usually restricted discretionary. Further work is needed to determine if this is sufficient, or if the Heritage New Zealand Pouhere Taonga recommended activity status of non-complying is necessary for full protection.

New Zealand's system of providing for Māori heritage is still inadequate in most districts. While the HNZPT Act regulates the modification of pre-1900 archaeological sites, all district plans should schedule sites and areas of significance to Māori and protect these with appropriate rules. There is also a risk that by mapping certain areas as wāhi tūpuna, authorities overlook the ancestral connection that mana whenua may have across entire districts or that there may be other Māori cultural values and heritage places outside mapped areas.

There is no reason why scheduled Māori heritage should not have regulatory provisions comparable to scheduled built heritage. Rules should consider the expectations of iwi/hapū, within a framework of identification of issues, and the development of objectives and policies to support the 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. Recognition of marae would enable councils to achieve better outcomes for the long-term sustainability of these important cultural heritage sites, e.g. minimising consent requirements for fire protection, egress and earthquake strengthening (see section 8.5).

7. PROTECTING BUILT HERITAGE FROM DEMOLITION

KEY RESULTS:

- Seventy-three percent of district plans meet the Heritage New Zealand Pouhere Taonga standard for the protection of built heritage, comparable with the *2018 Assessment* and up from 67% in the *2015 Assessment*.
- All but one of the plans proposed or made operative since the *2018 Assessment* met the demolition standard for built heritage.
- Ninety-six percent of plans protect built heritage with at least a discretionary rule, although in four plans demolition is a permitted activity for a third tier of scheduled heritage, subject to notification.

Heritage New Zealand Pouhere Taonga KPI standard for assessing plan quality:

*Demolition of scheduled historic buildings is a non-complying activity, at least for higher-ranked items.*⁶⁶

This section looks at the KPI for the protection of built heritage from demolition. Activity-based rules for protecting heritage values are assessed in chapter 9.

Ninety-six percent of district plans protect built heritage with at least a discretionary rule, and 73% of them have a non-complying rule for demolition of built heritage, at least for the highest ranked items and (see Table 14; items in bold meet the KPI). This is comparable with the *2018 Assessment* and an improvement on 67% meeting the standard in 2015, as shown in Table 2 and Figure 17. All the plans proposed or made operative since the *2018 Assessment* met the Heritage New Zealand Pouhere Taonga KPI, except for the Chatham Islands, where the demolition of scheduled heritage is a discretionary activity.⁶⁷

Five plans regulate demolition as a prohibited activity for higher-ranked items: Far North, Auckland, Marlborough, South Taranaki and Queenstown Lakes. At the other end of the scale, the Westland District Plan has no specific rules for the demolition of scheduled heritage, and in several older plans demolition is permitted for lower-ranked items following a notification process (see section 4.4).

Table 14: 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	5	8%
Non-complying activity	12	19%
Non-complying activity for higher-ranked items	30	47%
Discretionary activity	13	20%
Discretionary activity for higher-ranked items	2	3%
Restricted discretionary activity	1	2%
Permitted activity or no specific rule	1	2%
Total meeting Heritage New Zealand Pouhere Taonga standard	47	73%

66 SPE 2019-20, p. 9 and NZHPT, *SMHH Guide No. 3, District Plans*, p. 31. Heritage New Zealand Pouhere Taonga guidance also 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.

67 Ōpōtiki District Plan heritage rules, including the non-complying demolition rule, have an incorrect reference to the appendix containing the heritage schedule – the correct references are 14.10.1 and 14.10.2. In the absence of an applicable rule, the default activity status would be non-complying, but it is preferable to correct the reference through an administrative update.

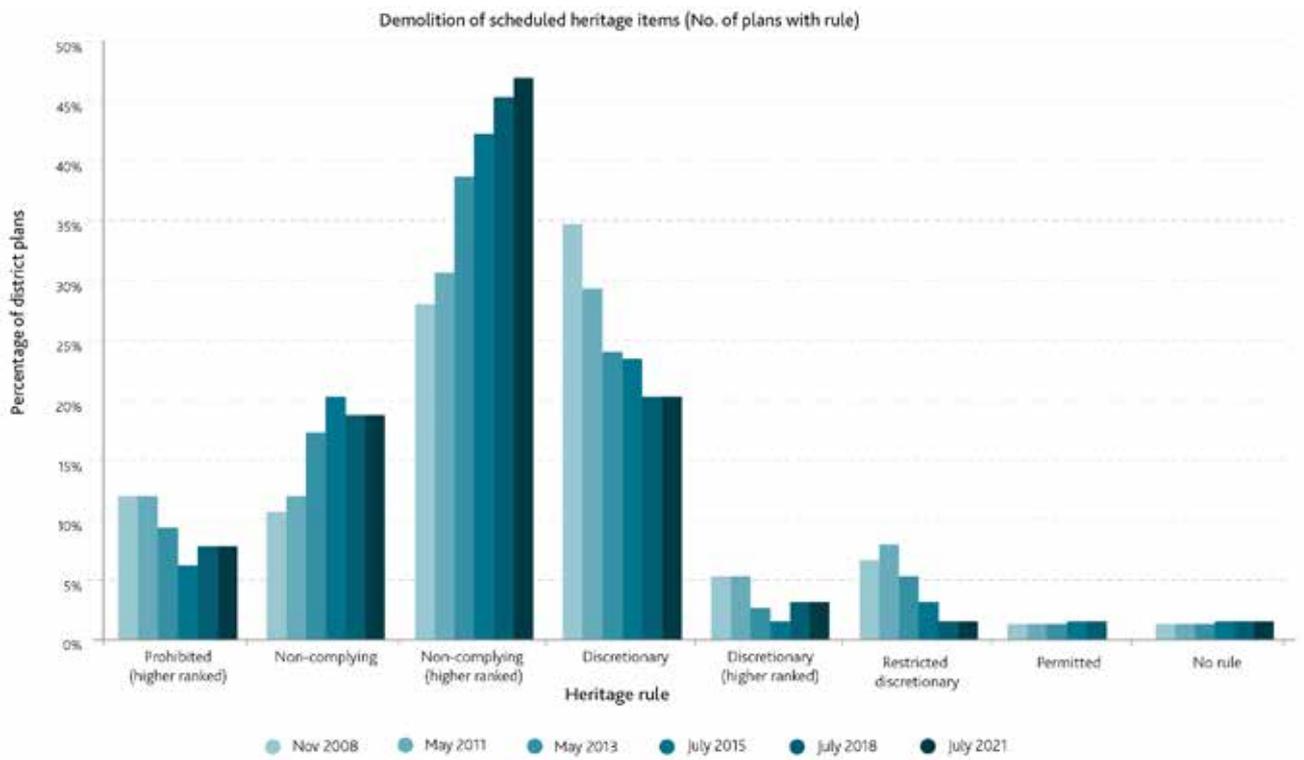


Figure 17: Status of demolition of scheduled heritage in district plan rules

8. INCENTIVES FOR THE CONSERVATION OF HISTORIC HERITAGE

KEY RESULTS:

- Thirty-eight (59%) of district plans meet the KPI by providing regulatory incentives, the same number as in the *2018 Assessment*.
- Three-quarters of territorial authorities provide regulatory or financial incentives, including heritage incentive funds (36%), consent fee waivers (34%) and rates rebates (22%).
- One new plan made operative during the *2021 Assessment* period fails to provide incentives.
- Funding is available to support revitalisation of vulnerable mātauranga Māori for ancestral landscapes and Māori built heritage via a contestable fund administered by Heritage New Zealand Pouhere Taonga.

Heritage New Zealand Pouhere Taonga KPI standard for assessing plan quality:

*District plans should include positive regulatory provisions for historic heritage.*⁶⁸

8.1. LOCAL GOVERNMENT INCENTIVES FOR HERITAGE CONSERVATION

Regulatory and non-regulatory incentives assist and encourage owners to conserve the heritage values of places and areas.⁶⁹ The current KPI measures regulatory incentives in district plans, including:

- policies for rule flexibility or the provision of incentives
- relaxation of rules that could inhibit adaptive re-use, such as carparking requirements, setbacks and yard space, and commitments that consents will be processed as non-notified
- development bonuses for retaining or enhancing heritage elements.

