



New Zealand Historic Places Trust Pouhere Taonga

**National Assessment RMA Policy and Plans –
Heritage Provisions**

**National Assessment of
RMA Policy and Plan Heritage
Provisions
2011**

28 November 2011

Contents

1	EXECUTIVE SUMMARY	4
1.1	SUMMARY OF KEY FINDINGS – CHANGES SINCE NOVEMBER 2008.....	4
2	BACKGROUND.....	7
3	SUMMARY OF PRIMARY HERITAGE CHANGES SINCE NOVEMBER 2008.....	9
3.1	RMA NATIONAL POLICY AND STANDARDS.....	9
3.2	RMA REGIONAL POLICY STATEMENTS & REGIONAL PLANS	10
3.3	RMA DISTRICT PLANS	11
3.1	HERITAGE ORDERS.....	13
3.1	HERITAGE COVENANTS.....	13
4	KNOWLEDGE OF THE HISTORIC HERITAGE RESOURCE – LISTED HERITAGE ITEMS IN NEW ZEALAND	14
4.1	HERITAGE ITEMS IN RMA PLANS – THE NUMBERS	17
4.2	LISTED HISTORIC BUILDINGS	21
4.3	LISTED HISTORIC SITES, INCLUDING ARCHAEOLOGICAL SITES	23
4.4	LISTED ARCHAEOLOGICAL SITES – THE NUMBERS.....	26
4.5	LISTED HISTORIC AREAS.....	28
4.6	LISTED MĀORI HERITAGE.....	30
4.7	HISTORIC HERITAGE SCHEDULE INFORMATION REQUIREMENTS.....	31
5	CONDITION OF HISTORIC HERITAGE – DEMOLITION AND DESTRUCTION	32
5.1	EARTHQUAKES	32
5.2	FIRE.....	34
5.3	DEMOLITION BY NEGLECT	35
5.4	DEMOLITION.....	36
5.5	FLOODING, WIND AND OTHER HAZARDS	36
6	PROTECTION OF HISTORIC HERITAGE BY LOCAL GOVERNMENT	36
6.1	INCENTIVE HERITAGE PROVISIONS.....	36
6.2	PLAN EFFECTIVENESS	38
6.3	DISTRICT PLAN HISTORIC HERITAGE OBJECTIVES AND POLICIES.....	39
7	HISTORIC HERITAGE RULES QUALITY	40
7.1	REPAIRS AND MAINTENANCE	40
7.2	ALTERATIONS AND ADDITIONS	42
7.3	RELOCATION	45
7.4	DEMOLITION.....	48
7.5	DAMAGE/DESTRUCTION OF HISTORIC SITES (INCLUDING ARCHAEOLOGICAL SITES) AND MĀORI HERITAGE.....	50
7.6	SIGNS.....	53
7.7	HISTORIC AREAS	54
7.8	SUBDIVISION.....	55
8	HERITAGE LANDSCAPES	56
9	SURROUNDINGS, INCLUDING SIGNIFICANT VIEW CATCHMENTS	58
10	APPENDIX – SUMMARY OF HERITAGE-RELATED CHANGES TO RMA POLICY AND PLANS, NOVEMBER 2008-MAY 2011.....	61

National Assessment of RMA Policy and Plan Provisions 2011

Author: Robert McClean

Comments and feedback can be provided to the New Zealand Historic Places Trust Pouhere Taonga about this research paper. Please send comments to:

New Zealand Historic Places Trust Pouhere Taonga

PO Box 2629

Wellington

Email: information@historic.org.nz (Attention: Historic Heritage Research Paper)

Phone 04 472 4341

Fax 04 499 0669

Copyright © New Zealand Historic Places Trust Pouhere Taonga

1 Executive Summary

This report is the second national assessment of RMA plan and policy heritage provisions (the national assessment) undertaken by the New Zealand Historic Places Trust/Pouhere Taonga (NZHPT). The national assessment provides an update to the first national assessment carried out by the NZHPT in November 2008 (report published in January 2009).

The second national assessment is broader in scope than the November 2008 assessment. It now includes comment on new heritage-related policy initiatives such as the New Zealand Coastal Policy Statement, Auckland spatial planning, new regional policy statements and the Canterbury earthquake planning response. This scope reflects the dynamic nature of planning in New Zealand.

The second national assessment also includes information about heritage risks in terms of earthquakes, fire, demolition by neglect and extreme weather events. This information acknowledges the impact of the Canterbury earthquakes of 2010-2011 and other damaging events highlighting that district plan heritage schedules and rules should not be viewed in silo, but be informed by ongoing risk-based environmental assessments.

With the inclusion of various planning policy initiatives and heritage risks, the second national assessment has been reformatted to more closely align with New Zealand's state of the environment framework for historic heritage as outlined in the *Sustainable Management of Historic Heritage Guidance Series*.¹

In terms of heritage knowledge and rules, the focus of the second national assessment is an examination of the heritage provisions of all 75 district plans in New Zealand as at May 2011 and also changes to heritage-related provisions of regional policy statements and regional plans since November 2008. This number includes resource management plans prepared by the unitary authorities.

1.1 Summary of key findings – changes since November 2008

Knowledge of historic heritage

1. Between November 2008 and May 2011, the **number of listed heritage items in regional and district plans has increased** from an estimated 10,732 to 11,300 items. This figure excludes listed archaeological sites.
2. An estimated 85% of historic places, historic areas, wahi tapu and wahi tapu areas **registered under the Historic Places Act 1993** are listed in regional and district plans.
3. Since 2009, there is a **slight trend towards a reduction in the number of listed archaeological sites** in regional and district plans. It is estimated that listed archaeological sites will decline from 12,029 items to 11,924 as a result of current 2nd generation district plans.

¹ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No.5, 'State of the Environment Reporting and Monitoring', August 2007

4. Excluding the listed archaeological sites, the majority of heritage items are buildings and there remains a need to more fully recognise the **range of heritage places** – sites, areas, heritage landscapes and Māori heritage.
5. In most areas of New Zealand there has been little progress to recognise **Māori heritage** in regional and district plan heritage schedules and this issue remains a critical deficiency in many district plans.
6. Listing new heritage items in district plan heritage schedules is becoming a more **disputed and contested process** with high likelihood of Environment Court appeals. There should be greater emphasis on reaching agreements with owners via covenants outside of judicial processes with a corresponding package of incentives.

Condition of historic heritage

7. While ‘on paper’ the statistics indicate that the number of listed heritage items in regional and district plans are increasing, the reality is that there will be a major loss caused by the **Canterbury earthquakes** of 2010-2011. It is currently estimated that 40% of the listed heritage items in Christchurch will be demolished or are severely damaged. This will reduce the estimated number of listed heritage items (excluding listed archaeological sites) in New Zealand to around 10,900.
8. The Gisborne earthquake of 2007 and the Canterbury earthquakes of 2010-2011 have highlighted the risk to New Zealand’s heritage. This risk will be reflected in an increasing number of heritage buildings identified as **earthquake-prone** under the Building Act 2004.
9. In addition to earthquakes, there has been a substantial loss of heritage caused by **fire, demolition by neglect and extreme weather events**.

Protection of historic heritage

10. Central government has indicated that greater national direction is required for **urban planning** and the NZHPT expects improved national policy provisions for historic heritage as part of this initiative. Improvements have been achieved for the coastal environment in the New Zealand Coastal Policy Statement.
11. Place-based **spatial planning** in Auckland and Canterbury is expected to improve the urban planning framework, including historic heritage. **Auckland Council**, in particular, is showing greater leadership on heritage matters with the establishment of a new Built Heritage Protection Fund, a Heritage Advisory Committee and the issuing of two heritage orders on 31 March 2011.
12. There is a need for greater incentives for heritage from central and local governments and there have been few changes to District plans to provide **positive incentives for owners of listed heritage** items. This finding is disappointing and more work needs to be done to develop incentive provisions in district plans to provide a degree of flexibility for listed heritage items.
13. There has been a steady increase in the number of **heritage covenants** to protect significant heritage properties. Heritage covenants are agreements

between owners and the NZHPT to protect, conserve and maintain heritage places in private ownership.

14. As a result of 2nd generation district plans, there has been an improvement in development **common approaches for heritage rules** for listed historic buildings:
 - Repair and maintenance of historic buildings is a permitted activity with appropriate performance standards.
 - Alterations and additions are a restricted discretionary or discretionary activity.
 - Relocation is a restricted discretionary, discretionary activity or non-complying activity.
 - Demolition is discretionary, non-complying and sometimes prohibited.
15. The NZHPT considers that these improvements indicate some acceptance of nation-wide approach to basic heritage rules as influenced by community support and interest in heritage and NZHPT's advocacy, and guidance, especially the 2007 *Sustainable Management of Historic Heritage Guidance Series*.
16. For many 1st generation district plans, there continues to be **inadequate provision for listed heritage items**. Critical deficiencies include:
 - Rules relating to repair and maintenance of listed heritage items are unclear or absent.
 - Alterations of and additions to listed heritage items are permitted or controlled activities.
 - Explicit relocation, signage and subdivision rules relating to listed heritage items are absent.
 - Demolition of listed heritage items as a permitted activity.
 - Demolition of listed heritage items being either a restricted discretionary or permitted activity.
 - Inadequate provision is provided for lower-ranked listed heritage items. For example, demolition as a controlled activity for Group C listed items.
17. **Listed historic sites and Māori heritage** continue to have, generally, lower regulatory provision than listed historic buildings. All local authorities need to review rules relating to historic sites and Māori heritage. These places deserve and require the same level of regulatory provision as other listed historic buildings.
18. Generally, many of the main urban district plans have reasonable **rules for historic areas**. Many other plans, however, treat a historic area in the same manner as a listed historic building or do not list any historic areas. All local

authorities need to recognise historic areas and ensure that specific heritage rules are developed for all listed historic areas, including precincts and character areas.

19. Local authorities need to undertake regulate **plan effectiveness monitoring** in relation to historic heritage.

2 Background

The national assessment of RMA policy and plan heritage provisions has been undertaken to improve the reporting and monitoring of heritage-related information in New Zealand in relation to regulatory intervention. The national assessment also enables the evaluation and comparison of district plan heritage provisions throughout New Zealand.

The project aims to provide an indication of heritage provision quality as assessed against the NZHPT's best practice guidance outlined in the NZHPT's *Sustainable Management of Historic Heritage Guidance Series*.

It is anticipated that the national assessment will assist local authorities to undertake reviews of existing provisions so to continually work towards improvement especially in the development of 2nd generation district plans. The national assessment will also assist in informing the NZHPT's statutory advocacy role.

A number of matters or issues were selected for research to enable a broad understanding of the range of heritage provisions and aiming to contribute towards state of the environment reporting for historic heritage (SER). This reporting process uses the Pressure-State-Response (PSR) framework and the use of selected indicators.² This framework has also been adopted by the Australian SER for historic heritage. Further information about SER for historic heritage is available in Guide No.5 of the 2007 *Sustainable Management of Historic Heritage Guidance Series*.

This assessment, however, has expanded the range of issues for research to include the range of risks to historic heritage, especially resulting from earthquakes and demolition by neglect. The key indicators and relevant issues examined in this report are outlined in the table below.

² NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No.5, 'State of the Environment Reporting and Monitoring', August 2007

Issue	Indicator	Information Focus
Knowledge of the historic heritage resource	Number and distribution of identified historic items	No. of listed heritage items (buildings, sites, areas, Māori heritage) in district plans
Condition of historic heritage	Number of historic items destroyed or values potentially severely diminished	No. of listed heritage items destroyed or damaged by earthquakes, fire, flooding or demolition by neglect.
		No. of potentially earthquake-prone heritage buildings
		No. of resource consents issued to demolish listed heritage items
Protection of historic heritage by central & local government	Assessment of effectiveness of plan, resource consents and authorities relating to historic heritage	Proportion of listed heritage items for which resource consents had been granted in a good, fair or poor condition and retaining integrity, occupation and use
		Assessment of heritage plan quality
	Heritage objectives and policies	
	Incentive heritage provisions	
	Managing demolition by neglect	
	District plan heritage rules	

These issues are explained in detail in each of these sections below. For further information about definitions and scope of the terms adopted, refer to the *Sustainable Management of Historic Heritage Guidance Series*.

It is emphasised that the 2nd national assessment provides overview information only and the specific social and geographical context of each district plan was not examined as part of the national assessment.

In addition to this issue, a number of other general matters were excluded from the project in order to manage the scope of the assessment as outlined below:

- **Transitional district plans:** Transitional district plans were not generally assessed with the focus of the assessment being limited to the most recently proposed district plan. For example, the assessment was limited to the 2nd generation Proposed Hauraki District Plan rather than including an assessment of the Operative Hauraki District Plan.
- **Plan changes:** Relevant plan changes up until May 2011 have been incorporated into the assessment. Please contact the NZHPT if you are aware of relevant plan changes that may affect the findings of this national assessment.
- **Notable trees:** Notable trees have been generally excluded from this assessment. It is acknowledged, however, that many notable trees listed and protected in district plans, have historic heritage values.
- **Heritage-rules:** The national assessment has selected a limited number of core heritage rules for assessment. It has not attempted to assess all

heritage-related rules such as general zone provisions, resource consent information requirements, financial contributions and designation provisions.

It is also noted that many of the 2nd generation plans and plan changes mentioned in this report are not operative and subject to change as a result of submissions, hearings, decisions and appeals.

3 Summary of primary heritage changes since November 2008

3.1 RMA National Policy and Standards

In October 2010, the Government released the new National Coastal Policy Statement (NZCPS). The new NZCPS provides national guidance for the management of the coastal environment under the RMA. This guidance includes matters relating to coastal heritage. Some of the specific provisions relating to coastal heritage include:

- Objective 3 and Policy 2. Treaty of Waitangi and recognition of the role of tangata whenua involving promotion of iwi resource management plans, archaeological survey, methods such as alert layers, predictive methodologies for identifying areas of high potential for undiscovered Maori heritage.
- Policy 6. Activities in the coastal environment (j) refers to historic heritage and (e) requiring the removal of any abandoned or redundant structure that has no heritage value.
- Policy 14. Restoration of natural character (vii) refers to removing redundant structures, when removal is authorised by required permits, including an archaeological authority under the HPA and restoring cultural landscape features.
- Policy 15. Natural features and natural landscapes. Identification criteria includes cultural and spiritual values for tangata whenua and historical and heritage associations.
- Policy 17. Historic heritage identification and protection. Protection of historic heritage, identification, integrated management, historic landscapes, conservation, policy and plan provisions, resource consents, incentives (relief grants or rates relief).
- Policy 19. Walking access. Access to sites of historic or cultural significance (also impose access restrictions to protect Maori heritage and historic heritage).

The NZHPT considers the new NZCPS is positive for coastal heritage and we anticipate improved provisions in regional policy statements, regional plans and district plans to identify and protect coastal heritage.

The Government is currently in the progress of preparing a new National Environmental Standard (NES) for Plantation Forestry. The proposed NES and the discussion

document were published in September 2010. The proposed NES contains a number of provisions relating to historic heritage including heritage-related rules for a range of forestry activities. The proposed NES is under further revision at time of writing.

A major recent initiative is the new Auckland Spatial Plan. Since November 2008, Auckland has been reorganised and amalgamated into one new local authority – Auckland Council. The creation of Auckland Council has been accompanied by new spatial planning requirements under the Local Government (Auckland Council) Act 2009. Part 6 of this Act states that the Auckland Council shall prepare a spatial plan. The purpose of the spatial plan is to contribute to Auckland’s social, economic, environmental and cultural well-being through a comprehensive and effective long-term strategy for Auckland’s growth and development. Auckland released its spatial plan discussion document (Auckland Unleashed) in March 2011 as a step towards the new spatial plan. In addition to the new spatial planning commitments, Auckland Council has established a new heritage planning team, reorganised a new heritage grants programme and are in the process of establishing a new heritage advisory panel.

The response to the Canterbury earthquakes of 2010-2011 will have a major influence on heritage planning in Christchurch and surrounding districts. The Canterbury Earthquake Recovery Act 2011 established new planning arrangements for the areas subject to earthquake-related damage involving the preparation of a recovery strategy that has a long-term focus of reconstruction, rebuilding, recovery and enhancement. One of the themes of the recovery strategy is culture and heritage. Practical implementation of the recovery strategy is outlined in a number of recovery plans. A draft recovery plan will be prepared for the central city and possibly for historic heritage. The recovery strategy will prevail over existing RMA, transport and local government-related policy and plans and decisions taken under the RMA must not be inconsistent with a recovery plan prepared under the Canterbury Earthquake Recovery Act 2011.

Along with the new recovery planning arrangements for the earthquake recovery districts of Canterbury, the public response to the earthquakes has materialised into a new heritage fund to assist in the repair of earthquake-damaged buildings – the Canterbury Earthquake Heritage Buildings Fund.³ This fund has been supported by the Ministry for Culture and Heritage, NZHPT and the Canterbury local authorities.

3.2 RMA Regional Policy Statements & Regional Plans

Regional policy statements contain an overview of the region’s resource management issues and provides policies and methods to achieve the integrated management of the natural and physical resources of the region.⁴

The Auckland Regional Policy Statement is one of New Zealand’s leading heritage regional policy statements. Operative since 1999, the statement includes robust heritage provisions in terms of issues, objectives, policies and methods provided in Chapter 6.

Since 1999 there have been few changes to the Auckland RPS concerning historic heritage. One change has been Private Plan Change 13 which was sought by the Manukau City Council to facilitate the Mangere Gateway heritage area. Decisions were issued on this plan change in 2009 and is subject to appeal at time of writing.

³ <http://www.ccc.govt.nz/homeliving/civildefence/chcheearthquake/heritage.aspx>

⁴ Section 59, RMA

The Bay of Plenty Regional Policy Statement has included substantial heritage provisions since Plan Change 1 which introduced provision for assessing heritage values and places in 2008. As from 2010, a new Bay of Plenty Regional Policy Statement has been proposed which retains many of the positive heritage provisions of Plan Change 1 and introduces new provisions relating to Māori heritage.

In addition to the Bay of Plenty, three other new regional policy statements have been proposed over the past three years: Bay of Plenty; Waikato, Horizons and Wellington.

Both the Waikato and Wellington regional policy statements provide new and enhanced provisions for historic heritage. Importantly, the statements include guidance in the form of criteria for the identification of historic heritage and provisions that ensure that identified heritage is listed in district plans for protection. These provisions reflect the approach of the Bay of Plenty Regional Policy Statement.

Horizon's One Plan, prepared by Horizons Regional Council integrates six separate regional plans and the Manawatu-Wanganui Regional Policy Statement. The regional plans include air, water, land, beds of rivers and lakes and the coast. The Horizon's One Plan was proposed in 2007 with decisions released in August 2010 after a lengthy hearings process. At the time of notification, the Horizon's One Plan did not contain substantial provisions relating to historic heritage and this matter was subject to submissions and hearings. While some improvement has been made in terms of decisions, the historic heritage provisions remain subject to a number of appeals at time of writing.