However, to provide a full package of assistance to owners, district plan incentives should be complemented by (or given effect to) by provisions in long-term plans for non-regulatory incentives including:

- incentive funding and grants
- waived or reduced heritage consent fees
- rates remission for owners of heritage buildings.

Overall, 75% of councils provided for regulatory or non-regulatory heritage incentives at July 2021. The proportion providing incentives within district plans (59%) is unchanged from the *2018 Assessment* (see Table 15). All recently proposed and recently operative district plans supported some form of incentive, except the Chatham Islands.

Table 15: Plans providing regulatory incentives

PERFORMANCE STANDARD	2011	2013	2015	2018	2021
Percentage of district plans providing regulatory incentives for retention of heritage	28%	32%	49%	59%	59%
Number of district plans providing regulatory incentives for retention of heritage	21	25	31	38	38
Number of plans in existence	75	75	64	64	64

Many plans support rule flexibility through their policies, but not all identify specific methods or rule exemptions. Of the 10 recent plans, six included policies supporting adaptive re-use and greater development flexibility, but did not explicitly relax or alter any other provisions.

Hastings District Plan specifies methods of implementing the policy supporting adaptive re-use. Buildings within Hastings’s historic areas are exempt from car-parking requirements that could otherwise stymie adaptive re-use.⁷⁰ The plan also proposes rates relief and grants for upgrading facades, remission of consent fees for heritage conservation work, and maintaining and enhancing council-owned heritage buildings as an example of good practice.

Rather than simply acknowledging possible methods, Heritage New Zealand Pouhere Taonga encourages councils to confirm these incentives. For example, the Central Hawke’s Bay Proposed District Plan clearly directs that “all resource consent applications relating solely to safety alterations for heritage items will be processed free of charge to encourage the preservation of heritage items in the District”.

68 NZHPT, *SMHH Guide No. 3, District Plans*, p. 26.

69 The Heritage New Zealand Pouhere Taonga heritage incentives toolkit, updated in 2013, is part of the *SMHH* guidance series.

70 The NPS-UD now requires plans to remove requirements for parking in areas intended for intensification.

Heritage New Zealand Pouhere Taonga acknowledges that these provisions can be uncertain as they rely on support from annual and long-term plan budgets and the state of the economy. The impact of COVID-19 may have resulted in five councils pausing or discontinuing heritage-related grants or other financial incentives since 2020.⁷¹ The discontinuation of the MCH Heritage EQUIP Fund (see section 8.3) creates a significant funding gap, particularly for those smaller councils who were not able to offer financial incentives prior to the impacts of COVID-19.

8.2. MĀTAURANGA MĀORI FUNDING

As part of the Government's Mātauranga Māori Te Awe Kotuku Initiative, Heritage New Zealand Pouhere Taonga is delivering a programme that supports iwi, hapū, whānau and hapori Māori to protect mātauranga Māori from the impact and the on-going threat of Covid-19.

The programme supports revitalisation of vulnerable mātauranga Māori within two areas: ancestral landscapes and Māori built heritage. These programmes are being delivered through pūkenga-led wānanga to develop practices and knowledge within community networks to retain, conserve and sustain mātauranga.

WHAIHANGA | REVITALISING MĀORI BUILT HERITAGE CONSERVATION MĀTAURANGA

The whaihanganga programme is focused on joint projects with iwi, hapū, marae hapori, tohunga, pūkenga and kaitiaki to support and revitalise vulnerable areas of mātauranga. These include place-based hanga whare mātauranga and practice (traditional arts and whare building construction), taonga and mātauranga related to mahinga kai, māra kai and waka.

NGĀ RIU O NGĀ TŪPUNA | REVITALISING MĀTAURANGA MĀORI IN ANCESTRAL LANDSCAPES

This programme includes joint projects with iwi, hapū, marae hapori, tohunga, pūkenga and kaitiaki to support and revitalise vulnerable mātauranga areas relating to wāhi tapu and wāhi tūpuna. Through pūkenga-led wānanga, project participants explore the use of publications, on-site interpretation, cultural mapping and hīkoi to revitalise ancestral landscape histories, pūrakau and pakiwaitara.

Support to communities includes the delivery of 20 co-designed wānanga around the country, and 32 grants of up to \$25,000 each, available to iwi, hapū and hapori Māori for projects supporting the revitalisation of vulnerable mātauranga Māori.

8.3. NATIONAL INCENTIVE FUNDING FOR HERITAGE CONSERVATION

The National Heritage Preservation Incentive Fund (NHPIF), administered by Heritage New Zealand Pouhere Taonga, funds a variety of heritage conservation projects, including seismic strengthening, carried out by private owners of Listed heritage. However, at a constant \$500,000 per year since 2008 it is vastly over-subscribed.⁷² Owners with charitable status are not eligible for the NHPIF, but can apply for funding from the Lottery Environment and Heritage Fund.

A fund specific to earthquake-prone heritage buildings, Heritage EQUIP, began in 2016 but was discontinued in May 2021. Apart from a one-off fund for owners required to strengthen building facades in the areas affected by the 2016 Kaikōura earthquake, Heritage EQUIP was the only fund dedicated to assisting owners meet regulatory requirements to strengthen heritage buildings.

71 Auckland, Thames Coromandel, Invercargill, Hurunui and Kāpiti Coast.

72 www.heritage.org.nz/protecting-heritage/funding/national-heritage-preservation-incentive-fund

9. OVERALL PLAN EFFECTIVENESS

9.1. MONITORING PLAN EFFECTIVENESS

KEY RESULTS:

- Information on the state of the environment for historical and cultural heritage is limited by lack of systematic surveying and monitoring, even for larger local authorities.
- During the *2021 Assessment* period, only Tasman District Council and Auckland Council produced state of the environment reports that assessed the quality of historic heritage management.
- Most recent RMA section 32 reports provided information on heritage plan changes and plan reviews, with all four proposed plans assessing the operative plan.

Heritage New Zealand Pouhere Taonga standard for assessing plan quality:

*Local authorities need to monitor the effectiveness of plan provisions relating to historic heritage.*⁷³

This section investigates whether assessment and monitoring requirements under the RMA can provide information on the effectiveness of plan provisions for historic heritage.

MONITORING EFFECTIVENESS OF DISTRICT PLAN PROVISIONS

Section 35 of the RMA requires local authorities to undertake state of the environment monitoring and assess the efficiency and effectiveness of its policies, rules or methods, and report every five years. However, as in 2018, the 2021 Assessment found no recent heritage-related plan effectiveness monitoring reports apart from Tasman District Council and Auckland Council. Tasman District Council undertook an efficiency and effectiveness review of its heritage between 2009 and 2019.⁷⁴ Recommendations included improving protection for unscheduled sites and the CMA and recognising the values of sites and places.

The annual Auckland Heritage Counts is an excellent example of heritage monitoring.⁷⁵ It reports on the state of heritage within the region, including the number and type of scheduled heritage, public engagement, Māori heritage representation and topical issues, such as the impact of COVID-19. The report also makes recommendations on plan policies and objectives. It enables both the council and the public to appreciate the value that heritage brings to the region and the pressures driving losses of heritage.

MONITORING REQUIRED IN PREPARING A NEW PLAN

Section 32 of the RMA requires local authorities to assess whether the objectives of plan changes and proposed new plans are the most appropriate way to meet the purpose of the RMA and whether the provisions are the most appropriate way to achieve the plan objectives. Ten of the district plans assessed had readily available section 32 reports. All four of the reports prepared for the newly proposed plans assessed the performance of their operative plan provisions. Recommendations included:

- greater provision for sites of significance to Māori, particularly in rules managing development-related activities
- improved readability of plans and clarity of provisions, including definitions
- the need to update schedules and provide information on location and values
- responding to national policy directions, including on earthquake strengthening.

The Central Hawke's Bay section 32 report raised the issue of the management of archaeological sites, an issue raised in the *2018 Assessment*. The report recommended removing the information-only archaeological schedule in favour of an archaeology alert layer within the planning maps. The identification and protection of archaeological sites in plans is discussed in more detail in section 9.3. The other proposed plans' section 32 reports also assessed archaeology provisions, identifying issues about mana whenua involvement, accuracy of identification and assessment for significant values. Overall, it is positive to see greater consideration for archaeology within these reports.

Eight older plans have deficiencies in some (or all) of the areas assessed:

- Clutha District Plan (operative 1998)
- Grey (operative 2005), Buller (operative 2000) and Westland (operative 2002) District Plans (Te Tai o Poutini Plan draft underway)
- Mackenzie District Plan (heritage chapter revised 2007, review commenced)
- Upper Hutt District Plan (operative 2004)
- Nelson Resource Management Plan (operative 2004, draft unitary plan released)
- Wairoa (operative June 2005).

⁷³ NZHPT, *SMHH Guide No. 5, State of the Environment Reporting and Monitoring*, pp. 28-30.

⁷⁴ www.tasman.govt.nz/my-council/projects/tasman-environment-plan/ Ch 10 Natural Values and Historic Heritage.

⁷⁵ www.aucklandcouncil.govt.nz/arts-culture-heritage/heritage/docs/heritagecountssummaries/aucklands-heritage-counts-2021.pdf

9.2. HISTORIC HERITAGE PROTECTION IN REGIONAL COASTAL PLANS

KEY RESULTS:

- RPSs generally address historical and cultural heritage, but half merely repeated section 6 (e) or (f) of the RMA, and half failed to address the need to identify historical and cultural heritage.
- Most RCPs fail to include all the heritage requirements of the NZCPS. About one-third of the RCPs include half of the requirements, while most only include one or two requirements. Half of the RCPs address the integrated management of sites straddling the MHWS.
- Two-thirds of RCPs have objectives requiring the protection of historic heritage, but do not require identification, and nearly half of those use non-specific language rather than specifying protection.
- About one-third of RPSs explicitly defined the values to be used in identifying and categorising historic heritage, one-third used broad categories without further detail, and the final third did not offer definitions or criteria.
- Overall, the RPS-RCP framework in one-third of the regions provides good protection, one-third average protection, and weak protection in the remaining third.

Heritage New Zealand Pouhere Taonga standard for assessing plan quality:

Regional coastal plans should:

- *Give effect to RMA ss. 6 (e) and (f), the NZCPS and the regional policy statement*
- *Contain rules to protect the full range of coastal historic heritage, including the surroundings, and manage other activities that may damage coastal historic heritage.*⁷⁶

RPSs and regional plans must give effect to Part 2 of the RMA and any National Policy Statement and take account of the List.⁷⁷ Policy 17 of the NZCPS requires the appropriate protection of historic heritage. This section assesses how regional councils and territorial authorities implement these mandates in RPSs and RCPs, or equivalent chapters in unitary or combined plans.

REGIONAL POLICY STATEMENTS

To ensure the identification, recognition and protection of historic heritage, RPSs should contain the following:⁷⁸

- **An overview of heritage agency roles and responsibilities:** Every RPS provided an overview of the legislative and regulatory framework, and the various agencies involved, including Heritage New Zealand Pouhere Taonga and the New Zealand Archaeological Association.
- **A discussion of historic heritage issues for the region:** Every RPS included a discussion of the historic heritage issues in their region. The primary focus of these sections was to draw attention to the breadth and depth of Māori and European heritage in the region.
- **Objectives and policies for the management of effects that may impact on historic heritage:** Every RPS included objectives and policies on historic heritage. Over half contain either an objective or a policy that quoted the RMA to protect historic heritage from inappropriate “subdivision, use and development”. Only half of the RPSs addressed the need to identify historic heritage sites.
- **A range of methods for historic heritage:** Most RPSs suggest additional regulatory and non-regulatory methods. Regulatory methods include directives to regional and district plans and requirements to consider heritage in assessing resource consents applications. Every RPS directs its local authorities to give effect to historic heritage provisions in their regional and district plans. However, in the Taranaki RPS this is a suggestion, not a requirement. Non-regulatory methods are varied and could include any combination of public education and outreach, investigation and monitoring, or financial incentives, such as heritage protection funds, development impact levies, or rates relief.
- **Principal reasons for adopting objectives, policies and methods:** Every RPS provided principal reasons for the adoption of their particular set of objectives, policies and methods. These reasons often tied back to the discussion of historic heritage issues for the region.
- **Key definitions and criteria associated with historic heritage:** About one-third of RPSs explicitly defined the values to be used in identifying and categorising historic heritage, one-third used broad categories without further detail, and the final third did not offer definitions or criteria. Only the Auckland Unitary Plan included a schedule of historic heritage sites referred to in the RPS.

⁷⁶ NZHPT, *Sustainable Management of Historic Heritage Guidelines, Guide No. 2 Regional Plans*, New Zealand Historic Places Trust Pouhere Taonga, 2007.

⁷⁷ RMA, ss. 62(3), 67(3), 61(2)(ia), 66(2)(c)(ia).

⁷⁸ NZHPT, *Sustainable Management of Historic Heritage Guidelines, Guide No. 1 Regional Policy Statements*, New Zealand Historic Places Trust Pouhere Taonga, 2007.

REGIONAL COASTAL PLANS

Section 30 of the RMA delegates responsibility over the CMA to regional councils.⁷⁹ Many RCPs limit their scope to the CMA, while the coastal environment landward of MHWS is left to territorial authorities. However, three regional councils and three unitary authorities recognise the need for integrated management in this area and include the entire coastal environment in their RCPs.

Identify, recognise, and protect historical and cultural heritage

Heritage New Zealand Pouhere Taonga expects RCPs to identify, recognise and protect characteristics of special spiritual, historical or cultural significance to Māori and significant places or areas of historic and cultural significance in the CMA.⁸⁰

Two-thirds of RCP have objectives requiring protection of historic heritage, but do not require identification, and nearly half of those use non-specific language, such as maintain, enhance, or mitigate adverse effects rather than protect. The inclusion of policies is similarly uneven: Auckland, Bay of Plenty, Nelson, Northland and Tasman have particularly strong and extensive policies for the identification and protection. However, half of the RCPs have policies that either omit protection or identification, or use vague, softer language.

Every RCP explicitly includes matters of significance to Māori, and three councils – Southland, Gisborne, and Hawke's Bay – use stronger, more specific language to address Māori heritage than they do in the more general historic heritage provisions. Half of the RCPs include Māori heritage in both general historic heritage objectives and policies and in separate, specific objectives and policies.

Regulate conservation of historical and cultural heritage

Further expectations are that RCPs regulate the conservation, repair and maintenance, and the removal of historic heritage in the CMA.

All RCPs manage conservation, repair and maintenance, and removal of historic heritage through the implementation of rules. For Māori heritage, RCPs tend to follow the rules for built heritage. Where they differ, rules affecting Māori heritage tend to be more permissive and less restrictive than for rules affecting built heritage. At one end of the spectrum, in Auckland and Nelson, the degree of protection is based on the heritage values of the site. At the other end of the spectrum, two older RCPs, Otago and West Coast, do not have specific rules for historic heritage and Canterbury and Hawke's Bay's rules are generally permissive. The rest of the RCPs generally contain rules that regulate historic heritage areas as controlled, restricted discretionary, or discretionary activities.

Regulate activities that may affect historical and cultural heritage

RCPs should regulate activities that may have adverse effects on historic heritage, including the destruction, damage and disturbance of the foreshore or seabed.

Most RCP rules either fail to address the full range of activities that may affect historical and cultural heritage or are more permissive than suggested in the Heritage New Zealand Pouhere Taonga guidelines.⁸¹ For infrastructure activities that can impact historic heritage sites in the CMA, such as network utilities, navigational aids and swing moorings, RCPs vary widely in their approach. Over half do not address these activities specifically in any historic heritage settings. However, the ones that do address infrastructure activities generally classify them as discretionary or controlled.

Schedule of historical and cultural heritage

RCPs should include a schedule of all significant coastal historic heritage, as guided by the RPS, and include coastal buildings and structures, coastal sites, coastal historic areas and places/ areas of significance to Māori.