With the exception of the Horizon's One Plan, there have been few changes to regional plans over the past three years in relation to historic heritage. This may reflect an emphasis on regional policy statement reviews or the development of regional plans dealing with water, discharges, contamination or air quality issues.

The Auckland Regional Coastal Plan contains some of the most substantial coastal heritage provisions in New Zealand. These provisions include large number of coastal heritage sites listed in the schedule of the plan. In 2007, Plan Change 3 proposed changes involving the Wynyard Quarter relating to the water space and wharves around the Wynyard area, including alterations to Port Management Areas. Decisions on this plan change were made in November 2009 and are subject to appeal at time of writing.

The Hawke's Bay Regional Coastal Environment Plan was publicly notified in August 2006, with decisions made in 2008. Heritage-related aspects of the plan are subject to appeal, at time of writing. The Hawke's Bay Regional Coastal Environment Plan includes coastal heritage provisions including revised objectives and policies and an updated coastal heritage schedule containing a number of wāhi tapu registered under the Historic Places Act 1993.

3.3 RMA District Plans

Prior to 2009, all RMA plans and policy statements were required to be reviewed every 10 years. The new plans and policy statements were known as '2nd Generation Plans'. With the passing of the Resource Management (Simplifying and Streamlining)

Amendment Act 2009, the review requirement was amended to require a review only if the provision had not been subject to a review or a change during the previous 10 years.⁵

As at May 2011, some 12 new 2nd Generation district plans had been notified. These are:

Kaipara District Plan	Notified October 2010
Auckland City Hauraki Islands Section	Notified 2006; Decisions May 2009
Otorohanga District Plan	Notified September 2010
Hauraki District Plan	Notified August 2010
Western BOP District Plan	Notified February 2010
Tauranga District Plan	Notified October 2010
Kawerau District Plan	Notified May 2010
Stratford District Plan	Operative October 2009
Rangitikei District Plan	Notified October 2010
Tararua District Plan	Decisions 2009
Wairarapa Combined District Plan	Operative 2008
Ashburton District Plan	Notified April 2010

In addition to the new 2nd generation district plans, there have been a large number of heritage-related plan changes since November 2008. While a summary of these plan changes are listed in Appendix 1 of this report, the primary plan changes for historic heritage are as follows:

- Waitakere District Plan, PC 28, Operative June 2010.
- Rodney District Plan, Variation 135, cultural heritage amendments.
- Auckland City District Plan, large number of plan changes (see appendix 1).
- Franklin District Plan, various plan changes (see appendix 1).
- Matamata-Piako District Plan, PC 4.
- Hamilton District Plan, Variation 20.
- South Waikato District Plan, PC 20.
- New Plymouth District Plan, various plan changes (see appendix).
- Ruapehu District Plan, major plan change, July 2010.
- Wanganui District Plan, PC 15.
- Central Hawkes Bay District Plan, PC 6.
- Hastings District Plan, PC 43, 47 and 51.
- Wellington City District Plan, various plan changes (see appendix).
- Marlborough Sounds Resource Management Plans, PC 17 and 55.
- Tasman District Resource Management Plan, PC 16.
- Nelson Resource Management Plan, PC 15.

⁵ Section 79(1) RMA 1991

- Waimate District Plan, PC 16.
- Buller District Plan, PC 120-121.
- Dunedin District Plan, PC 7.

3.1 Heritage Orders

Under the RMA, a heritage order is a provision in a district plan to protect the heritage qualities of a particular place or structure. Where a heritage order is included in a district plan, no one, without the prior consent of the heritage protection authority, can do anything that would compromise the effect of the heritage order.

In 2009, the RMA was amended to provide new options for the processing of notices of requirement for heritage orders. Notice of requirements for heritage orders can now be directly referred to the Environment Court provided that the territorial authority agrees. The amendment also clarified that a notice of requirement for a new heritage order or to alter an existing heritage order can be called in as a matter of national significance by the Minister for the Environment.

Since 1991, heritage orders have had little use under the RMA. In fact, only two historic-related heritage orders had been issued relating to Erskine College (1992) and Mount Street Cemetery (1994). Recently, however, the Auckland Council have issued two heritage orders. On 31 March 2011, heritage orders were notified for Gilfillan's Store, lower Queen Street, and the Wong Doo building on Hobson Street. The NZHPT considers that these heritage orders signal a greater commitment by Auckland Council to protect historic heritage.

3.1 Heritage Covenants

Over the past few years there has been a steady increase in the number of heritage properties protected by heritage covenants under the Historic Places Act 1993. Heritage covenants are agreements between owners and the NZHPT to provide for the protection, conservation and maintenance of a heritage place and are usually registered on the title of the land.

As a consequence of the National Heritage Preservation Incentive Fund, NZHPT Crown-land disposal processes and other processes, heritage covenants are becoming a more common method of managing significant heritage properties. For example, since 2009, over 32 heritage covenants have been agreed upon between owners and the NZHPT. Many of these places are not listed in district plan heritage schedules.

There is a need to improve the availability of information with regard to covenants that protect heritage properties placed through other legislation than the Historic Places Act 1993. For example, the number of heritage places protected by covenants under the RMA, Crown Pastoral Land Act 1998, Reserves Act 1977, Conservation Act 1987 or under the Queen Elizabeth the Second National Trust Act 1977 is unknown.

4 Knowledge of the Historic Heritage Resource – Listed Heritage Items in New Zealand

NZHPT Standard

The district plan should contain appropriate rules for the protection of historic heritage, including a heritage schedule.⁶

The central purpose of a heritage schedule is to provide information about specific places that are protected by the rules in the district plan. It is often the case that the public expects 'listed' places to be protected. The NZHPT discourages the use of schedules that are lists for 'information purposes only' and have no protection under the district plan.

Schedules in district plans should remain simple and without unnecessary or complex ranking systems.

The NZHPT sees little value in schedules and rules that have the consequence of providing inadequate protection for lesser ranked items.⁷

A number of local authorities have invested considerable resources into reviewing and updating district plan heritage schedules. As a consequence, some district plans contain new and substantial heritage schedule provisions for historic heritage. The Auckland City Hauraki Islands Section was one of the first plans to contain web-based spatial data for listed heritage places, including boundaries of listed properties on Geographic Information Systems (GIS). Other new 2nd Generation Plans have ensured updated heritage schedules or making sure recently NZHPT registered places are listed in the heritage schedule. This has occurred with the Kaipara, Otorohanga, Hauraki, Rangitikei and the Wairarapa Combined District Plans.

As an example, the operative Hauraki District Plan, dating from 1997, contained 79 heritage items and 370 New Zealand Archaeological Association (NZAA) recorded archaeological sites. The heritage schedule information was limited to description, valuation reference, location/legal description, criteria and ownership. As part of the district plan review, Hauraki District Council undertook a review of the heritage schedule and carried out substantial research to update the schedule, including the identification of new heritage places. As a result, the proposed Hauraki District Plan (notified August 2010) contains 245 heritage items organised as follows:

- Category A Heritage features – 206 items
- Category B Heritage areas – 9 items
- Areas of significance to Māori – 30 items

⁶ The term schedule refers to the entire historic heritage schedule of the district plan. The term 'list' refers to a section of the schedule.

⁷ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No.3, 'District Plans', August 2007, p 5, 13-14

In conjunction with the creation of the new heritage schedule, the Hauraki District Council has removed the list of NZAA recorded archaeological sites from the heritage schedule in the notified plan.

While Hauraki undertook substantial research to identify new heritage items, other local authorities have relied on the NZHPT register. A case in point is the proposed Rangitikei District Plan. In the operative Rangitikei District Plan (1999), the heritage schedule was limited to 77 heritage items including marae and heritage features. Gaps in heritage identification were highlighted by the NZHPT during the early 2000s and the NZHPT undertook the Ruapehu-Rangitikei Registration Pilot Project in 2004-2005 as a district-wide approach to research, identification and registration. The proposed Rangitikei District Plan has benefited from the Ruapehu-Rangitikei Registration Pilot Project with an updated heritage schedule of 81 items, including 20 marae.

Other local authorities have taken a mixed approach involving some limited identification research and ensuring recently registered places are included in the updated heritage schedule. The operative Ashburton District Plan (2001), for instance, contains 119 heritage items in the schedule. This schedule has been revised and updated and the proposed Ashburton District Plan now contains 132 heritage items, including recently registered NZHPT places.

In summary, the following district plans have benefited from updating reviews and plan changes over the past three years:

- Proposed Kaipara District Plan, Notified October 2010.
- Waitakere District Plan, PC 28, Operative June 2010.
- Rodney District Plan, Variation 135, cultural heritage amendments.
- Auckland City District Plan, large number of plan changes (see appendix 1).
- Franklin District Plan, various plan changes (see appendix 1).
- Matamata-Piako District Plan, PC 4.
- Proposed Otorohanga District Plan, Notified September 2010.
- Proposed Hauraki District Plan, Notified August 2010.
- South Waikato District Plan, PC 20.
- Proposed Western Bay of Plenty District Plan.
- Proposed Tauranga District Plan (under appeal).
- New Plymouth District Plan, various plan changes (see appendix).
- Proposed Stratford District Plan, Operative October 2009.
- Proposed Ruapehu District Plan, Notified July 2010.
- Proposed Rangitikei District Plan, Notified October 2010.
- Wanganui District Plan, PC 15.
- Central Hawkes Bay District Plan, PC 6.
- Proposed Tararua District Plan, Decisions, 2008.
- Hastings District Plan, PC 43, 47 and 51.
- Wellington City District Plan, various plan changes (see appendix).

- Wairarapa Combined District Plan, Operative 2008.
- Marlborough Sounds Resource Management Plans, PC 17 and 55.
- Tasman District Resource Management Plan, PC 16.
- Nelson Resource Management Plan, PC 15.
- Proposed Ashburton District Plan, Notified April 2010.
- Waimate District Plan, PC 16.
- Buller District Plan, PC 120-121.
- Dunedin District Plan, PC 7.

In terms of those district plan heritage schedules that were identified as having inadequate provisions for listed places in November 2008, there have been four changes:

- The Proposed Kaipara District Plan has updated the heritage schedule, but the plan still lists heritage items (Group B) for information only.
- The Proposed Hauraki District Plan has removed the unregistered Schedule II items for information only. Now the entire heritage schedule is subject to the heritage rules of the plan.
- The Proposed Ashburton District Plan has removed the listed Group B items for information only.
- Waimate District Plan, Plan Change 16 was limited to the promotion of the Old Arcadia Theatre from Group B to Group A of the heritage schedule. The Group C heritage items remain listed for information purposes only.

These changes mean that only two district plans have been removed from the 2008 list of district plan heritage schedules that provide inadequate provision for listed places – Hauraki and Ashburton.

No. of district plans that provide inadequate provision for listed heritage places	
November 2008	May 2011
14	12

District Plans that provide inadequate provision for listed heritage places:

- Kaipara District Plan: Listed Group B, local heritage significance items are for information only.
- Manawatu District Plan: Listed Group C items are for information only.

- Central Hawkes Bay District Plan: Despite additions to the heritage schedule, the rules are limited to information purposes only.
- Porirua District Plan: Listed Group C items are for information only.
- Marlborough Resource Management Plans: Listed Class B items are not adequately provided for with respect to alterations and additions.
- Nelson Resource Management Plan: Listed Group C items are for information only with limited public notification provisions.
- Grey District Plan: Listed Group II items are not adequately provided for with respect to alterations and additions.
- Christchurch City Plan: Listed Groups 3 and 4 items are not adequately provided for with respect to alterations and additions.
- Kaikoura District Plan: Listed Class II items are not adequately provided for with respect to alterations and additions.
- Mackenzie District Plan: Listed Group Z items are for information only.
- Waimate District Plan: Listed Group C items are for information only.
- Queenstown-Lakes District Plan: Listed Group 3 are not adequately provided for with respect to alterations and additions.
- Invercargill District Plan: Listed NZHPT unregistered Groups 2 and 3 are for information only.

The deficient quality of the protective rules in these plans is discussed in the section below.

4.1 Heritage Items in RMA Plans – The Numbers

For the purposes of improving the knowledge of the historic heritage resource, the NZHPT has established systems to track numbers of listed heritage items in regional coastal plans and district plans. For statistical purposes the NZHPT has identified two main categories of listed heritage items: listed heritage excluding archaeological sites and listed archaeological sites. These two categories include the following items:

Listed heritage items, excluding archaeological sites:

- Historic buildings, including structures.
- Historic areas and precincts.
- Māori heritage that are not listed as archaeological sites (i.e. marae, wāhi tapu, urupa, spings, tauranga waka, etc).

Listed archaeological sites:

- Archaeological sites recorded by the NZ Archaeological Association.
- NZHPT registered archaeological sites.
- Māori heritage that are listed as archaeological sites (i.e pa, midden, pits, terraces).

It is acknowledged that the data gives only an estimation of the actual number of listed heritage items since the figures are always changing as a result of plan decisions and appeals and they do not include the numbers of heritage items within historic areas and precincts.

It is further emphasised that the numbers of listed heritage items but not actually reflect the numbers of heritage places that actually exist in reality. Because of the time and expense of plan changes to update heritage schedules, often demolished or destroyed heritage places are not removed from the district plan until some time after the event. For example, it is estimated that 40% of the listed heritage items in the Christchurch City Plan have been demolition/destroyed as a result of the Canterbury earthquakes of 2010-2011. Clearly, this level of heritage loss is not reflected in the current statistics until a plan change is proposed that removes the demolished/destroyed heritage places.

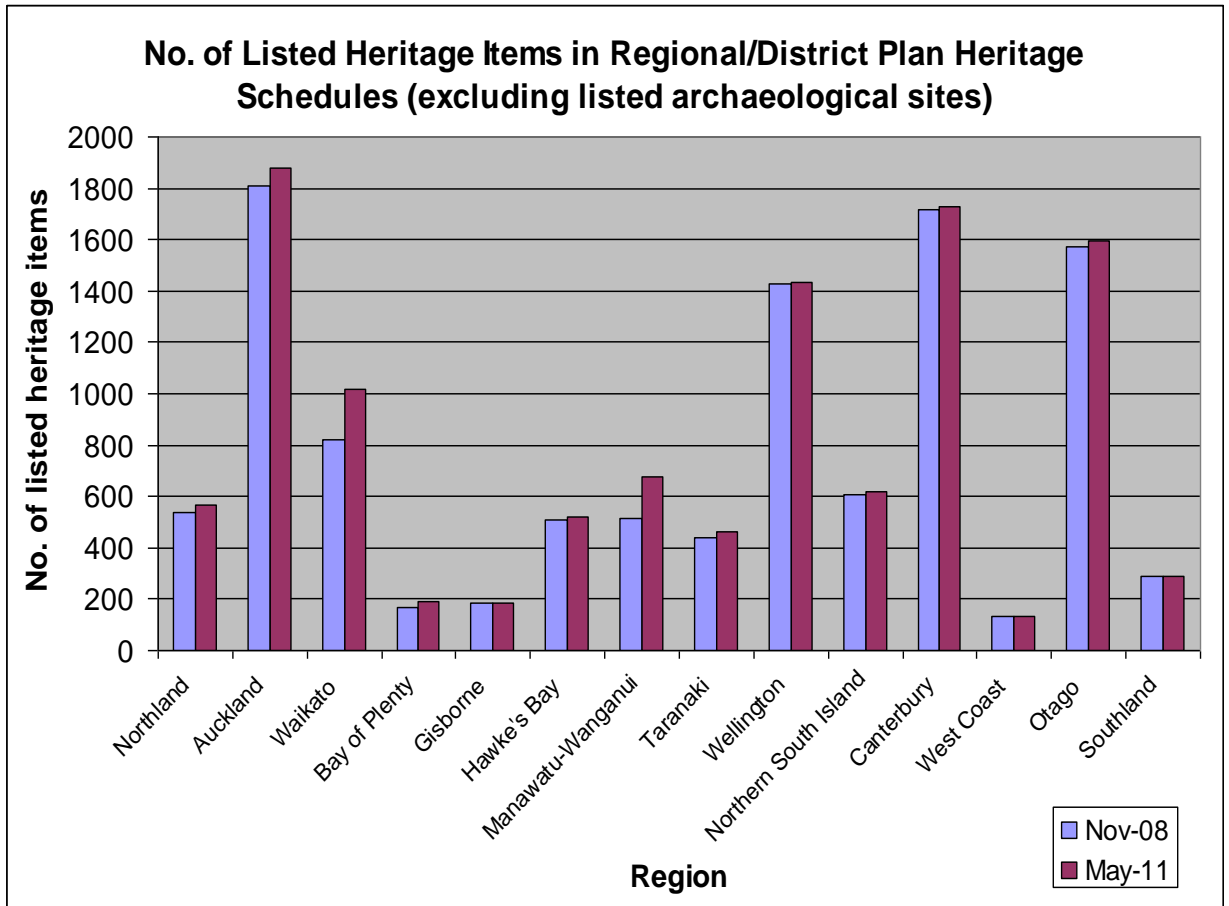
As at 30 December 2008, the total number of listed heritage items, excluding archaeological sites was estimated by the NZHPT as 10,732. As a result of 2nd generation plans and plan changes, this figure has increased to 11,300.

It is estimated that around 85% of the total number of historic places, historic areas, wahi tapu and wahi tapu areas registered under the Historic Places Act 1993 are listed in regional and district plan. This listing percentage has not materially changed over the past four years.

The following tables show the geographic distribution of listed heritage items. As indicated the regions of Auckland, Canterbury, Otago and Wellington have the highest numbers of listed heritage items. There have not, however, been large increases in these regions. We suggest the low increases may be attributed to Auckland local government restructuring and the Canterbury earthquakes. Further, the Auckland local authorities and Wellington City Council had already undertaken substantial updates to heritage schedules prior to 2008.

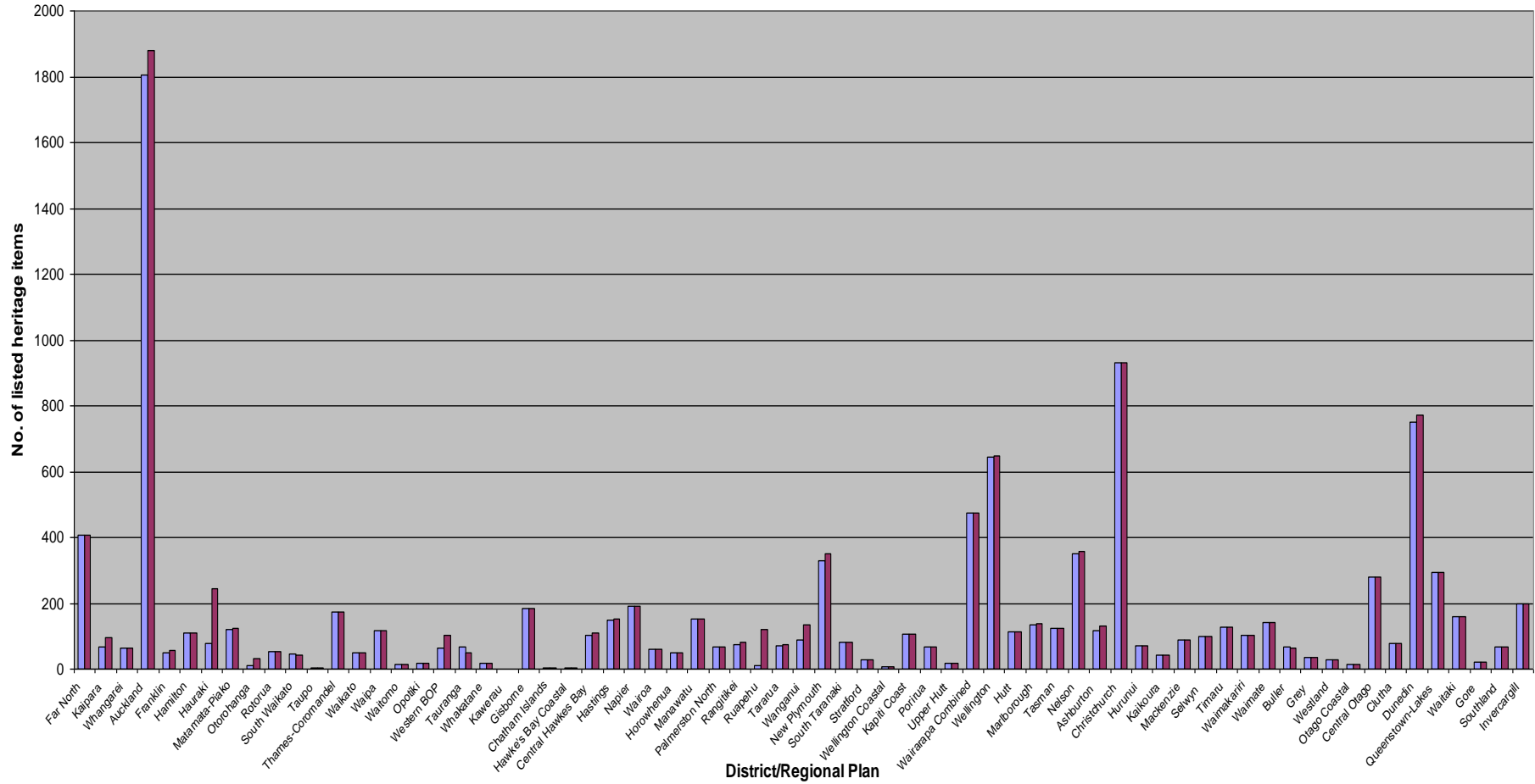
There has been a significant increase in Manawatu-Wanganui Region as a consequence of the 2nd Generation Rangitikei District Plan, the Ruapehu 2nd Generation plan change, and Plan Change 15 of the Whanganui District Plan. Waikato Region has also experience a significant increase in listed heritage items as a result of the 2nd Generation Hauraki and Otorohanga district plans.

The NZHPT expects a significant decrease (at least a decline of 40%) in the number of listed heritage items in Canterbury as a result of the 2010-2011 earthquakes



Listed Heritage items. No. of listed heritage items (excluding listed archaeological sites)

Nov-08 May-11



4.2 Listed Historic buildings

NZHPT Standard

The district plan should contain a list of historic places (buildings).

The historic buildings list includes historic places that are buildings registered under the Historic Places Act 1993 and other places of heritage significance and value.⁸

Over the past three years, there has been an increase in the number of heritage buildings listed in district plans, especially in Auckland, Waikato and Wellington. The former Auckland City Council was involved in, no less than 17 separate heritage-related plan changes and the new Hauraki Islands District Plan. Many of these involved building additions to the heritage schedule (see summary in Appendix 1). Many of the building additions were fervently contested such as the Timber Company Building and Building 5 (Green Lane Hospital) and a number of decisions to list new items remain subject to Environment Court appeal.

Some new 2nd generation plans and plan changes introduce substantially new heritage schedules with improved information about listed heritage buildings. While most detailed heritage inventories 'sit' outside the plan, a few are found within. An example is the new Built Heritage Inventory of the South Waikato District Plan as introduced by plan change 20. The inventory contains individual record forms for each listed place with information encompassing name, address, ownership, legal description, zoning, architecture, condition, original site recommendation, current use, statement of significance, specific district plan rules, history summary, and photographs.

Plan change of the Wanganui District Plan 15 added 42 individual buildings and 3 precincts to the heritage schedule. This plan change was informed by a detailed heritage inventory, but as with most plan changes of this nature, the original inventory format in the district plan has been unchanged with information limited to description, location and source, DP map reference and type.

Some local authorities, add buildings on a 'one-off basis' rather than undertaking a complete review. New Plymouth District Council has undertaken a number of heritage-related plan changes to add or change the heritage schedule. These have included plan change 16 (St Joseph's Church, Waitara), and plan change 10 (Dudley Road War Memorial).

In addition to New Plymouth District, other local authorities have embarked on plan changes to ensure the heritage schedule remains up-to-date by the addition of newly registered historic places, make corrections, or the removal of demolished buildings. These local authorities include the former Rodney District (variation 135), former Waitakere District (plan change 28), Matamata-Piako District (plan change 4), Hastings District (plan change 51), Marlborough District (plan changes 17 and 55), Nelson (plan change 15) and the Buller District (plan change 120-121).

While a high percentage (92%) of registered places are listed in regional and district plans, it was noted in 2008 that many district plans still fail to include recently NZHPT

⁸ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No.3, 'District Plans', August 2007, p 14

registered places in the heritage schedule. For this purpose, the NZHPT's report included a list of 33 district plan heritage schedules that had not been updated to include recently NZHPT registered places. As a consequence of new plans or plan changes involving Otorohanga, Tauranga, Hastings, Rangitikei, Ruapehu and Wanganui district plans, this number has decreased to 25.

No. of district plan heritage schedules that have not been updated to include recently NZHPT registered places	
Nov-08	May-11
33	25

District Plan heritage schedules that have not been updated to include recently NZHPT registered places:

- Whangarei
- North Shore
- Rodney
- Franklin
- Thames-Coromandel
- Waikato
- Gisborne
- Napier
- Manawatu
- Palmerston North
- Tasman RMP
- Buller
- Grey
- Westland
- Banks Peninsula
- Christchurch
- Hurunui
- Selwyn
- Timaru
- Waimakariri
- Waimate
- Central Otago
- Clutha
- Dunedin
- Chatham Islands

All of these plans require reviewing to ensure lists are updated and inclusive of all historic places registered under the Historic Places Act 1993.

Local authorities should maintain robust historic building lists as a result of regular updates and reviews. Reviews and updates should occur, at least, on a bi-annual basis.

4.3 Listed Historic sites, including archaeological sites

NZHPT Standard

The district plan should contain a list of historic places (sites).

The historic sites list includes historic places that are sites registered under the Historic Places Act 1993 and other places of heritage significance and value.⁹

All (upgraded) significant archaeological sites should be listed in the heritage schedule.¹⁰

It is critically important that any archaeological sites listed in the heritage schedule are protected by the rules of the district plan.¹¹

There have been a number of changes to district plans involving historic sites, including archaeological sites, over the last three years. A few local authorities have improved listing and protection of archaeological sites while others have removed archaeological sites from the district plan. The variation in approach may reflect a degree of uncertainty about the management of archaeological sites under the RMA as a consequence of the government policy and the review of the Historic Places Act 1993. Some of the uncertainty was removed in July 2010 when the Government announced that the management of archaeological sites would remain within the Historic Places Act 1993 and the archaeological authority process would be streamlined.¹²

District plans that have added new historic sites to the heritage schedule include the new historic sites schedule within the Auckland Council Hauraki Gulf District Plan, plan changes 17, 19 & 24 to the New Plymouth District Plan, and plan change 16 of the Tasman District Resource Management.

In New Plymouth, the Council worked with a local advocacy group known as 'Save our Sites' to improve the protection of monuments and memorials. This work resulted in plan change 17 which added 18 monuments and memorials to the New Plymouth District Plan heritage schedule. This was followed by plan changes 19 and 24 which further added Tikorangi Pa and the Dudley Road War Memorial to the heritage schedule.

In Tasman, Plan Change 16 proposes to add over 820 archaeological sites to the heritage schedule of the Tasman Resource Management Plan. The plan change follows years of negotiations with tangata whenua about how best to protect Māori heritage values in the district and an upgrade of the archaeological site information by the New Zealand Archaeological Association (NZAA) and a consultant archaeologist. At time of writing, hearings for plan change 16 had been recently completed and final decisions are pending.

The proposed Tauranga District Plan, as notified, included a list of significant archaeological sites. This schedule was prepared by the NZHPT and comprised a selected list of the most significant archaeological sites in the district. Following hearings, the

⁹ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No.3, 'District Plans', August 2007, p 14

¹⁰ *ibid*, p 24

¹¹ *ibid*

¹² <http://beehive.govt.nz/release/archaeological-consenting-processes-be-improved>

Council decided to remove this list from the district plan and the issue is a subject of an Environment Court appeal.

The operative Hauraki District Plan includes a list of 370 recorded archaeological sites. This list has been removed in the Proposed Hauraki District Plan. The new proposed plan, however, contains an expanded heritage schedule which includes many historic sites and groups of sites as cultural landscapes. Examples include the Hauraki Plains Canal System, Rawhitiroa Reserve, Owharoa Historic Mining Area and the Victoria Battery Foundations, Waikino.

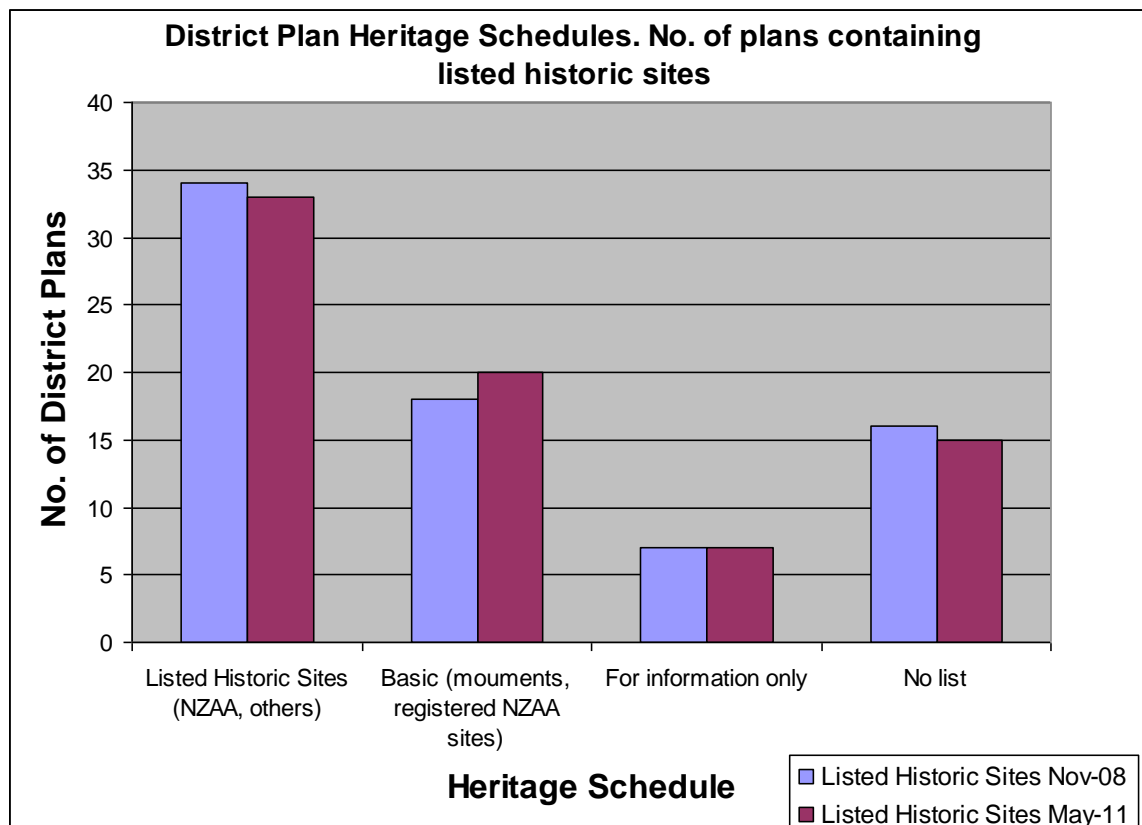
Other new plans and plan changes contain virtually unchanged provisions relating to listed historic sites, including archaeological sites. These plans included the proposed Kaipara, Kawerau, Stratford and Tararua district plans.

In summary, as at May 2011:

- 33 district plans include a list of historic sites, predominantly consisting of NZAA recorded archaeological sites.¹³
- 20 district plans include a basic list of some sites such as monuments and NZHPT registered NZAA recorded archaeological sites.
- 7 district plans list historic sites (NZAA recorded archaeological sites) for information only.
- 15 district plans contain no list of historic sites.

The following chart illustrates the number of district plans that include listed historic sites:

¹³ Includes Waitomo District Plan which has a number of listed archaeological sites for information only and protected archaeological sites.



The numbers represented in the chart above, however, are a generalisation as often the status of historic sites is not clear in heritage schedules. Many district plans do not have a separate historic sites schedule or the heritage schedule is limited to the inclusion of some objects and monuments. These district plans include:

- Whangarei
- Taupo
- Chatham Islands
- Hastings
- Horowhenua
- Rangitikei
- Ruapehu
- Marlborough (Sounds and Wairau Resource Management Plans)
- Westland
- Ashburton
- Christchurch
- Mackenzie
- Waimate
- Dunedin (registered archaeological sites only)
- Waitaki (registered archaeological sites only)
- Gore

These local authorities should make it a priority to undertake a survey of historic sites, including archaeological sites, and to introduce listed historic sites into the district plan.

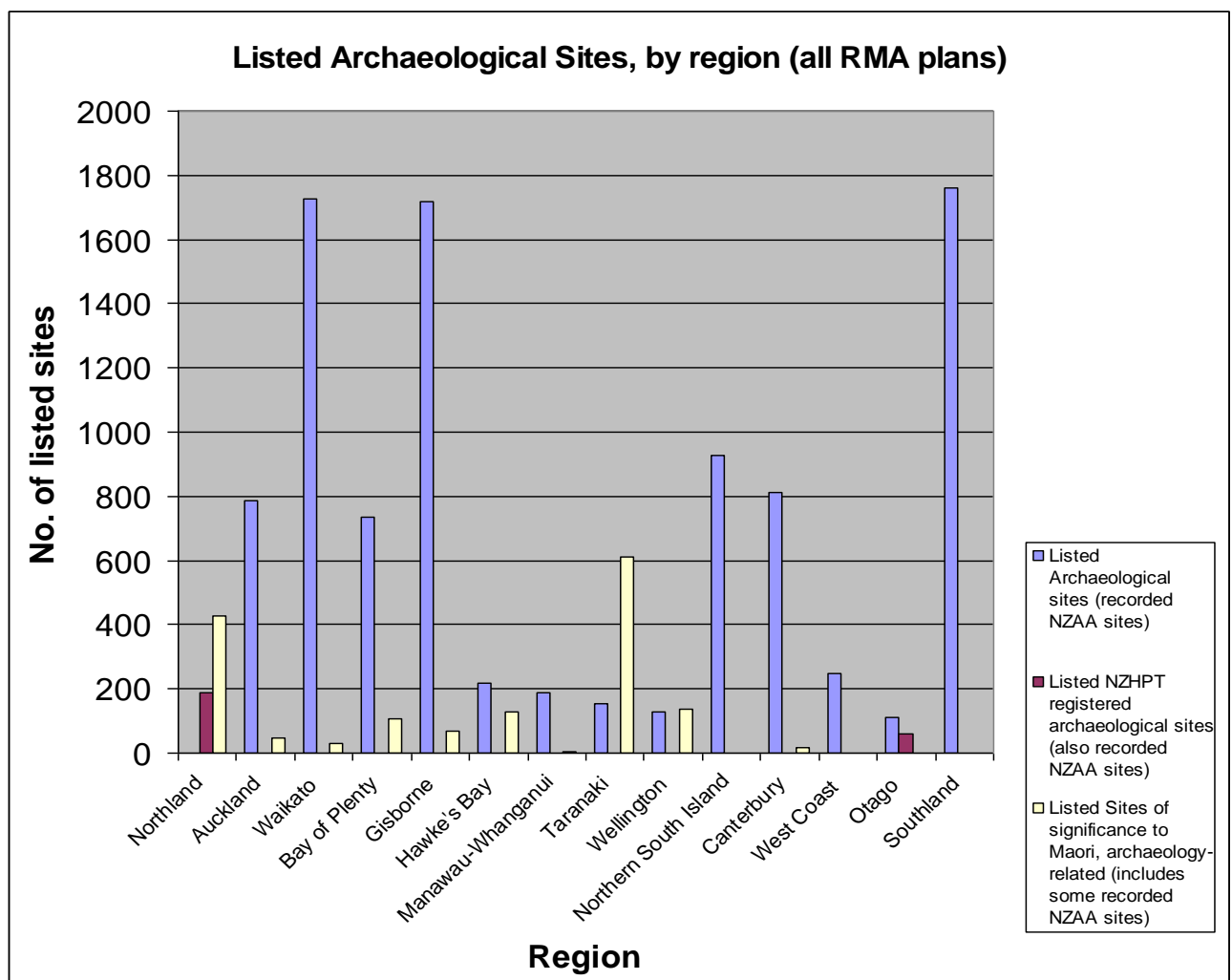
For the majority of district plans, the historic sites schedule is limited to a list of NZAA recorded archaeological sites. Those district plans that list NZAA recorded sites for information only include:

- Central Hawke’s Bay
- Napier
- Manawatu
- Kapiti Coast
- Porirua City (Group C)
- Grey
- Invercargill

Part of the heritage items schedule in the Waitomo and district plans are also listed for information only.