Every RCP contains either a schedule or map overlay indicating sites of historic heritage or conservation values. However, these schedules and map overlays vary greatly in structure, the number of sites included and the description of heritage values. For example, Auckland's schedule contains thousands of sites identified by category, type of value and heritage features (although these are not limited to the CMA), while Hawke's Bay identifies eight sites. In most unitary plans and One Plans, schedules are of all historic heritage for the region and do not distinguish for CMA or coastal environment.

GIVING EFFECT TO THE NZCPS

RCPs should be consistent with Policy 17 of the NZCPS, which requires the protection of historic heritage through:

- (a) identification, assessment and recording of historic heritage, including archaeological sites;
- (b) providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki;
- (c) initiating assessment and management of historic heritage in the context of historic landscapes;
- (d) recognising that heritage to be protected may need conservation;
- (e) facilitating and integrating management of historic heritage that spans the line of mean high water springs;
- (f) including policies, rules and other methods relating to (a) to (e) above in regional policy statements, and plans;

⁷⁹ The CMA is defined as or the foreshore, seabed and coastal water, and the air space above the water between the outer limits of the territorial sea and the MHWS line.

⁸⁰ NZHPT, *SMHH Guidelines, Guide No. 2 Regional Plans* (Wellington: NZHPT 2007).

⁸¹ Ibid.

- (g) imposing or reviewing conditions on resource consents and designations, including for the continuation of activities;
- (h) requiring, where practicable, conservation conditions; and
- (i) considering provision for methods that would enhance owners' opportunities for conservation of listed heritage structures, such as relief grants or rates relief.

Most RCPs fail to include all (or even most) of the above requirements. About one-third of the RCPs include half of the requirements, while most RCPs only include one or two requirements. Only half of the RCPs address the integrated management of sites straddling the MHWS or integrated management among councils, agencies, iwi authorities and kaitiaki. This is especially noteworthy since 12 of 16 RCPs have been updated since the 2010 NZCPS, and only Canterbury gives effect to most of the requirements.

CONSISTENCY BETWEEN RPSs AND RCPs

In general, there is some alignment between a region's RPS and RCP. Auckland Unitary Plan, for example, has consistently strong protections across the board, and Hawke's Bay has consistently weak provisions across the board. Several regions – Canterbury, Northland, Otago, Tasman and Waikato – have inconsistent provisions where either the RPS or the RCP contains stronger protections than the other. In Canterbury, Otago and Waikato, this inconsistency of having a stronger RPS and a weaker RCP may be explained by the fact that their RPS has been updated in recent years, while their RCP is still several years behind. The type of plan – stand-alone plans, unitary plan, One Plan – was not necessarily indicative of the consistency between the RPS and the RCP or their qualitative strength. Neither did whether the RCP captured only the CMA or the larger coastal environment have much impact on either the consistency or strength of protections.

CONCLUSION

Most RPSs successfully give effect to the requirements of section 6 (e) and (f) of the RMA. However, when it comes to giving effect to policies via RCPs, these vary much more in the comprehensiveness and strength of the protections. The age, type of plan and coverage in the coastal environment do not appear to influence their efficacy. For example, West Coast's RPS is operative as of July 2020 and its RCP is proposed as of January 2016, yet both are rather weak on historic heritage protections. Overall, considering both the RPSs and RCPs:

- four plan regimes – Auckland, Southland, Northland and Wellington – contain above average protections
- six – Bay of Plenty, Gisborne, Marlborough, Nelson, Taranaki and Waikato – contain average protections, and
- six – Canterbury, Hawke's Bay, Horizons, Otago, Tasman and West Coast – contain weak protections.

9.3. REPAIR AND MAINTENANCE

KEY RESULTS:

- Most of the recent plans have permitted activity rules for repair and maintenance, but some rely on definitions rather than performance standards.
- All the recently proposed plans have adequate repair and maintenance rules.
- Six plans, including one recently operative plan, have inadequate or unclear rules.
- Few plans have repair and maintenance rules that are relevant to Māori heritage or archaeological sites.

Heritage New Zealand Pouhere Taonga standard for assessing plan quality:

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.⁸² Performance standards for repair and maintenance should ensure that the work involves stabilisation, preservation and conservation.⁸³

Most district plans contain rules for repairs and maintenance as a permitted activity. Appropriate performance standards are needed to ensure that heritage values are taken into account. However, some plans rely on a definition in another part of the plan, which is not the preferred approach.

All 10 plans reviewed in the *2021 Assessment* had a permitted activity status for repairs and maintenance. All four newly proposed plans provided performance standards or definitions to ensure work is in scope, and an activity status of restricted discretionary or discretionary if the work did not meet the criteria or definition. For example, the Porirua Proposed District Plan directs that the repair, maintenance and redecoration of scheduled items that meet Standards HH-S1 is permitted. Clear definitions of "repair", "maintenance" and "redecoration" are provided, targeted to the type of heritage. The Standards require no damage to occur and the works to be "limited to the amount necessary to carry out the works". If an application does not meet the definition or the Standards, it is a restricted discretionary activity.

Poor explanations and definitions are still an issue in some of the recently operative plans. The Invercargill District Plan directs that repair and maintenance works are to use the "same type of material that was originally used" and retain the original design, form and texture of the feature under repair. No further definitions of "repair" or "maintenance" are provided,

82 NZHPT, *SMHH Guide No. 3, District Plans*, p. 31.

83 *Ibid.*, p. 42.

nor are any activity standards given. However, other plans have good rule structures: the operative Kāpiti Coast District Plan has performance standards and a default restricted discretionary status if they are not met. The Ōpōtiki District Plan provides a clear definition of repair and maintenance activities.

Plans with deficient provisions for repair and maintenance, including four of the five plans found to be deficient in the *2018 Assessment*, include:

- Central Otago District Plan – no explicit repair and maintenance rule for scheduled heritage items
- Clutha District Plan – provides for “re-decoration 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
- Taupō District Plan – the repair and maintenance rule is unclear
- Westland District Plan, Western Bay of Plenty District – the heritage rules applying to repairs and maintenance are unclear and “maintenance” and “repair” are not adequately defined.

Most repair and maintenance rules are designed to apply to built heritage, and do not provide for archaeological sites, historic areas and areas of importance to Māori. Greater guidance around land disturbance is encouraged, with Porirua City, South Taranaki and Kāpiti Coast District Plans being good examples of how repair and maintenance can provide for historic sites without risking sub-surface elements.

9.4. SAFETY ALTERATIONS

KEY RESULTS:

- Fifty-seven percent of plans still do not make specific provisions to facilitate safety improvements to heritage structures, including one recently proposed plan.
- There have been small increases in the number of plans with restricted discretionary or controlled rules for safety modifications.
- Some recent plans have a hierarchy based on heritage significance and degree of intrusiveness of strengthening work, and one provides for access and fire safety upgrades as well as seismic strengthening.

Heritage New Zealand Pouhere Taonga standard for assessing plan quality:

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

Improving structural performance (earthquake strengthening), fire safety and physical access all aim to promote improved building safety and can be collectively defined as ‘safety alterations’.

The Building (Earthquake-prone) Amendment Act 2016 specifies risk-based timeframes for building owners to complete earthquake strengthening, and around one-quarter of buildings identified at July 2021 are heritage buildings (discussed in section 2.3). It is important that plans facilitate safety modifications in planning processes, particularly in high-risk regions, through permissive rules that take account of effects on heritage values.

While seismic strengthening promotes the resilience and utility of a heritage building, it can affect heritage values. 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 considered. For significant safety alterations to List Category 1 historic places a restricted discretionary activity may be more appropriate. Interior safety modifications are often permitted, and many plans have a hierarchy of controls based on heritage significance and whether the modifications are internal or external. Rules should be supported by targeted objectives and policies.

As set out in the *2018 Assessment*, Heritage New Zealand Pouhere Taonga continues to advocate 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 about safety-related alterations and 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 extent of modification and heritage value of the place, generally ranging from controlled to restricted discretionary activity.
- Providing a range of regulatory and non-regulatory incentives.

Fifty-seven percent of district plans (37 plans) still have no explicit provisions about safety modifications, or only objectives and policies, as indicated in Figure 18. This is a marginal improvement from the *2015* and *2018 Assessments*. There were only four new plans proposed during the assessment period, and the plans that became operative may have already had adequate earthquake strengthening rules in the proposed plans.

Of the new proposed plans notified during the *2021 Assessment* period, only one did not have a specific rule, compared with three of the six new plans proposed during the *2018 Assessment* period:

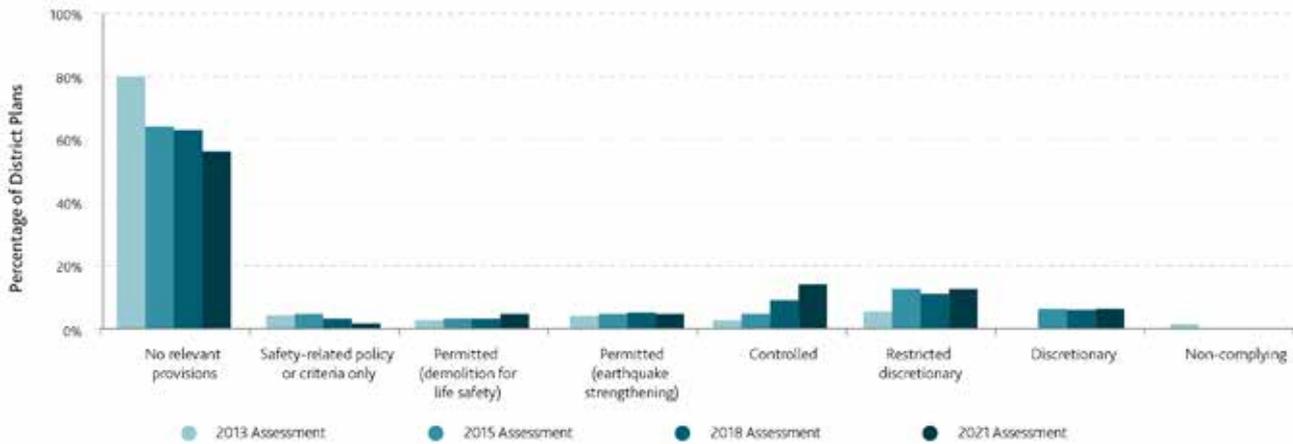


Figure 18: District plan safety-related rules for heritage items

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

- The Central Hawke’s Bay Proposed Plan provides a hierarchy from permitted for interior strengthening of Category B heritage places to restricted discretionary for the strengthening of Category A buildings. The rules are supported by objectives and policies to encourage the retention and strengthening of earthquake-prone heritage buildings, while minimising any potential loss of associated heritage values.
- The Porirua City Proposed Plan provides for earthquake strengthening, fire protection and accessibility work as a controlled activity, supported by performance standards and a policy to avoid, remedy or mitigate effects on heritage values.
- The Selwyn District Proposed Plan provides for earthquake strengthening (where required under the Building Act) as a controlled activity with criteria, supported by a policy to provide for earthquake strengthening, while minimising effects on historic heritage values.
- The New Plymouth Proposed District Plan has policies to facilitate earthquake strengthening, but surprisingly no specific rule (external seismic strengthening would be restricted discretionary under the additions and alterations rule). This may have been an oversight in the plan drafting.
- The Kāpiti District Plan has a controlled activity rule for scheduled historic buildings or structures with a Heritage New Zealand Pouhere Taonga Category 1 or 2 classification. The activity status of work not meeting specified criteria is restricted discretionary.
- The Hastings District Plan permits internal safety alterations, and external safety work is restricted discretionary for the most significant heritage buildings and controlled for other scheduled places.
- The proposed Ōpōtiki District Plan had a policy to encourage and facilitate earthquake strengthening, but the activity status was discretionary. Heritage New Zealand Pouhere Taonga submitted on this point, and the operative plan now has a controlled activity rule.
- The Invercargill District Plan has a discretionary rule for List items, despite a generic policy to promote active management of heritage. Internal alterations for other scheduled items is a permitted activity and external alterations a restricted discretionary activity, with safety alterations a matter to consider.

The following recently operative plans provide for seismic strengthening through objectives, policies and a rule or hierarchy of rules, depending on the extent of the work and the heritage values of the building:

- The South Taranaki District Plan includes a policy to encourage and facilitate the strengthening of buildings to increase their ability to withstand future earthquakes or other safety risks, and earthquake strengthening or building safety alterations are permitted for Category 2 buildings if internal, controlled if external, and discretionary for Category 1 buildings.

9.5. ADDITIONS AND ALTERATIONS

KEY RESULTS:

- There are slow improvements in plan provisions to manage additions and alterations, but three plans are unclear or have no controls.
- Thirty-six percent of plans have a restricted discretionary rule, and 25% a discretionary rule for higher-ranked items.
- Thirty percent of plans have a discretionary rule, and this could act as a disincentive for owners wishing to adaptively re-use heritage places.
- Twelve plans have a permitted activity rule for additions and alterations, at least for the lowest ranked schedule, which does not provide an opportunity to consider the effects on heritage values.

Heritage New Zealand Pouhere Taonga standard for assessing plan quality:

*Alterations and additions to a scheduled historic building and within a scheduled historic area is a restricted discretionary activity.*⁶⁴

Conservation of heritage buildings usually relies on having a productive use, requiring modification and adaption to improve functionality or meet modern building codes. Most district plans regulate alterations and additions as a restricted discretionary or discretionary activity. Restricting discretion provides a lower regulatory barrier to adaptive re-use.

As shown in Figure 19, there is a general trend in recent plans towards restricted discretionary activity rules for alterations and additions, with some plans treating this as discretionary for higher-ranked items.

Of the newly proposed plans:

- Selwyn and Porirua Proposed Plans provide a restricted discretionary rule for additions and alterations.
- Central Hawke's Bay Proposed Plan uses a discretionary rule for higher-ranked items, with lower requirements for less intrusive work and lower-ranked items.
- New Plymouth Proposed Plan has a discretionary rule for exteriors and scheduled interiors.

Of the recently operative plans, Ōpōtiki and Kāpiti have restricted discretionary rules for additions and alterations, an improvement in the Ōpōtiki plan as the proposed plan had a discretionary rule. Hastings, Invercargill and South Taranaki have a more complex rule structure, with discretionary activity status for external alterations to the higher-ranked items,

and restricted discretionary or permitted activity status for lower-ranked items and less intrusive work, such as interior alterations. While this approach takes account of the effect of the activity and the heritage values of the building, it is of concern that a discretionary activity status could discourage owners of Category 1 buildings from making alterations to ensure their ongoing viability.

Despite an overall improvement, the following plans have deficiencies in the treatment of additions and alterations:

- Two 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 Plan is also not clear about how the rules for additions and alterations apply to different categories of heritage items.
- Kaipara District Plan – 15 scheduled Group B local heritage significance items – partial demolition is permitted and there is no rule for additions and alterations.
- Waikato District Proposed Plan – additions and alterations are permitted provided they are not visible from a public place and there is no damage to or removal of significant features.

Additions and alterations are **permitted** in the following plans for internal alterations:

- Chatham Islands and Hamilton City, Rotorua Southland, Western Bay of Plenty
- Queenstown Lakes Proposed District Plan (for Scheduled Group 3).

Additions and alterations to the tier 2 or tier 3 scheduled items are **permitted** in the following plans for:

- Group 2: Grey District Plan, Kaikōura District Plan, Marlborough Resource Management Plan.
- Group 3: Mackenzie District Plan, Nelson Resource Management Plan, Waipa District Plan.
- South Waikato (determined on an individual building/structure basis).

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:

- Whanganui and Waimate District Plans – scheduled Category C items.
- Kaikōura District Plan Grey District Plan – scheduled Category 2/B items.
- Palmerston North District Plan – external work on scheduled Category 2 item.
- Upper Hutt District Plan – all scheduled items.