4.4 Listed Archaeological Sites – The Numbers

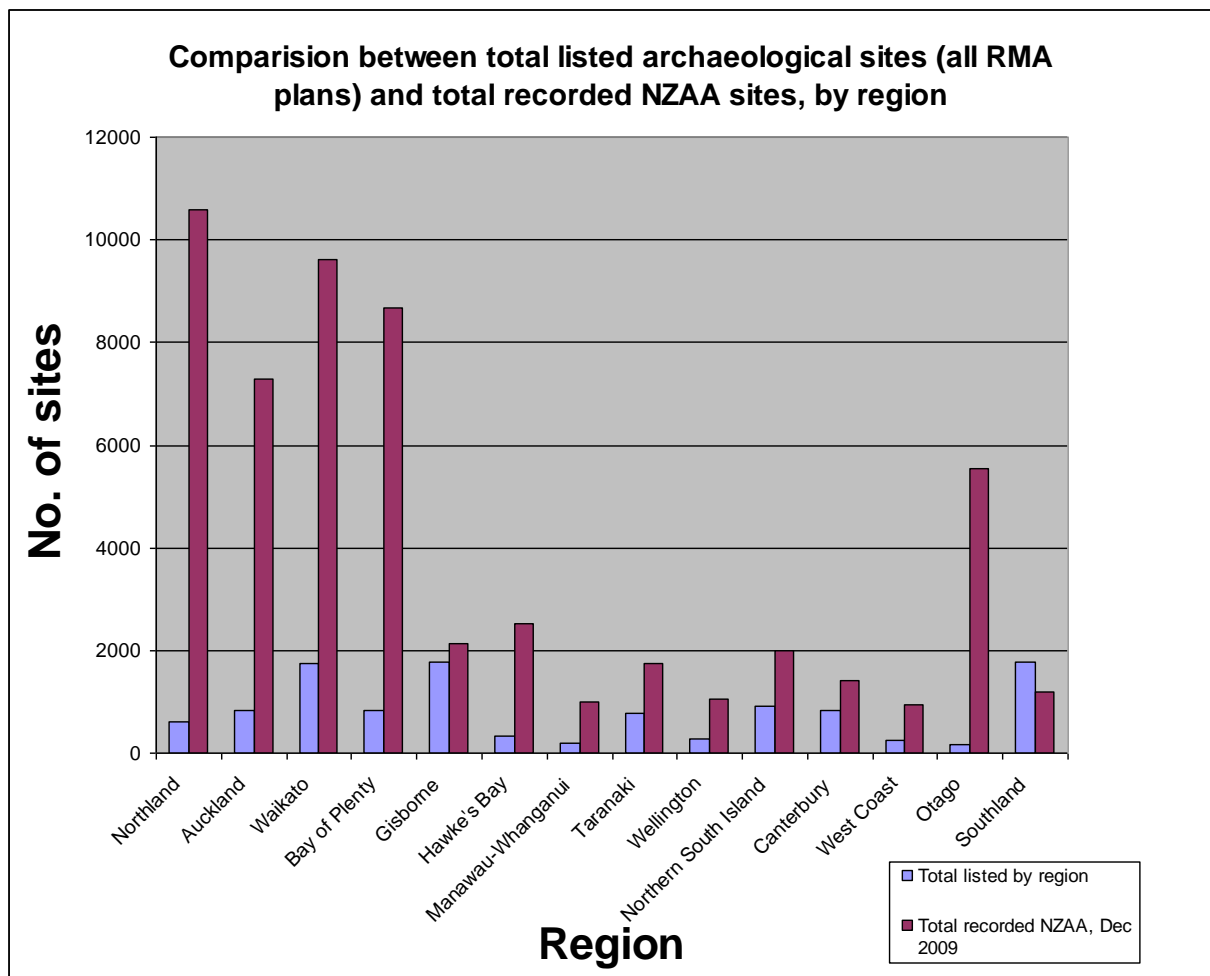
In December 2009 the NZHPT estimated that 12,029 archaeological sites were listed in RMA plans. As indicated in the table below, these sites are concentrated in Auckland, Bay of Plenty, Waikato, Gisborne, Northern South Island, Canterbury and Southland.



The total numbers of listed archaeological sites can be compared with numbers of archaeological sites recorded by the New Zealand Archaeological Association.

In 2009, there were a total of 60,488 recorded NZAA archaeological sites. This means that there are currently about 18.4% of NZAA sites listed in regional coastal plans and district plans. This figure excludes those sites listed in district plans ‘for information only.’

The table below provides a comparison between listed archaeological sites and NZAA sites. As displayed, all regions contain a larger number of NZAA sites than listed archaeological sites. In Northland, Auckland, Waikato and the Bay of Plenty regions, there are particularly large numbers of NZAA sites that are not listed in the district plans and regional coastal plans. Southland is the only region with a relatively close alignment between NZAA sites and listed archaeological sites because of the Southland Regional Coastal Plan.



Since 2009, it is estimated that the numbers of listed archaeological sites has decreased to around 11,924. This decrease, subject to decisions-pending, results largely from the 2nd Generation Hauraki and Tauranga district plans. While the Historic Places Act 1993 regulates all pre-1900 archaeological sites, archaeological values are part of the definition of historic heritage under the RMA and local authorities need to ensure significant archaeological sites are listed and protected under the RMA.

4.5 Listed historic areas

NZHPT Standard

The district plan should contain a list of historic areas.

The historic areas list includes historic areas that are registered under the Historic Places Act 1993 and other areas of heritage significance and value.¹⁴

A general distinction can be made between those plans that have an explicit list of historic areas and those that either list registered historic areas as part of a general heritage schedule (often part of a heritage building schedule) and plans that contain no list of historic areas.

Since November 2008 there are indications of a greater emphasis on historic areas and viewing heritage as more than individual buildings. These indications are generally limited to the major urban centres of Auckland, Hamilton and Wellington.

In Auckland, there have been a number of significant area or precinct initiatives. Examples include:

- Improvements to Residential 3 Zone, North Shore (plan change 21, operative from 24 Feb 2011, North Shore District Plan).
- New Wynyard Quarter (plan change 4, Auckland Central Area District Plan).
- Quay Park Precinct (plan change 35, Auckland Central Area District Plan).
- Learning Quarter (plan change 36, Auckland Central Area District Plan).
- Howick Special Character Business Area (plan change 2, Manakau City District Plan).
- Mangere Gateway Heritage Area (plan change 14, Manakau City District Plan).
- Mangere Town Centre and Neighbourhood Plan (plan change 26, Manakau City District Plan).

In addition, the Residential 2 zone of the Auckland Isthmus Section District Plan was changed to introduce demolition controls on pre-1940 houses. This involved strengthening the provisions of the Residential 1 and 2 zones to better protect historic residential character. The Plan Change (Plan Change 163) became operative in part in April 2010, but aspects of the change are subject to Environment Court appeal.

In Hamilton, Variation 20 was confirmed in August 2010 which introduced new demolition controls on pre-1960 buildings in a special character area.

¹⁴ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No.3, 'District Plans', August 2007, p 14

In Wellington, substantial improvements were achieved to identify and protect inner-city and suburban historic areas. Under plan change 75, the following heritage areas were added to the district plan:

- Aro Valley Shopping Centre Heritage Area.
- Berhampore (Rintoul Street) Shopping Centre Heritage Area.
- Hataitai Shopping Centre Heritage Area.
- John Street Intersection Shopping Area, Newtown.
- Newtown Shopping Centre Heritage Area.
- Thorndon Shopping Centre, Heritage Area.

In addition to these areas, Wellington City Council improved the protection of the inner-city historic residential suburbs with changes to the pre-1930 demolition rule under plan change 72.

As indicated in the 2008 report, the Wellington heritage areas demonstrate the importance of:

1. Historical research and preparation of historical narrative and other significance information.
2. Wide public consultation and landowner involvement.
3. Clearly defining the boundary of the historic area using GIS.
4. Clearly defining those buildings and areas that contribute towards the heritage values of the area.
5. Clearly defining those buildings and areas that are non-contributory.
6. Promoting incentives for continued use and protection of the area, including urban design and economic initiatives.

Outside large urban centres, some of the new heritage areas in rural areas have been the Helensville Town Centre Policy Area (Variation 144, Rodney District Plan), new heritage areas as part of the proposed Hauraki District Plan, new heritage areas in the proposed Ruapehu District Plan and new heritage areas in the Proposed Otorohanga District Plan.

Since November 2008, one heritage area being the Oamaru Harbourside Precinct was removed resulting from the decisions on plan change 5.

These changes mean that there are now 38 district plans with listed historic areas and 37 with no list or limited listings – an increase of 3 district plans.

4.6 Listed Māori heritage

NZHPT Standard

The district plan should contain a list of places and areas of significance to Māori.

The Māori heritage list includes wahi tapu and wahi tapu areas that are registered under the Historic Places Act 1993 and other places and areas of Māori heritage significance and value.¹⁵

In November 2008, the national assessment identified 41 district plans in New Zealand that have some places and areas of significance to Māori listed as historic heritage or as a separate schedule. This number has only changed by 1 plan being the Proposed Otorohanga District Plan which now includes NZHPT registered wahi tapu.

The 42 number, however, needs to be approached with caution since many of the plans have only very few places listed or very basic lists. For example the Clutha District Plan continues to have only 1 listed site of significance to Māori. Many plans are also limited to statutory acknowledgements under Treaty settlement legislation, (i.e. Ashburton District Plan and Invercargill District Plan).

District Plan Heritage Schedules. No. of Plans containing listed places and areas of significance to Māori		
	Listed places and areas of significance to Māori	No list
Nov-08	41	34
May-11	42	33

While there has only being an increase of 1 district plan containing listed Māori heritage since November 2008, there have been a number of reviews and updates to improve existing Māori heritage lists. These changes have occurred in the Proposed Hauraki District Plan, New Plymouth District Plan, Central Hawke's Bay and Hastings District Plan (Plan Change 47). Plan Change 47 of the Hastings District Plan, in particular, was a substantial review of the existing Māori heritage listings involving consultation with Māori communities, landowners and the preparation of a detailed historical report to provide improved information about the listed Māori heritage places.

The experience of Western Bay of Plenty and Tauranga 2nd Generation Plans, however, signal that changes to Māori heritage schedules can become strongly contested issues. Both plans included updated Māori heritage listings in the notified plans, but after opposition from land owners, decisions resulted in the removal of some of the notified listed Māori heritage places. These decisions are currently subject to Environment Court appeals.

¹⁵ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No.3, 'District Plans', August 2007, p 14

It appears that, in general, iwi and hapū remain focused on developing Treaty-based framework agreements to identify and protect Māori heritage. In addition to individual claim settlements, the role of iwi management plans should have greater importance in the identification and protection of Māori heritage. The Waitangi Tribunal has recently recommended enhanced iwi resource management plans to improve kaitiaki protection and partnership over taonga.¹⁶ The NZHPT will be finalising draft guidance for iwi management plans and cultural heritage during 2011.

4.7 Historic heritage schedule information requirements

NZHPT Standard

The historic heritage schedule should include:

- Basic locational information.
- NZHPT registration information.
- Indicate listed interiors.
- Exclude non-contributory or non-heritage buildings within the extent of the listed item.
- Indicate listed setting or surroundings.¹⁷

Historic heritage schedule information is very important for local authorities, owners and the public. The schedule information provides clarification on the extent or surroundings of the place listed and includes specific characteristics of features such as significant interiors or gardens. Extent information may also identify buildings or places within a listed place that are non-contributory. This type of information provides greater certainty for owners.

The majority of district plan historic heritage schedules contain very basic schedule information. This basic information is often limited to name, address, and legal description.

Only a small number of district plan heritage schedules have been improved since 2008 relating to heritage schedule information. These plans include Proposed Ruapehu District Plan (the new heritage schedule includes a 'features of interest' column), Proposed Hauraki District Plan and Hastings District Plan (Plan Change 47). South Waikato District Plan Change 20 introduced a detailed heritage inventory into the plan which includes information such as address, ownership, materials, condition, current use, statement of significance and rules. While a heritage inventory is invaluable to inform the district plan listings, generally large heritage inventories are not normally included in the district plan itself.

The NZHPT supports a 'whole place' approach by recognising the importance of the building, contents, interiors and setting. Significant interiors should be identified as part of this approach and be explicitly listed in the district plan for protection. It is important that all local authorities review district plan provisions with regard to interiors.

¹⁶ Waitangi Tribunal, *Ki Aotearoa Tenei – Indigenous Flora & Fauna and Cultural Intellectual Property Report* (Wai 262 Report), 2011, p 281

¹⁷ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No.3, 'District Plans', August 2007, pp 19-20

It is also important to for the schedule and the planning maps to recognise any significant heritage trees or gardens associated with the listed heritage time. It cannot be assumed that significance and regulatory protection is limited to the 'building'.

Further, even if the building has been demolished, the heritage values of the place may justify continued recognition and protection. An example is Homebush Station in Canterbury which was recognised as a registered Category I historic place despite the loss of the homestead following the 4 September 2010 Darfield Earthquake.

5 Condition of Historic Heritage – Demolition and Destruction

Indicators for the condition of historic heritage attempts to track the number of historic items that have been destroyed or whose values have been severely diminished. In terms of local government, the NZHPT's 2007 SER framework for historic heritage based the indicators on consents issued to demolish, relocate or substantially modify a listed heritage place and a sample survey to show the proportion of listed heritage places in good, fair or poor condition based on physical condition, integrity, occupation and use.

While the 2007 indicators remain valid, this national assessment has also included consideration of places destroyed without consent as a result of events such as fire and earthquakes and potentially earthquake-prone buildings. The national assessment has also attempted to identify buildings demolished as a result of demolition by neglect.

5.1 Earthquakes

Earthquakes are a significant risk to New Zealand's heritage. Since 2007, there have been a number of damaging earthquakes including the Gisborne earthquake of 20 December 2007 and the Canterbury earthquakes of 2010-2011. While the Gisborne earthquake resulted in substantial damage to heritage buildings, this damage was largely confined to elements such as chimneys and parapets. As a result, only one listed heritage building was demolished – Former Midway Meats Building, 265-267 Gladstone Road.

The Canterbury earthquakes began with the Darfield earthquake of 4 September 2011. An estimated 290 listed heritage buildings sustained structural damage with 84 buildings being assessed to be structurally unsound. Demolition, however, of NZHPT registered heritage places was limited to the Kaiapoi Courthouse, Homebush Homestead, Manchester Courts and the Meltven Bakery buildings.

While the 4 September 2011 earthquake weakened and damaged a large number of heritage buildings, these buildings were subject to wide spread loss and demolition following the Canterbury earthquakes of 26 December 2010, 22 February 2011 and 20 March 2011.

Current estimates are that about 40% of listed heritage buildings in Christchurch will be demolished as a result of earthquake-related damage. Since the Christchurch and Banks Peninsula district plans have 930 listed heritage items, it is estimated that the number of listed items will be reduced to around 558. This is the most substantial loss of heritage buildings in New Zealand's recent history.

In addition to actual damage by earthquakes, buildings can be declared to be dangerous under the Building Act 2004. Earthquake-prone buildings are identified under the

Building Act 2004 by local authorities. The threshold for an earthquake-prone building are those buildings assessed to be less than one-third of the current standard for new buildings (new building standard or less than 33% NBS). This applies to all types of buildings except residential buildings unless the residential building is 2 or more storeys and contains 3 or more household units.

The approach that local authorities will take in performing its functions with respect to earthquake-prone buildings is outlined in policy prepared under section 131 of the Building Act 2004. The policy must outline the priorities in performing its functions and how the policy will apply to heritage buildings. These policies must be reviewed within 5 years after the policy was adopted. Considering most of the 1st generation of earthquake-prone policies were prepared in 2006, most local authorities are currently reviewing their policies with the intention of notifying the 2nd generation of earthquake-prone policies.

To the knowledge of the NZHPT there are about 3,326 buildings identified as potentially earthquake-prone under the Building Act 2004 excluding the Canterbury region. Of these, some 451 are heritage buildings. As local authorities take more active measures to identify earthquake-prone buildings, the NZHPT expects the number of earthquake-prone buildings to be rise to be somewhere around 2,500.

Potentially Earthquake-Prone Buildings to the knowledge of the NZHPT, July 2011 (excludes Canterbury)			
Local authority	Number of potentially earthquake prone buildings	Number of potentially earthquake-prone heritage buildings	Source
Auckland Council (limited to former North Shore and Auckland City Councils)	393	Unknown	<i>NZ Herald</i> , 14 May 2011. 393 within former ACC area – Limited to pre-1940 unreinforced masonry commercial buildings
Whakatane		1	Whakatane District Council
Tauranga	110	Unknown	Bay of Plenty Times, 10 April 2011
Western Bay of Plenty		13	Western BOP District Council
Hamilton		12	Large number on Preliminary list of number of potentially earthquake prone buildings. Posted on Council's website
Napier	280	Unknown	Hawkes Bay Weekend, 12 April 2011
Hastings	630	Unknown	Hawkes Bay Weekend, 12 April 2011 HDC website, 1 July 2011
New Plymouth		2	New Plymouth District Council, Preliminary list
South Taranaki	103	16	South Taranaki District Council
Tararua		1	Tararua District Council
Whanganui	108	Unknown	River City Press, 3 April 2011
Palmerston North		18	Manawatu Standard, 15 March 2011
Manawatu	106	35	Manawatu District Council, Preliminary list
Carterton		3	Carterton District Council
Masterton	145	35	Wairarapa Times Age, 18 April 2011
South Wairarapa		20	South Wairarapa District Council
Kapiti Coast		33	Kapiti Coast District Council,

			Preliminary list
Lower Hutt City	135		Lower Hutt City Council, Includes Council Admin Building; 10 buildings within Jackson Street Historic Area. Council also has a list of earthquake-risk buildings, which includes 9 heritage buildings
Wellington	808	63	Wellington City Council, 30 NZHPT registered places issued with section 124 notices, 4 July 2011
Marlborough	26	Unknown	Includes Wairau old nurses home (<i>Marlborough Express</i> , 6 May 2011)
Nelson	240	Unknown	Nelson Mail, 5 April 2011
Westland	31	10	Westland District Council
Invercargill		189	Invercargill District Council, Estimate only (nearly all heritage buildings on district plan schedule)
Total	3,357	451	

5.2 Fire

Fire remains one of the biggest threats to New Zealand's heritage. Since 2007, the NZHPT has recorded that the following listed heritage buildings have been fully or partially destroyed by fire:

- No.2 Footscray Ave, Wellington, February 2007.
- All Saints Church Hall, Palmerston North, 2007.
- Reefton Convent, Reefton, September 2007.
- Bell House, Bells Road, Howick, 2008 (damage repaired).
- Dudley Cottage, Lower Hutt, January 2008.
- Hamilton East School Buildings, Dawson's Street, Hamilton, April 2009.
- Maranui Surf Life Saving Club Building, Wellington, August 2009 (damage repaired).
- Kaikoura Courthouse, Kaikoura, August 2010.
- Stone House, Hallenstein Street, Queenstown, November 2010 (damage repaired)
- Canterbury Flourmill, Ashburton, February 2011.