64 NZHPT, SMHH Guide No. 3, District Plans, p. 31.

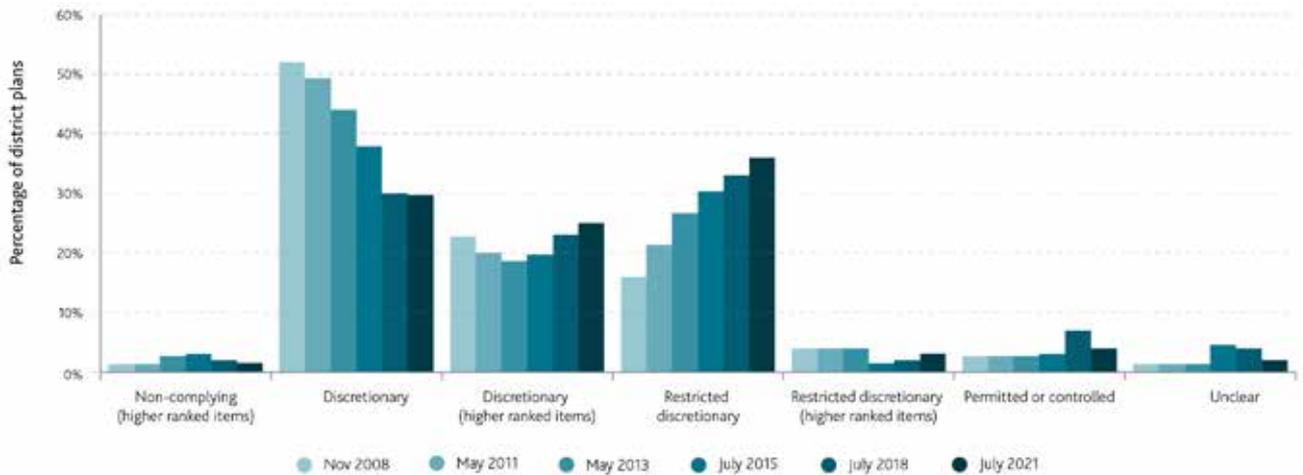


Figure 19: District plan activity status – additions and alterations

9.6. RELOCATION

KEY RESULTS:

- Six of the 10 recently proposed or operative plans have a non-complying rule for relocation.
- The remaining four plans have a discretionary rule, two of which provide assessment criteria.
- Several older plans continue to have inadequate rules for the relocation of heritage items.

Heritage New Zealand Pouhere Taonga standard for assessing plan quality:

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.⁸⁵

The 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. Relocation of historic buildings away from the original setting, particularly relocation out of the town or district, can have significant adverse effects on heritage values. Distinguishing for relocation inside and outside the original property boundary is encouraged, but in the current assessment period only Selwyn District Plan had such a rule.

Of the 10 plans proposed or made operative during the assessment period, all had a specific rule about relocation and six make the activity non-complying for at least Category 1 items or off-site relocation:

- Selwyn Proposed District Plan – relocation within a site discretionary and off-site non-complying, the Heritage New Zealand Pouhere Taonga recommended approach.
- Porirua and Central Hawke’s Bay Proposed District Plans – discretionary rule for relocation. This is an improvement on

the operative Central Hawke’s Bay District Plan, which had a permissive rule with prior notification only.

- New Plymouth Proposed District Plan – restricted discretionary for relocation of heritage items, discretionary if compliance is not achieved.
- Ōpōtiki District Plan – non-complying.
- Hastings, Invercargill and Kāpiti District Plans – non-complying for most significant items and discretionary for other scheduled items
- Chatham Islands – discretionary for all scheduled items.
- South Taranaki – discretionary for Category 1 and 2. ‘Removal’ of Category 1 items is prohibited, but removal is not defined.

The 2018 Assessment identified plans that fail to clearly regulate relocation of heritage items, either within the heritage section or as a general rule:

- Buller District Plan – the heritage rule is limited to destruction. It is unclear if this rule could apply to relocation.
- Westland District Plan – modification of scheduled heritage items is a discretionary activity, but the definition excludes demolition and removal.
- 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.
- Matamata-Piako District Plan – has a modification rule, but this does not apply to relocation.

Several plans fail to adequately regulate the relocation of lower significance heritage items:

85 NZHPT, SMHH Guide No. 3, District Plans, pp. 31-35.

- Nelson Resource Management Plan – relocation of scheduled Group C items is not explicitly regulated other than via general relocation rules.
- Kaipara, Waimate and Mackenzie District Plans – relocation of scheduled Category B, C or Z items is a permitted activity subject to a limited information process.

9.7. SUBDIVISION

KEY MESSAGES:

- One recent plan has no specific rules for sites containing historic heritage and two have inadequate controls.
- Five older plans have a permitted rule for subdivision for sites containing historic heritage, which does not give adequate protection.

Heritage New Zealand Pouhere Taonga standard for assessing plan quality:

*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.*⁸⁶

The potential impacts of subdivision are recognised in the RMA requirement to protect historic heritage from "inappropriate subdivision, use and development".⁸⁷ Subdivision should be designed to protect historic heritage and its setting. Historic heritage includes archaeological sites and sites of significance to Māori. Subdivision has the potential to have significant impacts on the ability of iwi and hapū to access culturally significant sites. This issue is acknowledged in a number of the recent plans, and the proposed New Plymouth District Plan's policy of promoting the provision or development of access for tangata whenua to sites and areas of significance to Māori through formal and informal methods (in concert with its discretionary status for subdivision) is positive.

All district plans currently 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. Heritage New Zealand Pouhere Taonga 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 explicit provisions:

- Discretionary – Central Hawke's Bay and New Plymouth
- Restricted discretionary – Porirua and Selwyn District.

Plans that were made operative during the assessment period make the following provisions:

- Discretionary – Invercargill City
- Restricted discretionary – Kāpiti Coast and South Taranaki
- Controlled (defaulting to discretionary if the conditions of the rule are not met) – Hastings District
- Controlled (defaulting to restricted discretionary if the conditions of the rule are not met) – Chatham Islands
- No specific rules, a matter to be considered in assessing subdivision consents – Opōtiki.

Many plans 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. Several plans, now more than 15 years old, contain no specific heritage subdivision rules including:

- Clutha District Plan (operative 1998)
- Upper Hutt District Plan (operative 2004)
- Buller District Plan (heritage plan change operative 2004)
- Grey District Plan (operative 2005)
- Westland District Plan (operative 2002).

9.8. HISTORIC AREAS

KEY RESULTS:

- Some recent plans make good provisions for heritage areas or precincts.
- Older plans do not identify areas, or do not have suitable rules to address risks to heritage areas.

Heritage New Zealand Pouhere Taonga standard for assessing plan quality:

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 and additions to non-contributory buildings (restricted discretionary)*
- *Land disturbance and signage (restricted discretionary)*
- *Subdivision, relocation and partial demolition (discretionary)*
- *Demolition (non-complying).*⁸⁸

Change in historic areas and landscapes needs to be carefully managed to preserve heritage values. Demolition, relocation, inappropriate additions or earthworks can undermine the integrity of these areas. Over time, cumulative effects of activities can result in significant loss of heritage values.

⁸⁶ NZHPT, *SMHH Guide No. 3, District Plans*, pp. 32-37.

⁸⁷ RMA, Section 6 (f).

⁸⁸ NZHPT, *SMHH Guide No. 3, District Plans*, p. 36.

Heritage New Zealand Pouhere Taonga advocates, as a minimum requirement, that historic areas entered on the List are scheduled in district plans as areas or precincts with associated protective rules. Around 84% of Listed historic areas are scheduled in plans.

In the rural setting, cultural landscapes may include sites of significance to Māori, landforms and natural features. Historic areas may include complex archaeological and cultural sites associated with extractive industries (i.e. goldmining), pastoral farming and nature conservation. Rural cultural landscapes and historic areas are threatened by a range of land use changes. Protection mechanisms include specific rules and protective zones and overlays. The protection of Māori heritage in recent plans is discussed in section 6.

In the urban setting, historic areas may involve significant townscapes and streetscapes. 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.

Protection of historic areas and cultural landscapes is not adequate in most district plans, but of the new proposed district plans only Selwyn has no recognition of heritage areas.

The rest of the newly proposed district plans include heritage zoning or area provisions:

- the proposed Porirua City District Plan includes an inventory of heritage sites, a statement of their significance, their location, links to their Heritage New Zealand Pouhere Taonga Listing and key features to be protected
- the Central Hawke's Bay Proposed plan provides specific rules for wāhi tapu areas, but no provisions for other kinds of cultural landscapes or heritage areas.

Only half of the newly operative plans recognise and protect historic areas:

- Chatham Islands, Ōpōtiki and South Taranaki plans have no recognition or protection
- the Hastings District Plan contains specific rules on historic precincts designed to address risks to the heritage values
- the Invercargill District Plan identifies three historic areas, and general heritage rules offer some protection
- The Kāpiti District Plan identifies two historic areas, which are recognised in policies, but there are no specific area rules, only rules for individual sites.

9.9. SUMMARY OF ADEQUACY OF PROPOSED PLAN PROVISIONS

Table 16: Adequacy of rules in proposed plans or plan changes notified since 2018 Assessment

TERRITORIAL AUTHORITY	NEW PLAN OR PLAN CHANGE	REPAIRS AND MAINTENANCE	SAFETY ALTERATIONS	ADDITIONS AND ALTERATIONS	RELOCATION	SUBDIVISION	HISTORIC AREAS
Heritage New Zealand Pouhere Taonga recommended standard for scheduled items:		Permitted subject to performance standards	Controlled or restricted discretionary	Restricted discretionary	Non-complying for most significant heritage	Discretionary	Appropriate rule structure for activities as shown for heritage items
Central Hawke's Bay District	New Plan	Permitted, with detailed definitions rather than performance standards Discretionary (Category 1) or Restricted discretionary (Category 2) for external work not meeting the definition of maintenance	Permitted (interior, Category B), Controlled (external, Category B), Restricted Discretionary (Category A)	Permitted (interior, Category B), Restricted Discretionary (external, Category B), Discretionary (Category A)	Discretionary	Discretionary	Sites and areas of significance to Māori, but no specific provisions for heritage areas generally
New Plymouth District	New Plan	Permitted, with detailed definitions rather than performance standards Discretionary, if does not meet zone effects standards	No specific rule, defaults to Permitted (interior), Restricted discretionary (exterior)	Discretionary	Restricted discretionary, discretionary if standards not met	Discretionary	Heritage character areas defined and area identified in City Centre Zone but no specific provisions
Porirua City	New Plan	Permitted – with performance standards Restricted discretionary – if does not meet performance standards	Controlled subject to performance standards	Restricted discretionary	Discretionary	Restricted Discretionary	8 areas identified, with specific rules
Selwyn	New Plan	Permitted – with performance standards Restricted discretionary – if does not meet performance standards	Controlled, with criteria	Restricted discretionary	Yes	Restricted Discretionary	No areas identified, no specific provisions

9.10. CONCLUSIONS

As with the *2018 Assessment* there were very few proposed new plans and plan changes in the *2021 Assessment* period compared with previous periods, so there are no major changes in the outcomes of the assessment. However, 17 district plan reviews have been signalled and will be included in the next triennial review. Local authorities may have been waiting for the finalisation of the first set of National Planning Standards in 2019 and for the outcome of the review of the RMA.

In general, the more recently revised plans contain provisions for the identification and protection of historic heritage that meet Heritage New Zealand Pouhere Taonga's recommended standards, but some recent plans contain one or more key deficiencies. Just over one-third of plans have all List entries scheduled, a slight improvement on the *2018 Assessment*. The number of heritage sites and areas scheduled and protected in plans continues to increase, and is now around 15,000, with an additional 8,000 archaeological sites identified in plans. However, 29 plans lack assessment criteria for including historic heritage on plan schedules.

The number of plans meeting the Heritage New Zealand Pouhere Taonga standard for the destruction of Māori heritage has remained at 23% of plans, similar to the *2018* and *2015 Assessments*. Eight plans have no rule protecting Māori heritage, unchanged from the previous assessments. This lack of protection for significant Māori heritage is unacceptable. However, some new plans have taken a more nuanced approach, using alert layers to protect areas of significance to Māori against specific identified threats, such as roading, earthworks, forestry and mining.

The number of plans with rules protecting built heritage from demolition has remained much the same: 73% of plans now meet the Heritage New Zealand Pouhere Taonga standard, up from 72% in the *2018 Assessment* and 67% in the *2015 Assessment*.

Nearly 60% of plans now provide incentives, including relaxation of zone rules, such as parking and yard space, up from 39% in the *2015 Assessment*. However, one of the proposed new plans does not provide incentives. Seventy-five percent of territorial authorities provide financial incentives, such as consent fee waivers, rates relief and incentive grant funds.

While most of the proposed new plans assessed had a reasonable structure of objectives, policies and rules, three do not make any provision for safety alterations. Fifty-seven percent of plans do not provide objectives, policies and rules designed to facilitate earthquake strengthening. Given the emphasis in government policy and legislation on strengthening unreinforced masonry and other earthquake-prone buildings, this is a critical deficiency.

There is room for considerable improvement in older plans. These older plans are continually mentioned as being inadequate in the triennial assessments, and four still have schedules that are not protected by rules and have other critical deficiencies.

The review of the RMA, described in section 2.1, will result in major changes to plans in the medium term. The Review Panel noted points made in the *2018 Assessment*, in particular the variability in the heritage protection provided by RMA plans and the proportion of items on the List that are not protected in plans. The Panel specifically noted the lack of recognition and protection of Māori heritage. They suggested this could be addressed in a national direction, including for cultural landscapes.

Following the Panel report, proposals for a Natural and Built Environments Act (NBA) are being developed, to be supported by a Spatial Planning Act and a Climate Change Adaptation Act. Submissions to the Environment Select Committee on a partial exposure draft of the NBA Bill closed on 5 July 2021.⁸⁹ The draft Bill addressed the overall structure of the proposed final Bill. It proposed outcomes for cultural heritage, and issues related to heritage protection will be addressed in the full NBA Bill in 2022.

The Select Committee report proposed that cultural heritage be included in a new National Planning Framework. When the full proposals for the new Act are released, they are likely to contain revisions to the heritage order regime, noted by the Panel as having potential for strong protection, but of limited use due to the convoluted process and potential financial and/or reputational risk to heritage protection authorities. The current process particularly inhibits iwi from being able to act as heritage protection authorities over private land. The Panel also noted the inability of the current legislative and planning framework to prevent demolition by neglect.

89 www.parliament.nz/en/pb/sc/make-a-submission/document/53SCEN_SCF_INQ_111944/inquiry-on-the-natural-and-built-environments-bill-parliamentary

APPENDIX 1: SUMMARY OF KPIS AND STANDARDS FOR ASSESSING PLAN QUALITY

HERITAGE NEW ZEALAND POUHERE TAONGA KPIS FOR ASSESSING PLAN QUALITY

Identifying List entries in RMA plan schedules: District plan provisions include a heritage schedule that contains all properties entered on the List.

Protecting historic heritage from demolition and destruction:

- Destruction of scheduled Māori heritage is a non-complying activity, at least for higher-ranked items, where applicable.
- Demolition of scheduled historic buildings is a non-complying activity, at least for higher-ranked items

Local government incentives for the conservation of historic heritage: Local authorities should include positive regulatory provisions and incentives for historic heritage.

HERITAGE NEW ZEALAND POUHERE TAONGA STANDARDS FOR ASSESSING PLAN QUALITY

Regional coastal plans: Give effect to RMA ss. 6 (e) and (f), the NZCPS and the regional policy statement and contain rules to protect the full range of coastal historic heritage, including the surroundings, and manage other activities that may damage coastal historic heritage.

Monitoring plan effectiveness: Local authorities need to monitor the effectiveness of plan provisions relating to historic heritage.

Historic heritage objectives, policies and plan structure: The district plan should contain objectives and policies for historic heritage.

Quality of heritage schedules: The district plan should contain appropriate rules for the protection of historic heritage, including a heritage schedule.

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

Safety alterations: 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.

Additions and alterations: Alterations and additions to a scheduled historic building and within a scheduled historic area is a restricted discretionary activity.