The NZHPT promotes the installation of fire sprinkler systems as a first-response to the risk of fire. A fire sprinkler system recently saved the St Alban's Church at Pauatahanui from an arson attack in the porch of the church.

The NZHPT and the NZ Fire Service provides guidance for reducing fire risk for heritage buildings and new draft guidance for promoting fire safety is available from the NZHPT.

5.3 Demolition by neglect

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

While existing district plans regulate activities such as alterations, additions, relocation and demolition, they provide few management or regulatory responses to the issue of demolition by neglect.

Many resource consents issued for demolition of heritage buildings relate to demolition by neglect issues. Since 2007, the NZHPT has recorded the following listed heritage buildings have been demolished as a result of, or influenced by, building neglect:

- No.52 Delta Ave, New Lynn, Waitakere. Demolished, building unsafe, 2007.
- New Lynn Hotel, 3176 Great North Road, Waitakere. Demolished, building unsafe, 2008.
- Former Ashburton Technical School Building, Ashburton. Demolished due to poor condition, 2008.
- Xavier House, Gore. Demolished due to neglect, 2009.
- Aidanfield Farm Buildings, Aidanfield Christchurch. Consent upheld by Environment Court to demolish neglected buildings, 2010.
- Prista Apartments, Princess Street, Dunedin. Consent issued to demolish, subject to Environment Court appeal, 2010.
- Mangaotuku Truss Bridge, Stratford District. Bridge collapsed due to demolition by neglect, February 2011.
- Holland Hall, Lyndhurst Street, Westport. Consent issued to demolish, April 2011.
- Former Hawera Hospital, Hawera. Consent issued to demolish, May 2011.
- Aratapu Hall, Heawa Rd, Kaipara. Under demolition due to poor condition.

There has been little change since November 2008 with regard to demolition by neglect in district plans with most initiatives taking place outside RMA processes. In Dunedin, the Council has established an adaptive reuse advisory group which have provided a forum to examine methods to reduce demolition by neglect by promoting new uses for heritage buildings. In addition to heritage incentives (see section 5 of this report), the Council are in the early stages of researching possible changes to the district plan to encourage greater use of heritage buildings in Dunedin City.

In Cambridge, the owners of the former National Hotel were issued with an abatement notice under the RMA in September 2010 by Waipa District Council. This abatement notice related to a requirement for the owners to carry out remedial work on the building including boarding up broken windows and doors, preventing unlawful access and removal of rubbish and debris from the site.¹⁹ This proactive work by the Waipa District

¹⁸ *ibid*

¹⁹ *Waikato Times*, 7 September 2010

Council resulted in public support for the saving of the hotel and the building is now under new ownership and has been successfully restored.

5.4 Demolition

Demolition of listed heritage buildings in the absence of demolition by neglect, earthquake or fire damage is generally rare in New Zealand. Some of the few demolition consents issued by local authorities for listed heritage buildings have included the Arahura Combined Road/Rail Bridge (Westland) and the partial demolition of the Masonic Hotel, North Shore. The Masonic Hotel consent decision was upheld by the Environment Court in July 2010.

These relatively small numbers of demolition and relocation statistics can be misleading as the statistics do not record demolition of unlisted heritage buildings. For example, during 2007-2008 there was the demolition of St John's Church Hall in Napier and St Mary's Presbytery, Whanganui (both NZHPT registered Category I historic places).

5.5 Flooding, wind and other hazards

Extreme weather events are predicted to increase as global temperatures rise and New Zealand experiences the effects of a changing climate. During 2010-2011, there were a number of serious rain 'bombs' resulting in flooding, cyclones and severe wind events. The NZHPT is aware of the following damage to listed heritage buildings as a result of these events:

- Salisbury Bridge, Aorere River. Destroyed by flood of 28 December 2010.
- Sod Barn, Peebles. Lost roof in high winds, 18 January 2011.
- Aramoana Woolshed. Hawke's Bay. Damaged by flooding, May 2011.

6 Protection of Historic Heritage by Local Government

Local government have wide ranging involvement in historic heritage. The following sections of this national assessment focus on initiatives by local governments since November 2008 in terms of heritage incentive provisions, district plan effectiveness, district plan heritage objectives and policies and the quality of heritage rules.

6.1 Incentive Heritage Provisions

NZHPT Standard

District plans should include 'positive' regulatory provisions for historic heritage.²⁰

The NZHPT has prepared a draft heritage incentives toolkit in August 2010 which provides an overview of regulatory and non-regulatory heritage incentives provided in New Zealand. The toolkit and the earlier national assessment in November 2008

²⁰ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No.3, 'District Plans', August, pp 26

identified 28 district plans with some form of incentive heritage provisions. Most of these plans are clustered in the upper part of the North Island. The provisions include:

- Flexible subdivision rules (conservation lots).
- Waivers for zone provisions.
- Heritage floor space bonus.
- Transfer development rights (TDR).
- Permitted activity rule for existing uses, including car parking.
- Building Act waiver provisions.
- Exemptions from resource consent charges and financial contributions.
- Exemptions for conservation plans.

In addition and as indicated above, 35 district plans contain specific provisions for historic areas and conservation zones.

Since November 2008, there have been few improvements to heritage incentive provisions in district plans. One of the improvements is Plan Change 42 to the Auckland City Central Area Section. This plan change aimed to strengthen and clarify the rules applying to bonus floor space. This system provides compensation for the loss of development potential that results from a building being scheduled for heritage purposes and the cost of conservation maintenance works. The use or transfer of the bonus floor space is a controlled activity and assessed according to a number of standards (see rule 6.7.5.7 of the district plan). Hearings are yet to take place for this plan change.

Variation 144 of the Rodney District Plan introduced the Helensville Town Centre Heritage Policy Area. In addition to introducing improved heritage regulation to the Helensville Town Centre, this plan change also provided for relaxation of parking provisions in areas of the town centre where car parking requirements can affect the economic viability of the heritage buildings. Relaxation of car parking requirements has also been provided for in the Proposed Ruapehu 2nd Generation District Plan Change.

Kaipara District Council has a proactive incentives-based approach with an active heritage grant scheme. The new Proposed Kaipara District Plan contains a policy to 'provide landowners financial relief and other incentives to encourage the protection and enhancement of heritage sites on their land' (Policy 17.5.6). This will be achieved by encouraging heritage covenants with the NZHPT and including the use of financial incentives and additional development rights where sites and places are protected.

As part of Plan Change 47 to the Hastings District Plan, a new financial instruments method was introduced in conjunction with the wahi tapu provisions (Methods 12.4.5). These financial instruments included rates relief, waiving of fees and refund of resource consent fees.

While there has been limited progress in terms of regulatory incentives, there have been some improvements of non-regulatory heritage grants. At time of writing, Auckland Council has agreed, in principle, to establish a Built Heritage Protection Fund of \$10.3

million in 2011/12 and \$4.6 million per annum in the following years. In addition to heritage grants, the fund would be a 'revolving system' whereby properties could be purchased, restored and then on-sold with protected covenants.²¹

In Dunedin, the heritage fund has been increased to \$80,000 per annum with a package of rates relief, a heritage reuse award and a heritage reuse design competition.

In Gisborne, it was proposed to introduce a rates freeze for owners who had strengthened buildings in the CBD and give owners discounted resource consents for work on heritage buildings. Both of these initiatives, however, were rejected by Gisborne District Council

The NZHPT encourages all local authorities to ensure district plans have incentive heritage provisions for historic heritage. As a basic standard, all plans should include provisions that allow flexibility for listed heritage items with regard to compliance with standard zone provisions such as car parking to ensure the appropriate adaptive reuse of heritage buildings is not discouraged.

6.2 Plan Effectiveness

NZHPT Standard

Local authorities need to monitor the effectiveness of plan provisions relating to historic heritage.²²

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

As discussed in the NZHPT's, *Sustainable Management of Historic Heritage Guidance Series*, plan effectiveness for historic heritage should explicitly be a part of state of the environment monitoring programmes.²³

Few local authorities have conducted detailed heritage-related plan effectiveness monitoring. Two examples were reported in the *Planning Quarterly* September 2008 relating to Wellington and North Shore.²⁴ This monitoring highlighted the weaknesses of the existing heritage provisions involving 'weak and permissive plan provisions for heritage protection, planners focusing on meeting processing times rather than outcomes, and inexperienced planners who authorise detrimental changes.'²⁵ Fortunately, the plan effectiveness monitoring influenced the initiation of plan changes in both cities to improve historic heritage in the form of Plan Change 43 in Wellington and Plan Change 21 in North Shore City.

²¹ *Ponsonby News*, June 2011

²² NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No.5, 'State of the Environment Reporting and Monitoring', August 2007, pp 28-30

²³ *ibid*

²⁴ Lucie Laurian, et al, 'Monitoring Plan Effectiveness – A new plan for outcome evaluation', *Planning Quarterly*, September 2008, pp 28-29.

²⁵ *ibid*, p 29

In addition to Wellington and the North Shore, Thames-Coromandel District Council undertook a heritage-related plan effectiveness monitoring report in November 2009.²⁶ The Thames-Coromandel monitoring report revealed similar weaknesses in the heritage provisions of the district plan and its implementation. These weaknesses include gaps in the regulatory framework, unreliable information, inexperienced planners with regard to heritage matters, lack of incentives and lack of regard for heritage values. The report found that, as a result of these weaknesses, some 46% of consents in Thames result in a loss of heritage values and 69% of consents in Coromandel resulted in a loss of heritage values.

Auckland released its most recent State of the Environment Report in 2010.²⁷ This report provides an overview of heritage-related information for Auckland for the years 2004-2008. The data includes statistics of heritage items (Cultural Heritage Inventory), NZHPT registered places and listed heritage items; condition of and risk to heritage items; ARC responses and incentives.

The NZHPT was unable to identify any other regional or district monitoring programmes that explicitly provided for historic heritage.

6.3 District Plan Historic Heritage Objectives and Policies

NZHPT Standard

The district plan should contain objectives and policies for historic heritage.²⁸

This national assessment has identified that, overall, the district plans of New Zealand contain generally reasonable quality objectives and policies for historic heritage (often termed ‘cultural heritage’ or just ‘heritage’). Nearly all the heritage-related objectives and policies provide for identification (or recognition) and protection (or conservation) using a variety of terms and phases.

Generally, the national assessment has found in most district plans there is an adequate alignment between objectives, policies, methods and rules. This alignment can fall short when rules are weak in comparison to strong objectives and policies. For example, in the Central Hawkes Bay District Plan, the primary heritage objective refers to the conservation and enhancement of heritage values in order to preserve the character and history of the district but without the necessary rules to achieve this objective. Objectives and policies also often mention the need to protect places and Māori heritage and historic sites without providing adequate schedules of these places and rules in the district plan.

While a substantial number of RMA plans are now in the process of review, many objectives and policies need to be revised in light of the elevation of historic heritage as a matter of national importance and the adoption in the RMA of the term ‘historic heritage’ as opposed to other terms such as cultural heritage. Further objectives and policies need

²⁶ Dr Greg Mason, ‘Monitoring Built Heritage Outcomes in the Thames-Coromandel District, An Evaluation of District Plan Effectiveness’, 30 November 2009

²⁷ http://www.arc.govt.nz/plans/reports/state-of-the-auckland-region-report-2010_home.cfm

²⁸ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No.3, ‘District Plans’, August 2007, p 5

to be improved to be more explicit in relation to the various types of historic heritage: places, sites, areas and Māori heritage.

Objectives and policies should also explicitly provide for incentive-based heritage provisions and issues relating to demolition by neglect as discussed below.

A few district plans continue to have serious deficiencies with regard to heritage-related objectives and policies.

Westland District Plan has a number of objectives relating to the general environment of the Westland, settlements and Maori heritage, but lacks an explicit objective to identify and protect historic heritage.

The Chatham Islands District Plan has an appropriate objective, but one particular policy reads more as a rule than a policy by providing for ‘demolition, alteration or removal of identified heritage items should not be allowed unless it can be demonstrated that:

1. Any alteration will not detract from its heritage value.
2. Relocation of the item is able to be accommodated without having a significant adverse effect.
3. Practical utilisation of the item is not possible.’

7 Historic Heritage Rules Quality

7.1 Repairs and maintenance

NZHPT Standard

Repair and maintenance of a listed historic building 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.²⁹

Maintenance of a listed historic site, including archaeological site, and place and area of importance to Maori is a permitted activity provided the performance standards in the plan are complied with.

Performance standards for repair and maintenance should ensure that the work is involves stabilisation, preservation and conservation.³⁰

The majority of district plans in New Zealand contain reasonable or basic rules relating to repairs and maintenance as a permitted activity with appropriate performance standards. These rules, however, are often hampered by poor explanations or definitions of repair and maintenance which adopt technical terminology that are difficult for the public to understand. It is important that repair and maintenance standards are explicit and

²⁹ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No.3, ‘District Plans’, August 2007,

p 31

³⁰ *ibid*, p 42

clearly explained. Guidance is available on the issue of repair and maintenance standards in the *Sustainable Management of Historic Heritage Guidance Series*.³¹

Since November 2008, a substantial number of 2nd Generation district plans and plan changes have improved repair and maintenance rules for historic heritage. The majority of these changes have been informed by the NZHPT's *Sustainable Management of Historic Heritage Guidance Series*. These improvements have been made in the district plans of Kaipara, Hauraki, Otorohanga, South Waikato, Kawerau, Tauranga, Western Bay of Plenty, Stratford, Hastings, Rangitikei, Ruapehu and Ashburton.

Within the Hastings District Plan, Plan Change 47 improved the repair and maintenance rule by providing improved clarification for the different types of maintenance activities that are permitted on listed wahi tapu.

The Proposed Rangitikei District Plan is one of the few plans in New Zealand that has recently introduced a permitted activity rule that includes earthquake strengthening work that does not affect historic heritage values of listed items.

A small number of district plans continue to contain repair and maintenance rules that are deficient in some aspect relating to lack of clarity, absence of rule, or a restriction to only one aspect such as repainting.

Poor quality repair and maintenance heritage rules:

- Taupo District Plan: The repair and maintenance rule is unclear.
- Opotiki District Plan: The heritage rule (4.3.2) lacks clarity as it relates to non-structural modification as part of a controlled activity rule.
- New Plymouth District Plan: The heritage rules lacks clarity in respect of repair and maintenance.
- Porirua City District Plan: The district plan requires the inclusion of an explicit repair and maintenance rule.
- Marlborough Sounds/Wairau-Awatere Resource Management Plans: The plans require the inclusion of an explicit repair and maintenance rule.
- Christchurch City Plan: Repair and maintenance is regulated as part of the alteration rule. The plan requires an explicit and separate repair and maintenance rule.
- Central Otago District Plan: While the plan provides for repair and maintenance of the heritage precincts, the plan does not include an explicit repair and maintenance rule for listed heritage items.
- Franklin District Plan: The plan refers only to re-painting and requires the inclusion of an explicit repair and maintenance rule.

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

In addition, a common problem with regard to many repair and maintenance rules is that they are designed to apply to buildings and have little practical application to historic sites, including archaeological sites, historic areas and places and areas of importance to Maori. There are, however, a number of examples of plan rules that provide good guidance for the different types of historic heritage.

7.2 Alterations and additions

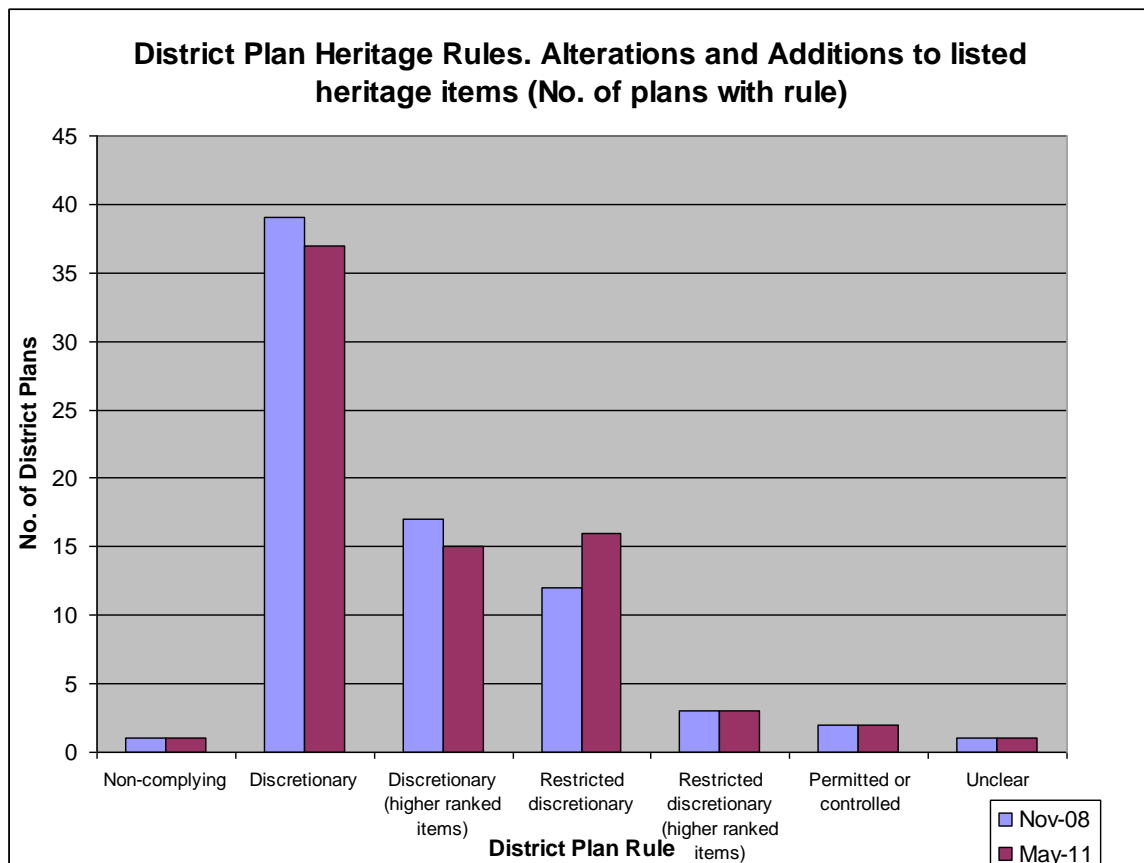
NZHPT Standard

Alterations and additions of a listed historic building and within a listed historic area is a restricted discretionary activity.³²

The majority of district plans in New Zealand regulate alterations and additions as a restricted discretionary or discretionary activity. Since November 2008 there has been a general improvement in these rules in 2nd Generation district plans such as Kaipara, Hauraki, Otorohanga, Tauranga, Tararua and Ashburton. As aligned with NZHPT's guidance, there has been an increase in plans adopting the restricted discretionary activity rule for alterations and additions. Western Bay of Plenty 2nd Generation District Plan, however, maintained a controlled activity rule for Category B Scheduled Buildings. In summary:

- 37 plans regulate alterations and additions as a discretionary activity.
- 15 plans regulate alterations and additions as a discretionary activity for higher ranked items.
- 16 plans regulate alterations and additions as a restricted discretionary activity.
- 3 plans regulate alterations and additions as a restricted discretionary activity for higher ranked items.
- 1 plan regulates alterations as a non-complying activity for Schedule 1 items (Waitomo).
- 2 plans regulate alterations and additions as permitted or controlled (Central Hawke's Bay and Upper Hutt).
- 1 plan is unclear (Buller).

³² NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No.3, 'District Plans', August 2007, p 31



Central Hawke’s Bay District Plan contains deficient rules for alterations and additions to listed heritage items. In the Central Hawke’s Bay District Plan, the only requirement is that any person proposing an alteration of a listed heritage item needs to notify the proposal in writing to the NZHPT. A copy of the notice is sent to the Council.

Other plans also have inadequate regulatory provision for lower ranked items, often as a controlled activity. This status means that Councils cannot decline consent for a proposal that may involve alterations and additions that have adverse effects on heritage values. This issue was particularly important in Wellington and in 2007 Wellington City Council moved to change the status of alterations and additions from controlled to restricted discretionary activity (Plan Change 43).

The following plans have critical deficiencies in relation to alterations and additions.

Poor quality alterations and additions rules:

- Hastings District Plan: Alterations and additions of listed Group B items is a controlled activity. Alteration and additions of listed Group C items is permitted.
- Napier District Plan: Alterations and additions of listed Group 3 items is a permitted activity.
- Manawatu District Plan: Alterations and additions of listed Group C items is a permitted activity.

- Upper Hutt District Plan: Alterations and additions of all listed items is a controlled activity.
- Porirua District Plan: Alterations and additions of listed Group C items are not regulated.
- Palmerston North District Plan: Alterations and additions of listed Category 2 items is a controlled activity.
- Marlborough Sounds and Wairau/Awatere Resource Management Plans: Alterations and additions of listed Class B items is a controlled activity.
- Nelson Resource Management Plan: Alterations and additions of listed Group C items are a permitted activity.
- Grey District Plan: Alterations and additions of listed Category II items is a controlled activity.
- Christchurch City Plan: Alterations and additions of listed Groups 3 + 4 items is a controlled activity.
- Kaikoura District Plan. Alterations and additions of listed Group B items is a controlled activity.
- Buller District Plan: The heritage rule is limited to destruction. It is unclear if this rule could apply to alterations and additions.
- Mackenzie District Plan: Alterations and additions of listed Category Z items are not regulated.
- Waimate District Plan: Alterations and additions of listed Category C items is a controlled activity.
- Queenstown-Lakes District Plan: Alterations and additions of listed Category III is a controlled activity.
- Invercargill District Plan: Alterations and additions of listed NZHPT unregistered Class II and III is a permitted activity.

As a priority, all of the above plans require revision to ensure the alterations and additions of all listed heritage buildings are, at least, a restricted discretionary activity.

7.3 Relocation

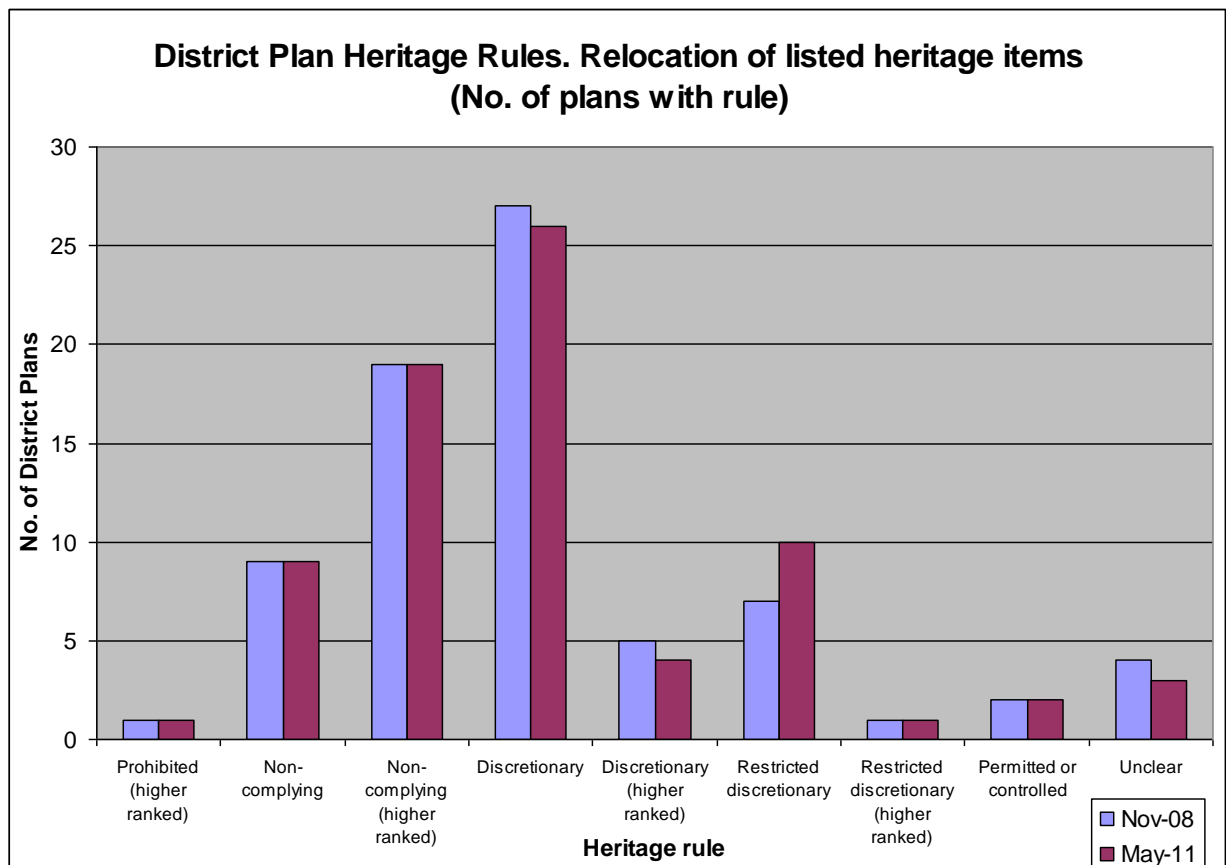
NZHPT Standard

Relocation of a listed historic building within or beyond the setting or property boundaries is a discretionary activity, or for higher ranked historic buildings - non-complying.³³

Relocation of listed historic buildings is recognised as activity that may result in significant adverse effects and is managed as a restricted discretionary/discretionary or non-complying activity by the majority of district plans in New Zealand. As with alterations and additions, since November 2008 the 2nd Generation district plans have clarified or improved relocation rules with a general trend towards the use of the restricted discretionary activity rule as adopted by the new proposed Hauraki, Tauranga (lower ranked items), Western Bay of Plenty, Rangitikei and Ashburton district plans. The NZHPT is also pleased to see improvement in the South Waikato relocation rule which was identified as being unclear in November 2008. This rule, as amended by Plan Change 20 is now discretionary. In summary:

- 1 plan regulates relocation as a prohibited activity for higher ranked items (Marlborough Wairau/Awatere).
- 9 plans regulate relocation as a non-complying activity.
- 19 plans regulate relocation as a non-complying activity for higher ranked items.
- 26 plans regulate relocation as a discretionary activity.
- 4 plans regulate relocation as a discretionary activity for higher ranked items.
- 10 plans regulate relocation as a restricted discretionary activity.
- 1 plan regulates relocation as a restricted discretionary activity for higher ranked items.
- 2 plans regulate relocation as permitted or controlled (Central Hawke's Bay, Horowhenua).
- 3 plans are unclear (Queenstown, Buller, Westland).

³³ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No.3, 'District Plans', August 2007, pp 31-35



Many district plans do not meet the NZHPT’s guidance standard either because the relocation rule is absent, it is unclear, or the plan regulates relocation as a permitted or controlled activity.

Poor quality relocation heritage rules:

- Central Hawke’s Bay District Plan: This plan provides a limited information process for relocation of listed heritage buildings. Rule 3.7.1.2 states:
 - Any person proposing to remove, demolish or destroy a heritage item identified in Appendix B of the Plan shall carry out the following procedure:
 - Two months prior to any work being undertaken the person shall notify the Council in writing detailing the proposal.
 - Within 10 working days of receiving the information, the Council shall notify all local and central government agencies and special purpose groups which have an interest in the heritage item that is recognised to be greater than the general public.

In relation to general relocation rules in Central Hawke's Bay, the activity is restricted discretionary with discretion being restricted to the appearance of the building.

- Hastings District Plan: Relocation of listed Category II items is a controlled activity.
- Horowhenua District Plan: Relocation of all listed heritage items is a controlled activity.
- Manawatu District Plan: A complex relocation rule allows relocation within the same site as permitted and controlled for another site for Group C. Relocation within the same site is also controlled for Group B. These rules require simplification.
- Porirua District Plan: Relocation of listed Group C items is not explicitly regulated (see plan for general relocation rules).
- Nelson Resource Management Plan: Relocation of listed Group C items is not explicitly regulated (see plan for general relocation rules).
- Buller District Plan: The heritage rule is limited to destruction. It is unclear if this rule could apply to relocation. No other general relocation rules were identified in the Buller District Plan.
- Westland District Plan: Modification of listed heritage items is a discretionary activity in the Westland District Plan. Modification is defined as ‘physical changes to a building or site which are outside those normally expected by minor works and exclude demolition and removal.’ Consequently, relocation of listed heritage items is not regulated in the plan. Further, no other general relocation rules were identified.
- Waimate District Plan: Relocation of listed Category C items is a permitted activity subject to limited information process.
- Mackenzie District Plan: Relocation of listed Category Z items is a permitted activity subject to limited information process.
- Queenstown-Lakes District Plan: Rule 13.2.3.2 regulates alteration and demolition as a discretionary activity, but does not mention relocation or heritage. All relocation is a discretionary activity as a general rule in most zones.
- Gore District Plan: Rule 2.5.9 regulates excavation beneath, demolition or alteration of any heritage structure as a discretionary activity. The activity ‘excavation beneath’ could possibly trigger a relocation rule. This status, however, is unclear and there are no other general rules relating to relocation (except for temporary relocation which is a permitted activity) in the district plan.
- Invercargill District Plan: Relocation of NZHPT unregistered Class II and III heritage items is a permitted activity. With regard to Class I, the discretionary rule is limited to demolition or alteration and does not mention relocation.

In addition, some plans do not explicitly regulate relocation of listed heritage items. Instead, these plans adopt a ‘modification’ rule with varying forms of definition. This

occurs in Manakau, Papakura, Matamata-Piako and Southland. These plans must be reviewed to include an explicit relocation rule for listed heritage items.

Relocation of historic buildings away from the town or district can have a very significant adverse effect on heritage values. Further, local authorities should be careful to ensure that the relocation rule applies to relocation inside and outside the original property boundary.

7.4 Demolition

NZHPT Standard

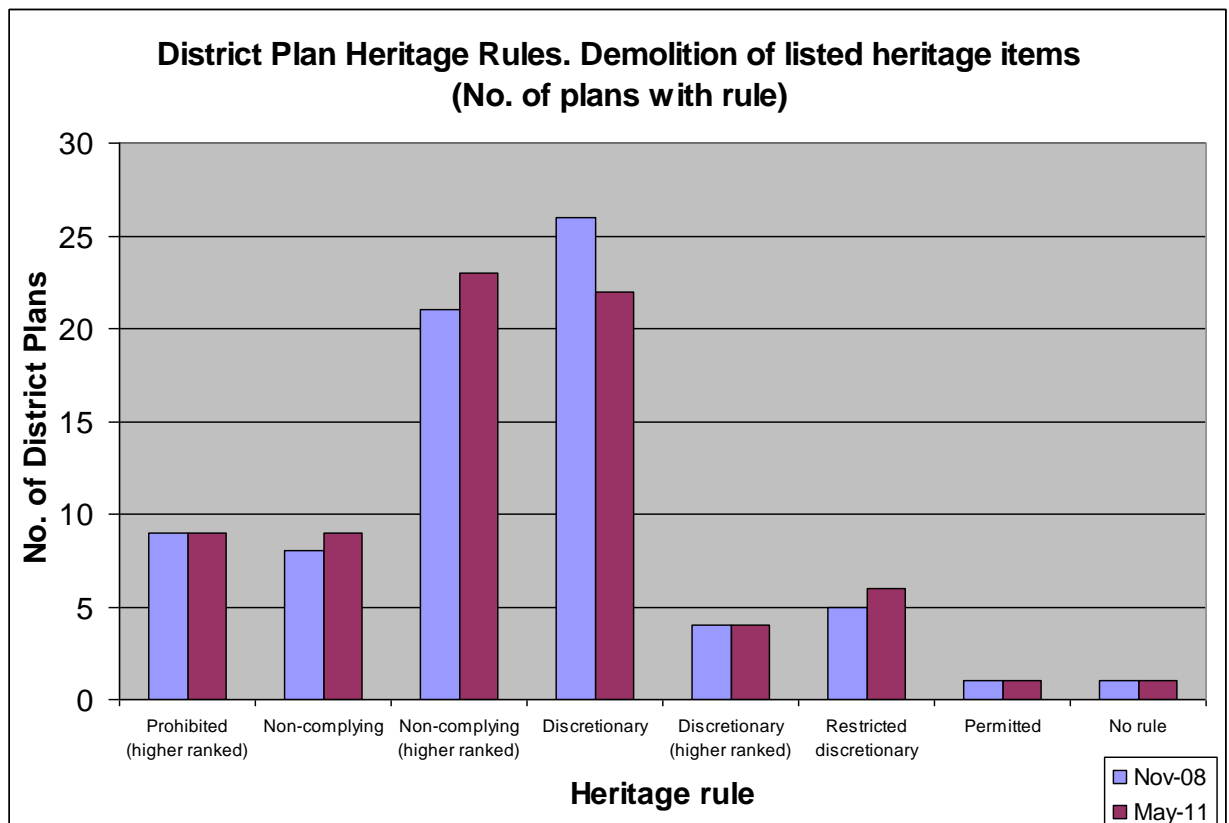
Demolition of listed historic buildings is a non-complying or prohibited activity.³⁴

The status of demolition rules in New Zealand's district plans is generally either restricted discretionary/discretionary, non-complying or prohibited. There are only two exceptions being Central Hawke's Bay District Plan (demolition is permitted following a notification process as outlined earlier) and Westland District Plan (heritage rules are limited to modification as outlined earlier).

Since November 2008, there has been a small change in the regulation of demolition with a reduction in the use of the general discretionary rule and an increase in the use of non-complying rule for all listed or higher ranked listed heritage items. This improvement has occurred in the proposed Tauranga, Western Bay of Plenty, Ruapehu, South Waikato and Ashburton district plans. In summary:

- 9 plans regulate demolition as a prohibited activity for higher ranked items.
- 9 plans regulate demolition as a non-complying activity.
- 23 plans regulate demolition as a non-complying activity for higher ranked items.
- 22 plans regulate demolition as a discretionary activity.
- 4 plans regulate demolition as a discretionary activity for higher ranked items.
- 6 plans regulate demolition as a restricted discretionary activity.
- 1 plan regulates demolition as a permitted activity (Central Hawke's Bay).
- 1 plan fails to include a rule regulating demolition (Westland).

³⁴ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No.3, 'District Plans', August 2007, p 31



Both Central Hawke’s Bay District Plan and Westland District Plan have critical deficiencies in relation to demolition of listed historic buildings.

Poor quality demolition heritage rules:

- Napier District Plan: Demolition of listed Group 3 items is a permitted activity.
- Manawatu District Plan: Demolition of listed Group C items is a permitted activity.
- Porirua District Plan: Demolition of listed Group C items is not regulated.
- Nelson Resource Management Plan: Demolition of listed Group C items is permitted subject to a limited information process.
- Mackenzie District Plan: Demolition of listed Category Z items is a permitted activity subject to a limited information process.
- Waimate District Plan: Demolition of listed Category C items is a permitted activity subject to a limited information process.
- Invercargill District Plan: Demolition of non-NZHPT registered items is a permitted activity.

The Whakatane District Plan rules appear to have intended to regulate demolition as a discretionary activity, but the rule (4.6.1) relies on an all encompassing ‘all activities’ clause. This rule requires revision and clarification.

The results of this national assessment indicates that at least 32 district plans require revision and the elevation of demolition to either non-complying or prohibited for all listed historic buildings. All plans should also ensure that the demolition of lower-order heritage items is at least a non-complying activity.

7.5 Damage/Destruction of historic sites (including archaeological sites) and Māori heritage

NZHPT Standard

Disturbance of listed historic sites is a discretionary activity, or for higher ranked items – non-complying.

Damage and destruction of listed historic sites is a non-complying or prohibited activity.

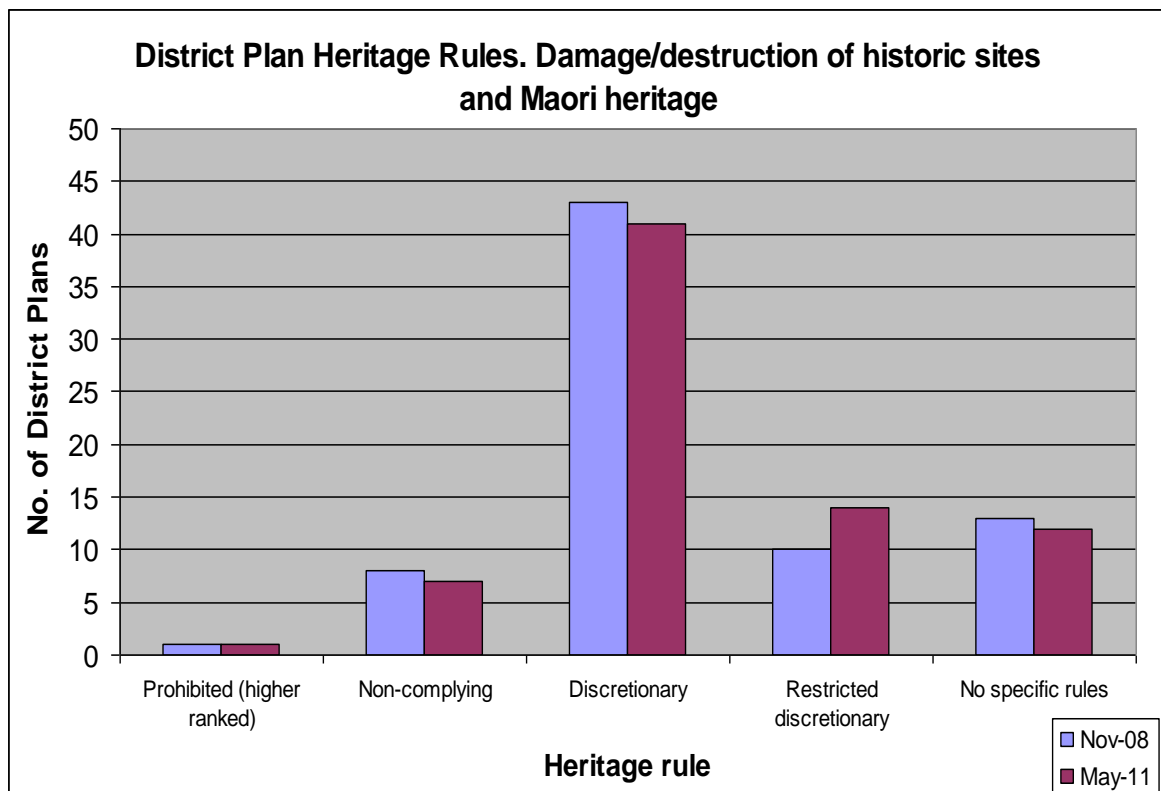
Disturbance of a place and area of significance to Māori is a non-complying activity.