Relocation: 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.

Subdivision: 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.

Historic areas: 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)
- Land disturbance (restricted discretionary)
- Signage (restricted discretionary)
- Subdivision (discretionary)
- Relocation and partial demolition (discretionary)
- Demolition (non-complying).

APPENDIX 2: STATUS OF REGIONAL PLANS AND POLICY STATEMENTS

REGIONAL COUNCIL	DOCUMENT TYPE	PLAN STATUS
Bay of Plenty	Policy statement	Regional Policy Statement (RPS) operative 1 October 2014
	Regional plan	Coastal plan operative 3 December 2019
Canterbury	Policy statement	RPS operative 15 January 2013
	Regional plan	Combined land and water plan operative in part 13 August 2015
		Air plan operative 31 October 2017
		Coastal plan operative 20 November 2005
		Waimakariri River plan operative May 2017
Department of Conservation	Regional plan	Kermadec and Subantarctic Islands Regional Coastal Plan operative 15 September 2017
Hawke's Bay	Combined plan	Combined plan and policy statement operative 28 August 2006
	Regional plan	Coastal plan operative 8 November 2014
Manawatū	Combined plan	Combined regional plan and policy statement operative 19 December 2014
Northland	Policy statement	RPS operative 9 May 2016
	Regional plan	Combined regional plan proposed September 2017 (appeals version April 2021)
		Coastal plan operative 1 July 2004
Otago	Policy statement	RPS operative in part 15 March 2021
		RPS proposed 26 June 2021
	Regional plan	Water plan operative 1 January 2004
		Coastal plan operative 1 September 2001
Southland	Policy statement	RPS operative 9 October 2017
	Regional plan	Combined regional plan operative in part 1 March 2021
		Coastal plan operative 16 March 2013
Taranaki	Policy statement	RPS operative 1 January 2010
	Regional plan	Coastal plan proposed February 2018 (appeals version October 2021)
Waikato	Policy statement	RPS operative 20 May 2016
	Regional plan	Coastal plan operative 27 October 2005
Wellington	Policy statement	RPS operative 24 April 2013
	Regional	Combined plan proposed 31 July 2015 (appeals version July 2021)
		Coastal plan operative 19 June 2000
West Coast	Policy statement	RPS operative 14 July 2020
	Regional plan	Coastal plan operative 13 June 2000
		Combined land and water plan operative 27 May 2014

APPENDIX 3: STATUS OF DISTRICT AND UNITARY PLANS AND RELEVANT PLAN CHANGES

Note that where an appeals version of a proposed plan has been made available by a local authority, the plan is still under appeal and has no legal standing. These plans will be reviewed once they become operative.

COUNCIL	AUTHORITY	PLAN STATUS
Ashburton District	District	Plan operative 25 August 2014
Auckland Council	Unitary	Plan operative in part 15 November 2016, Plan change 7 – Additions to heritage schedule operative 27 August 2020, Plan change 10 – Additions to heritage schedule operative 12 June 2020, Plan change 22 – Additions to heritage schedule operative in part 12 March 2021, Plan change 31 – Additions to heritage schedule operative 9 April 2021
Buller District	District	Plan operative 28 January 2000, Plan change – Heritage provisions operative 1 August 2011
Central Hawke's Bay District	District	Plan proposed 28 May 2021
Central Otago District	District	Plan operative 1 April 2008
Chatham Islands	Unitary	Plan operative 17 June 2020
Christchurch City	District	Plan operative 19 December 2017
Clutha District	District	Plan operative 30 June 1998
Department of Internal Affairs	District	Tūhua District Plan operative 30 June 2014 Motiti Island Environmental Management Plan operative 6 May 2016
Dunedin City	District	Plan proposed 26 September 2015 (appeals version 7 November 2018)
Far North District	District	Plan operative 14 September 2009, Plan change – incorporating Pahia Mission operative 1 June 2015
Gisborne District	Unitary	Plan operative 30 March 2020
Gore District	District	Plan operative 2006
Grey District	District	Plan operative 18 March 2005
Hamilton City	District	Plan operative 18 October 2017
Hastings District	District	Plan operative in part 12 March 2020
Hauraki District	District	Plan operative 1 September 2014
Horowhenua District	District	Plan operative 1 July 2015, Plan change 1 – Additions to heritage schedule operative 1 November 2018
Hurunui District	District	Plan operative 21 June 2018
Hutt City	District	Plan operative 18 March 2004, Plan change 52 heritage schedule operative 20 August 2019
Invercargill City	District	Plan operative 30 August 2019
Kaikōura District	District	Plan operative 1 June 2008
Kaipara District	District	Plan operative 1 November 2013
Kāpiti Coast District	District	Plan operative 30 June 2021
Kawerau District	District	Plan operative 1 May 2012

COUNCIL	AUTHORITY	PLAN STATUS
Mackenzie District	District	Plan operative 24 May 2004, Plan change 12 – heritage operative October 2011
Manawatū District	District	Plan operative 1 December 2002, Plan change – Feilding operative 30 April 2015
Marlborough District	District	Plan proposed 9 June 2016 (appeals version February 2020)
Matamata-Piako District	District	Plan operative 25 July 2005, Plan change 47 – Heritage provisions operative 6 April 2018
Napier City	District	Plan operative 21 November 2011, Plan change 10 – Heritage provisions proposed 7 December 2013 (appeals version June 2015)
Nelson City	Unitary	Plan operative 1 September 2004, Plan change 15 – Heritage provisions operative 9 August 2010
New Plymouth District	District	Plan proposed 23 September 2019
Ōpōtiki District	District	Plan operative 5 January 2021
Otorohanga District	District	Plan operative 1 October 2014
Palmerston North City	District	Plan operative (sectional review) 13 May 2019, Plan change – Heritage operative 29 March 2016
Porirua City	District	Plan proposed 28 August 2020
QueenstownLakes District	District	Plan proposed 26 August 2015 (Heritage Chapter) (appeals version April 2021)
Rangitīkei District	District	Plan operative 3 October 2013
Rotorua District	District	Plan operative 10 July 2016
Ruapehu District	District	Plan operative 1 October 2013, Plan change – Heritage operative 24 December 2014
Selwyn District	District	Plan proposed 5 October 2020
South Taranaki District	District	Plan operative 22 January 2021
South Waikato District	District	Plan operative 1 July 2015
Southland District	District	Plan operative 22 January 2018
Stratford District	District	Plan operative 19 February 2014
Tararua District	District	Plan operative 1 September 2012, Plan change 1 Operative 19 August 2019
Tasman District	Unitary	Plan operative 1 November 2008, Plan change – Additions to heritage schedule operative 28 November 2015
Taupō District	District	Plan operative 11 October 2007
Tauranga City	District	Plan operative 9 September 2013
Thames-Coromandel District	District	Plan proposed 2 October 2013 (appeals version October 2021)
Timaru District	District	Plan operative 8 March 2005

COUNCIL	AUTHORITY	PLAN STATUS
Upper Hutt City	District	Plan operative 2004, Plan change 31 – Minor revision operative 30 November 2011
Waikato District	District	Plan proposed 18 July 2018 (Stage 1), Stage 2 notified 27 July 2020
Waimakariri District	District	Plan operative 28 November 2005
Waimate District	District	Plan operative 28 February 2014
Waipa District	District	Plan operative 14 August 2017
Wairarapa Combined Plan (Masterton, Carterton, South Wairarapa)	District	Plan operative 25 May 2011
Wairoa District	District	Plan operative 25 June 2005
Waitaki District	District	Plan operative 31 May 2010, Plan change – Additions to heritage schedule operative June 2013
Waitomo District	District	Plan operative 1 March 2009
Wellington City	District	Plan operative 27 July 2000, Plan change – Heritage operative 19 November 2014
Western Bay of Plenty District	District	Plan operative 16 June 2012, Plan change – Archaeology operative September 2013
Westland District	District	Plan operative 1 June 2002
Whakatane District	District	Plan operative 21 June 2017
Whanganui District	District	Plan operative 10 December 2021
Whangarei District	District	Plan operative 3 May 2007, Plan change operative 28 September 2016

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