Destruction of a place or area of significance to Māori is a non-complying or prohibited activity.³⁵

Damage and destruction rules refer to those rules that regulate the disturbance, damage and destruction of historic sites and places and areas of significance to Māori that are not buildings. In summary:

- 1 plan regulates damage/destruction as a prohibited activity for higher ranked items.
- 7 plans regulate damage/destruction as a non-complying activity.
- 41 plans regulate damage/destruction as a discretionary activity.
- 14 plans regulate damage/destruction as a restricted discretionary activity.
- 12 plans contain no specific rules relating to damage/destruction of historic sites and places/areas of significance to Maori.

³⁵ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No.3, ‘District Plans’, August 2007, pp 33-37



As outlined in November 2008, the national assessment has revealed there is an overall lower standard of regulation across the nation for historic sites and Māori heritage in comparison with listed historic buildings. This lower standard was represented by the finding that only 9 plans regulated historic sites and Māori heritage in relation to damage or destruction as a non-complying or prohibited activity. This compared with 38 plans that regulate historic buildings (including higher ranked items) from demolition as a non-complying or prohibited activity.

While more local authorities are using the restricted discretionary activity rule to regulate Māori heritage, these rules have been improved by being more specific and targeted to the protection of listed places and areas of significance to Māori. The main changes are as follows:

- Kaipara District Plan – change from discretionary to restricted discretionary rule with improved 20 meter buffer/500 mm depth activity rule.
- Hauraki District Plan – change from general non-complying to restricted discretionary rule, but with improved specific rules incorporating 20 meter buffer.
- Otorohanga District Plan – No major change to existing rules.
- Tauranga District Plan – change from general non-complying rule to restricted discretionary rule, improved specific earthworks rule.
- Rangitikei District Plan – Change from discretionary to restricted discretionary rule.
- Ruapehu District Plan – Change from having no rule for Māori heritage to non-complying.
- Ashburton District Plan – Change from having no rule for Māori heritage to restricted discretionary activity.

Further, as indicated above, the listing of new Māori heritage places has been contested in districts such as Western Bay of Plenty and Tauranga and many local authorities continue to list Māori heritage that is on the NZHPT Register or on lands under public ownership.

In terms of archaeological sites, there are three general approaches – enhanced protection, status quo and removal of rules. Plan Change 16 to the Tasman Resource Management Plan is an example of enhanced protection and is the only recent plan change to include substantial new numbers of archaeological sites. While the new rules are complex, they generally mean that land-use and subdivision on land containing listed archaeological sites will potentially require archaeological and cultural assessments. Enhanced protection has also been proposed in the new Otorohanga District Plan which includes an updated schedule of archaeological sites and improved heritage rules.

Some enhancement of archaeological site protection has also been achieved in Dunedin and Wellington with regard to new earthwork rules. Plan Change 70 in Wellington City and Plan Change 11 in Dunedin City include archaeological sites assessment criteria, advice notices and provisions for requirement of archaeological assessments as part of the earthwork rules. These rules also aim to integrate regulation under the RMA with the archaeological authority provisions of the Historic Places Act 1993.

With regard to proposed 2nd generation district plan reviews in districts such as Stratford and Tararua there has been no change to heritage rules, including archaeological sites.

The proposed Hauraki District Plan removes rules relating to archaeological sites, including removing the former district plan schedule of 370 archaeological sites. Instead, the new proposed district plan provides an updated heritage schedule (which includes a large number of archaeological and historic sites) and a new Māori heritage schedule with improved rules. Other local authorities such as Marlborough District are also suggesting archaeology-related rules should be removed from their district plan to avoid regulatory duplication with the Historic Places Act 1993.

While this survey shows that a few district plans have been improved, generally New Zealand's system of providing for Māori heritage and significant historic sites continues to be inadequate in the majority of districts. While the Historic Places Act 1993 regulates pre-1900 archaeological sites, all district plans should list and protect significant archaeological sites.

In terms of Māori heritage, the situation is clearly unacceptable from the view of the NZHPT. There is no reason why listed Māori heritage should not have regulatory provisions comparable to listed heritage buildings. In fact, the principles of the Treaty of Waitangi promote adequate and equivalent protection for Māori heritage.

The following plans have no specific damage/destruction rules for Māori heritage:

- Grey District Plan.
- Westland District Plan.
- Hurunui District Plan.
- Dunedin City District Plan.

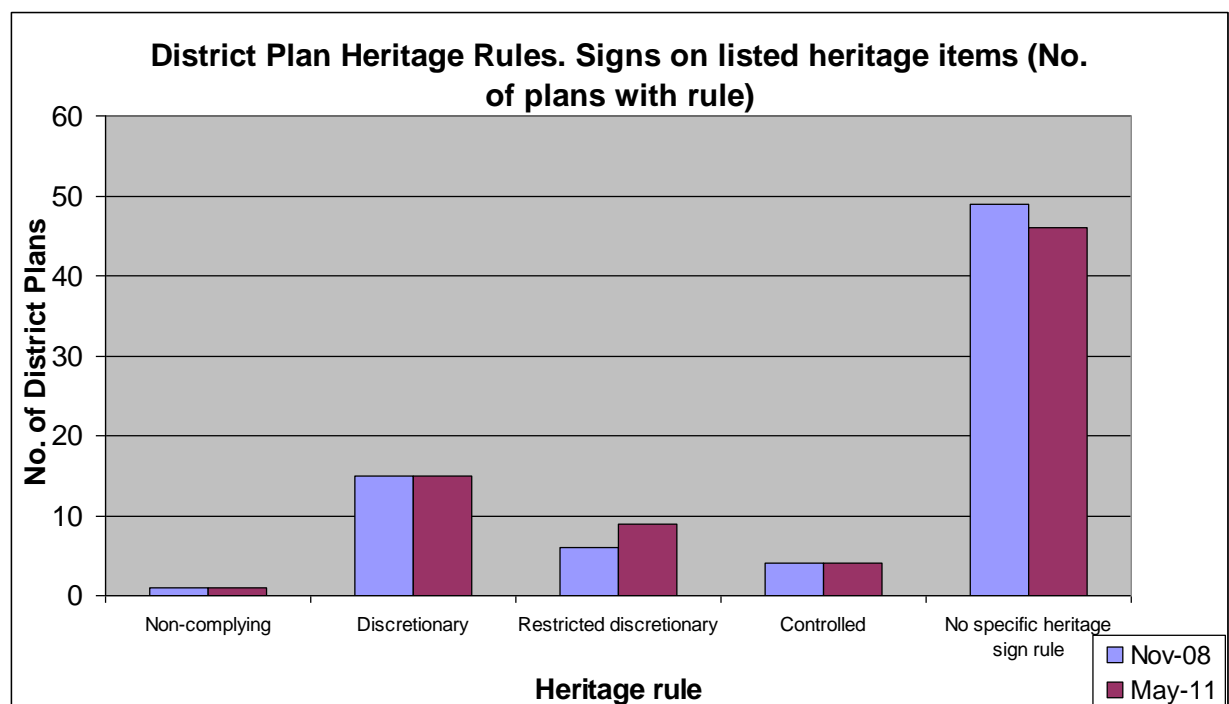
- Waitaki District Plan.
- Waimate District Plan.
- Invercargill District Plan.³⁶

7.6 Signs

NZHPT standard

The erection of a new sign obstructing a listed heritage item or within the setting of a listed heritage item is a restricted discretionary activity.³⁷

Nearly all district plans in New Zealand contain some regulation relating to signage. However, as indicated in the chart below, a large majority of district plans contain no specific heritage sign rules. Since November 2008, there has been a small improvement with the proposed Hauraki, Tauranga and Ruapehu district plans providing a new explicit restricted discretionary rule for signs on listed heritage items.



Generally, heritage sign issues have been recognised in urban areas and the urban local authorities have taken a proactive regulatory position to signs on, or adjacent to, heritage buildings. Nearly all the 29 district plans, which have heritage sign rules, apply to large urban areas. In comparison, the 46 district plans that have no specific heritage sign rules are mainly rural local authorities.

³⁶ Waikato District Plan also has no specific damage or destruction rules for Māori heritage, but is currently undertaking a heritage review process to list and protect selected Māori heritage

³⁷ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No.3, 'District Plans', August 2007, pp 32-37

Without nation-wide coverage, historic heritage remains at risk from inappropriate signage. Signage is not only an urban issue and local authorities should not rely on general sign rules to protect historic heritage from the adverse effects of inappropriate signage.

Many heritage sign rules are also limited to being those signs that are 'attached' to the heritage building which can affect heritage fabric and appreciation of historic heritage. Signage can obstruct or obscure important views if erected near a heritage building, but not actually attached. Heritage sign rules, therefore, need to regulate all signs that obstruct listed heritage items and those signs erected within the setting of a listed heritage item.

7.7 Historic Areas

NZHPT standard

The rules protect listed historic areas in terms of:

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

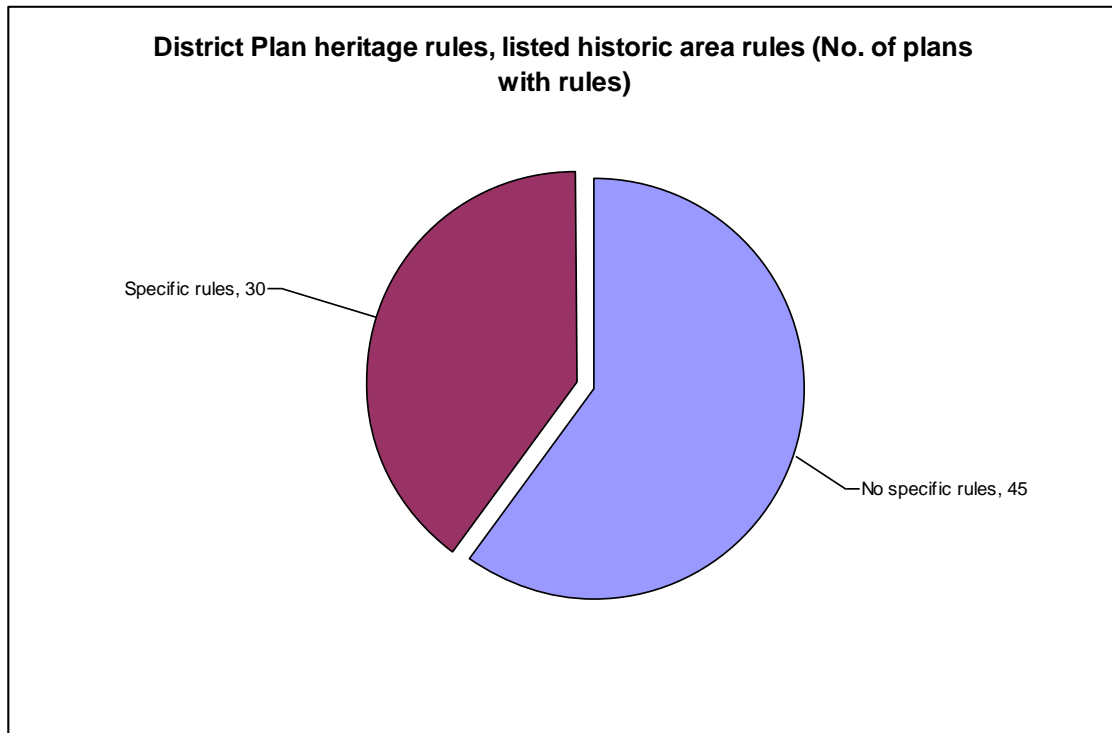
The national assessment has found that historic area protection is not advanced in the majority of district plans in New Zealand. For most district plans in New Zealand, this situation has not changed with only the proposed Ruapehu District Plan introducing new heritage character policy areas (so making the shift from having no specific rules to specific rules). Only 30 district plans contain specific rules relating to listed historic areas. There are 45 district plans that contain no specific rules for listed historic areas.

In a number of urban areas, however, there has been substantial improvement in the identification and protection of historic character areas. As indicated above, in Auckland City there have been a large number of plan changes and initiatives relating to historic areas. These initiatives link with the new spatial planning framework of the city that aims to identify and protect heritage precincts, rather than just individual places and sites. There have also been initiatives such as the Helensville Town Centre Heritage Policy Area, the Howick Special Character Business Area, the Mangere Gateway Heritage Area, Mangere Town Centre and Neighbourhood Plan and Clevedon Village. All these initiatives are current in process of hearings, decisions or appeals.

The main urban centres have also developed new rules governing demolition of historic residential areas. These rules began in Auckland with Residential 1/conservation area

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

zoning and in Wellington using the pre-1930 demolition rule for the inner-City historic suburbs such as Thorndon, Mt Victoria, Newtown, Te Aro and Mt Cook. Auckland also introduced pre-1940 demolition rules for the Residential 2 Zone in the Isthmus Section. This plan change is now operative in part following a strongly contested public process and some aspects remain subject to Environment Court appeals. Hamilton has also introduced a pre-1960 demolition rule for the Hamilton East Special Character Area.



7.8 Subdivision

NZHPT standard

The subdivision of land containing or affecting a listed historic building, historic site, historic area, or place or area of significance to Maori is a discretionary or non-complying activity.³⁹

All district plans regulate subdivision to a degree. This is achieved by 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. The NZHPT, however, advocates for explicit subdivision rules that are specific to listed heritage items and regulate this activity as a discretionary or non-complying activity.

There has been some improvement in heritage subdivision rules within the 2nd generation district plans. In November 2008, there were 46 district plans that contained either no specific heritage-related subdivision rules or provided for subdivision of historic heritage as a controlled activity. This number has now reduced to 40 as a result of the new 2nd

³⁹ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No.3, 'District Plans', August, pp 32-37

generation plans of Tauranga, Rangitikei, Ruapehu, Ashburton and the heritage plan changes of South Waikato and Tasman.

District plans that contain no specific heritage subdivision rules include:

- Central Hawke’s Bay District Plan.
- Palmerston North District Plan.
- Porirua District Plan.
- Upper Hutt District Plan.
- Buller District Plan.
- Grey District Plan.
- Westland District Plan.

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

Local authorities need to review subdivision rules for historic heritage as recommended by the NZHPT. Historic areas require special attention and subdivision rules for these areas should be designed to retain the specific heritage characteristics of the area. The subdivision of land adjoining listed items should also be carefully managed. This activity can destroy the setting or surroundings of historic heritage in a similar manner to the subdivision of land containing a listed heritage item. For this reason, the NZHPT recommends that the subdivision of land containing or affecting listed heritage items is managed by local authorities as a discretionary or non-complying activity.

8 Heritage Landscapes

NZHPT Standard

District plans contain provisions for the identification and protection of heritage landscapes.⁴⁰

Heritage landscapes are essentially large historic areas having a range of both natural and cultural values.⁴¹ Many of the historic areas noted above could be classified as heritage landscapes. Further, most listed buildings and sites have important heritage landscape values in relation to setting or surroundings.

The Environment Court has confirmed that landscapes include historic heritage values. This finding has been progressed by the application of landscape assessment criteria following the *Pigeon Bay Aquaculture Ltd v Canterbury Regional Council*, C32/99 decision. What is now known as the ‘Pigeon Bay landscape assessment criteria includes:

- a) The natural science factors – the geographical, topographical and dynamic aspects of the landscape.

⁴⁰ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Discussion Paper No.3, ‘Heritage Landscape Values’, August 2007

⁴¹ *ibid*, p 30

- b) Its aesthetic values including memorability and naturalness.
- c) Its expressiveness – how obviously the landscape demonstrates the formative processes leading to it.
- d) Transient values – occasional presence of wildlife; or its values at certain times of the day or of the year.
- e) Whether the values are shared and recognised.
- f) Its values to tangata whenua.
- g) Its historical associations.

This criteria now forms the basis of policy 15 (outstanding natural features and landscapes) of the National Coastal Policy Statement 2010.

Few, if any, of the existing landscapes currently listed in district plans have been identified using historic values assessment and research. This situation is slowly changing with the adoption of the Pigeon Bay landscape assessment criteria and improvements in landscape practice. For example, the Banks Peninsula Landscape Study of May 2007 explicitly provides for heritage values as part of the assessment criteria and the identification of a number of cultural heritage landscapes and precincts.⁴² It was noted in the Journal for Landscape Professionals *Landscape New Zealand* that:

The challenge seems to be the identification of heritage and cultural landscapes, because they may not be immediately apparent. Consultation with the local community is vital. It might be stimulating or tiresome (or a combination of both). Either way, landscape architects are required to identify heritage landscapes, assess the significance of the heritage landscape and determine whether an activity can proceed within that landscape.⁴³

Since 2008, there have been few changes in district plans concerning heritage landscapes and the majority of landscape-related studies continue to rely on visual-based assessments without detailed historical research or documentation.

One of the district plans to include heritage landscapes is Queenstown-Lakes District Plan. These heritage landscapes were included by Plan Change 3 in 2007. The heritage landscapes, listed in Appendix A10, are Skippers Heritage Landscape, Macetown Heritage Landscape, Seffertown & Moke Lake Heritage Landscape and Glenorchy Heritage Landscape.

Other area-based initiatives have also provided for heritage (including cultural) landscapes. Variation 15 to the Waikato District Plan introduced the Raglan Structure Plan which aim to identify and protect the cultural landscape of Raglan. This Variation, however, has recently been withdrawn and Waikato District Council is considering other methods to protect the special landscape of Raglan.

Plan Change 32 of the Manakau District Plan relates to the landscape associated with Clevedon Village. The plan change is an innovative approach which affects 558 hectares

⁴² See Christchurch City Council, Banks Peninsula Landscape Study, <http://www.ccc.govt.nz/CityPlan/BanksPeninsulaDistrictPlan/LandscapeStudy/BanksPeninsulaLandscapeStudyFinal/>

⁴³ Andrew Green, 'Heritage and cultural landscapes – uncovering the layers' *LNZ*, November 2008, p 28

of rural land surrounding Clevedon. The aim is to protect the hitherto small rural town village atmosphere of Clevedon Village from urban sprawl and development.

Clearly, further work is required to identify and protect heritage landscapes within district plans in New Zealand. The NZHPT will be developing further guidance on the identification of historic heritage, including heritage landscapes.

9 Surroundings, including Significant View Catchments

NZHPT Standard

Additions to non-contributory buildings and new buildings within the setting of a listed heritage item is a restricted discretionary activity.⁴⁴

Land disturbance within the setting of a listed heritage item is a restricted discretionary, discretionary or non-complying activity.⁴⁵

District plans contain provisions for protection of significant view catchments.⁴⁶

There is a growing realisation that a place is more than a 'building' and that the surroundings associated with historic heritage need to be identified and protected in district plans.⁴⁷ Few district plans explicitly provide for the identification and protection of surroundings, including significant view catchments.

The former Auckland City district plans stand out for containing detailed surroundings provisions. For the Central Area, these provisions include:

- The listing of detailed and explicit scheduled site surrounds for listed heritage items.
- Permitted activity standards relating to routine maintenance of scheduled site surrounds (Rule 10.9.10.1).
- Permitted activity standards for earthworks (Rule 10.9.10.2).
- Restricted discretionary activity rule to carry out works within site surrounds, including constructing, raising or excavating any structure or earthworks in a heritage property above or below the ground, or in any way modify the space or site surrounds a scheduled item (Rule 10.9.11).

Other district plans that provide some protection for surroundings include:

- Rodney District Plan: The development of buildings, parking areas for more than four cars and earthworks on the site of a listed item is a restricted discretionary activity (Rule 17.9.4).

⁴⁴ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No.3, 'District Plans', August 2007, p 32

⁴⁵ *ibid*, pp 32-33

⁴⁶ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Guide No.3, 'District Plans', August 2007, pp 19-20

⁴⁷ NZHPT, *Sustainable Management of Historic Heritage Guidance Series*, Discussion Paper No.3, 'Heritage Landscape Values', August 2007, pp 16-18

- North Shore City District Plan: Conducting or executing any use or work in or on the site of a scheduled item if in the opinion of the Council such action endangers or is likely to endanger, damage or destroy a scheduled item, or detract from the features of attributes for which the item was scheduled is a discretionary activity (Rule 11.4.1.2).
- Gisborne Resource Management Plan: The erection of any new structure, lighting standards, fencing or walling or planting of any vegetation which at full growth is taller than 1 metre in height, within any site identified in Appendix 4 as having cultural landscape or townscape value is a restricted discretionary activity (Rule 3.16.2.1).
- Christchurch City Plan: The erection of an additional building(s) on the site containing a listed heritage item is a discretionary activity (Rule 1.3.1).

Auckland City Central Area District Plan contains rules for the protection of views (Overlay Planning Map 4) which have been established to prevent the loss of views of:

- Auckland War Memorial Museum.
- Dilworth Terrace Houses.
- Mt Eden Volcanic Cone.
- Railway Station Building.
- Tamaki Drive Scenic Way

Within these view catchments, an application for a non-complying activity is required for any proposal to exceed the height limits.

Outside Auckland City, view protection for historic heritage is rare. One exception is the Waikato District Plan which contains three Battlefield View Shafts. These view shafts are:

- Meremere Pa/Redoubt: Views of the Waikato River from Meremere and the view north to Whangamarino (Pickards) Redoubt.
- Rangiriri Pa: Views of the Waikato River, margins of Lake Waikere (Lake Kopuera) and the view north.
- Te Wheoro's Redoubt: View of Rangiriri Redoubt.

The view shafts have some regulatory provision by Rule 25.4.9 which allows building if height does not exceed 5 metres.

In Wellington City, Plan Change 18 introduced new height controls along Oriental Parade to protect significant views of St Gerard's Monastery. These height controls were upheld by the Environment Court to protect the surroundings associated with St Gerard's.⁴⁸

⁴⁸ *Oriental Parade (Clyde Quay) Planning Society v Wellington City Council*, W63/05

With the exception of these few examples, the identification and protection of the surroundings associated with historic heritage is inadequate and deficient. Local authorities need to work towards developing new provisions for surroundings with the listing of settings, new rules to regulate activities within settings, and the provision of significant visual catchments.

10 Appendix – Summary of Heritage-related changes to RMA Policy and Plans, November 2008-May 2011

Heritage-related changes to RMA policy and plans - National overview since November 2008				
Region	RMA Plan	Type	Date	Details
National	National Coastal Policy Statement	New policy statement	Decision, Oct 2010	After some delay final NZCPS released, positive heritage provisions
Northland	Kaipara District Plan	New plan	Notified 21 Oct 2010	New heritage schedule
Auckland Council	Rodney District Plan	Variation 144:		Helensville Town Centre Heritage Policy Area and Other Changes will create a Helensville Town Centre Heritage Policy Area
		Varaiation 135:		Cultural Heritage Amendments. Corrects entries of 22 items in Appendix 17B.
	North Shore District Plan	Plan Change 30:	Adopted 10 Dec 2009	Urban Design Code. Applies changes to Plan provisions applying to built form of Town centres, consistent with the New Zealand Urban Design Protocol.
		Plan Change 21:	Adopted 22 May 2008, operative 24 Feb 2011	Historical and Architectural Character in the Residential 3 Zone
	Waitakere District Plan	Plan Change 28:	Operative 4 June 2010	Heritage Plan change. Adds four buildings to heritage schedule

Former Auckland City Council District Plans	Hauraki Islands District Plan	Decision, May2009	
	Plan Change 4:	Operative in part 1 Oct 2010, subject to appeal	Wynyard Quarter (Central Area Section) Replacement of Part 14.9: (formerly) "Western Reclamation Precinct" with new Part 14.9
	Plan Change 7:	Operative in part 10 Sept 2010, subject to one outstanding appeal	Addition of Seven Scheduled Heritage Items (Central Area Section)
	Notified Plan Change 8:	Operative in part, subject to appeal	Character Building Demolition Controls (Central Area Section) - decision 9 Sept 2007
	Private Plan Change 29	Further, submissions closed 22 Sept 2008, hearing?	Britomart Precinct. No further progress.
	Plan Change 35:	decision 27 May 2010, but subject to appeal	Quay Park Precinct (Central Area Section) Will better clarify provisions relating to accomodation within and make consequential amendments in respect of the Quay Park Precinct.
	Plan Change 36	Decision 23 Sept 2010, but subject to appeal	Learning Quarter - Quarter Area 1 (Central Area Section) - Will redefine and rename the former Tertiary Education Precinct as the "Learning Quarter".
	Private Plan Change 41	Decision 26 Aug 2010, but subject to appeal.	Seafarer's Site, 104-114 Quay Street (Central Area Section) -
	Plan Change 42:	Submissions closed 24 Sept 2010, no further progress.	Bonus Floor Area (Central Area Section)
	Plan Change 54:	decision 23 Sept 2010, but subject to appeal	Additions to Heritage Schedule (Central Area Section)

		Plan Change 55:	decision 23 Sept 2010, but subject to appeal	Additions to Heritage Schedule (Central Area Section)
		Plan Change 163:	Operative in part 23 Apr 2010, but sections subject to appeal.	Changes to Residential 2 - Demolition Controls on Pre-1940 Houses (Isthmus Section)
		Plan Change 199:	decision 23 Sept 2010, but still open to appeal	Additions to the Heritage Schedule (Isthmus Section)
		Plan Change 217:	decision 23 Apr 2009, but subject to appeal	Additions to the Heritage Schedule (Isthmus Section)
		Plan Change 292:	decision 23 Sept 2010, but still open to appeal	Additions to the Heritage Schedule (Isthmus Section)
		Plan Change and consent	Dec-09	Isthmus Section. Consent withdrawn to demolish Building 5, Greenlane Hospital (see Plan Change 217 above)
		Plan Change 250	Decision 2011	Private plan change for 83 Remuera Road, declined by Council. Positive for heritage
		Plan Change 292	Decision 2011	Isthmus Section. Proposed new additions to heritage schedule. Supported by NZHPT. Council approved, no appeals
	Manakau City District Plan	Plan Change 2:	operative 30 Sept 2005, incorporated into Plan	Howick Special Character Business Area - . Redefines item 47 on Appendix 6A as the McInness Building (formerly Monterey Theatre) and includes the Howick Special Character Area centred on Picton Street
		Plan Change 14: .	decision 27 Nov 2009	Mangere Gateway Heritage Area - , yet to become operative. Inserts Chapter 17.13

		Plan Change 26:	further submissions closed 22 Oct 2010, effective 27 Oct 2010	Mangere Town Centre and Neighbourhood -
		Plan Change 32:	notified 22 October 2010, submissions being received	Clevedon Village - . Affects 558 hectares between Wairoa River (east), Tiatia Stream (west) and Tourist Road (south).
	Auckland Regional Coastal Plan	Plan Change 3, ARCP	Decision 29 Nov 2008, but subject to appeal.	Wynyard Quarter - Undertaken simultaneously with Plan Change 4 to Auckland City District Plan (Central Area Section
	Auckland Regional Policy Statement	Private Plan Change 13, ARPS	decision 26 Nov 2009, but subject to appeal	Mangere Gateway
	Auckland Council Spatial Plan			Legislative requirement, work in progress
Waikato	Franklin District Plan	Plan Change 23:	Submissions/further submissions received, no further progress.	Fernleigh, Waiuku - Adds items C.35-C.41 (i.e. 7 - initially C.25-C.31) to Schedule 8A: Group C (Trees). Also adds items D.8-D.9 (initially D.7-D.8 - both natural heritage-related) to Schedule 8A: Group D. Consequential Amendments to Appendix Two
		Plan Change 24	decision 25 Feb 2010, subject to appeal	Pokeno Provisions - I. Adds heritage items to Schedule 8A, Group A
		Plan Change 27:	Further submissions closed 25 August 2010, no further progress.	Remedial Minor, Miscellaneous Matters, Tutaenui Floodway Area and Heritage Schedule, and Variation 4 to Plan Change 14
		Plan Change 29	Notified, further submissions close 16 Dec 2010.	Belmont (Pukekohe West) Structure Plan Area and Variation 5 to Plan Change 14 and Variation 1 to Plan Change 24
		Plan Change 25	Decision, 2011	Heritage-related plan change

Waikato District Plan	Variation 15 Variation 15 Withdrawn Variation 16 notified	Variation 16 notified Oct 2010	Variation 15, Raglan Structure Plan. Proposed creating a heritage precinct for Raglan and adds 8 new items to the heritage schedule (not registered), Variation 15 withdrawn. Variation 16 - District wide growth and coastal/rural subdivision - notified Oct 2010, Further submissions notified May 2011. Includes incentives for subdivision if heritage protected.
Hamilton District Plan	Variation 20	Decision, August 2010	Special character area, Hamilton East, regulation of pre-1960 demolition
	District Plan under review.	2012	Proposed Plan to be notified early 2012
Matamata-Piako District Plan	PC 4 Rolling Review of DP proposed	01/04/2010 (Operative, 28 Jan 2011)	Addition of Old Te Aroha Power House (decision operative 28 January 2011) Rural Review first up (2011) - early discussion with NZHPT.
Otorohanga District Plan	New District Plan	Notified Sept 2010 Hearings to be held from 11th July 2011	New 2nd Gen Plan. Updated heritage schedule including 5 registered wahi tapu listed, 1 registered historic area. Updated recorded arch sites schedule.
Hauraki District Plan	New District Plan	Notified August 2010	New 2nd Gen Plan with new heritage schedule. Large number of new listings, including NZHPT registered wahi tapu
Waikato Regional Policy Statement	RPS PC 2	Notified Nov 2009	Future proof growth strategy. Sets high level objectives and policies to manage growth. Policies 4 and 5 include historic heritage matters
	New RPS	Notified 2011	New heritage provisions, positive for heritage
South Waikato District Plan	PC 20 District Plan being reviewed	Operative March 2009 Proposed Plan planned to be notified September 2011	New heritage schedule added PC 20 Draft Plan notified and submissions close 22 July 2011
Waipa District Plan	District Plan under review	2011	Ongoing discussions regarding additional heritage items to be added to schedule and new heritage rules.
TCDC District Plan	District Plan under review	2011	

Bay of Plenty	WBOP District Plan	New District Plan	Plan Notified, notified Feb 2009. Hearings Oct-Nov 2009. Decisions Version Jan 2010. Appeal 2011	Under review. Notified with 46 new items listed. 1 new registered place listed and significant archaeological sites. However large number of hearing items removed following hearing, under appeal. Consent Order finalised October 2011.
	Tauranga District Plan	New district plan	Notified 17 Oct 2009; Decisions Oct 2010. Under appeal	Jan 2010. Council notified that A13 Archaeological Site (Te Houhou Pa) had been withdrawn; Oct 2010 Schedule of significant arch sites removed and large no. of Maori Heritage Areas removed. NZHPT appeal Continuing mediation.
	Rotorua District Plan	Draft District Plan out for comment April 2011.	Comments on Draft Plan due 27 May.	Under review, 2009. 21 additional Historic Buildings & Structures included in Draft Plan Schedule. Approx. 40 additional archaeological sites listed in Draft Plan Schedule.
	Whakatane District Plan	New District Plan being prepared	Notification August 2011	Under review 2010- 2011
	Bay of Plenty Regional Policy Statement	New RPS	Notified 2011	Heritage provisions retained and revised, positive for heritage
	Kawerau District Plan	New District Plan	2010	Notified, hearings in progress, 2011
Gisborne	Combined Regional Land and District Plan	PC 38 District Plan Reviews Underway	Notified Nov 2010	Introduces some financial contributions for heritage as an incentive Council is reviewing options for protecting Heritage Values at the Cook Landing Site through the District Plan.
Taranaki	New Plymouth District Plan	PC 17	Notified May 2009	Addition of 18 Monuments and memorials, check for additions to Heritage Register
		PC 16	Notified June 2009	Addition of St Joseph's Church, Waitara
		PC 19	Notified 2009	Addition of Tikorangi Pa to Schedule 26.1 (not registered, Q19/153). But it is closely related to Awa te take (Registered Cat II, Record No. 6041)
		PC 12	Notified 2009	Changes to Marsland Hill viewshafts
		PC 10/00024	Notified Feb 2010	Addition of Dudley Road War Memorial, Inglewood (not registered)

	Stratford District Plan	New plan	Operative, Oct 2009	New District Plan.
Manawatu	Ruapehu District Plan	Heritage plan change	Notified July 2010	New heritage schedule, 121 items including 31 registered places coming from the NZHPT 2004 Registration Pilot Project (better late than never)
	Rangitikei District Plan	New plan	Notified Oct 2010	Large no. of new heritage items added coming from the NZHPT 2004 Registration Pilot Project (better late than never)
	Wanganui District Plan	PC 15	Notified March 2009 Decisions 3 August 2009, Operative 4 December 2009	Addition of 42 individual buildings and 3 precincts (check final decision)
	Horizons Regional One Plan	New RPS, Regional Coastal Plan, Regional Plan (One Plan)	Decision Oct 2010, under appeal	A few heritage wins after a long road. Some matters still outstanding, subject to NZHPT appeal
	Palmerston North District Plan			Under review, 2009
Hawkes Bay	Central Hawkes Bay District Plan	District Plan under review		Under review, 2009
		PC 6	Jan-10	Removal of three items (H4, H8, H20) being demolished or relocated. Addition of 10 new items, registered places & wahi tapu by NZHPT. Need to add to database
	Tararua District Plan	New plan	Decisions, 2008	
	Napier District Plan	PC 5	Jun-10	Napier Hill Character Zone. New rules to protect character zone
	Hastings District Plan	PC 43	Notified decision, Dec 2009	Need to check for changes and for registered places
		PC 51	Decision, July 2010	Heritage review, mostly trees, also a few buildings. Buck House excluded from listing

		PC 47		Changes for wahi tapu site listings	
Wellington	Wellington Regional Policy Statement	New RPS		New RPS notified, 2009 (new heritage provisions)	
	Hutt District Plan		2009	Under review, Petone section	
	Wellington City District Plan	PC 72		Notified Sept 2009, Decision Sept 2010	Changes to pre-1930 demolition rule for historic residential suburbs
		PC 73		Notified Sept 2009, Decision Sept 2010	Suburban review plan change
		PC 75			Inner City heritage areas
		PC 70		Decision, Sept 2011	Earthworks plan change incorp new archaeology-related provisions
	Porirua District Plan			Under review, 2009	
	Kapiti Coast District Plan			Under review, 2009	
Wairarapa Combined District Plan	New plan		Operative May 2011		
Marlborough, Tasman	Marlborough District Plans (Marlborough Sounds)	PC 17		Notified Sept 2009	Addition of Oparapara (Samson Bay) Argillite Quarries and Tory Channel Leading Lights (registered NZHPT places)
	Marlborough District Plans (Awatere)	PC 55		Notified Sept 2009	Addition of Pilot's House, Wairau Bar (registered NZHPT place)
	Tasman District	PC 16		Notified Oct 2009; Hearings March 2011	Adds recorded archaeological sites to schedule and protective rules
	Nelson District Plan	PC 15		Feb-10	Heritage review, new items and changes to existing items
Canterbury	Ashburton District Plan	New District Plan		Apr-10	

	Waimakariri District Plan	Plan Change?	Media, 28 Nov 2009	Northern Outlook article, Plan Change, ensure district plan list aligns with NZHPT register. Newly registered places to be listed in district plan (Planner, Matthew Bacon)
	Waimate District Plan	PC 16	Jan-10	Upgrade of Old Arcadia Theatre from Category B to Category A (Reg No. 2041)
West Coast	Buller District Plan	PC 120 - 121	Notified Sept 2010	Plan changes remove two places from the Heritage Schedule of the District Plan: former Westport community centre (discontinued project X No.3040). Demolished in 1998; Former Sisters of Mercy Convent, discontinued project X, No.1684. Destroyed by fire, 9 S
	Westland District Plan			Under review, 2009
Otago	Dunedin City Council	PC 7	Decision, March 2009	Harbourside, addition of 20 new items to Schedule 25.1, check for additions to Register
		PC 11	Operative, 11 Oct 2010	Earthworks, incorp new archaeology-related provisions
	Queenstown-Lakes District Plan		Fully Operative, 10 Dec 2009	
	Clutha District Plan			Under review, 2009
Southland	Southland District Plan			Under review, 2009
	Gore District Plan	PC 3	2009	Heritage plan change