



NATIONAL ASSESSMENT RMA PLANS AND POLICIES – HERITAGE PROVISIONS 2021

Summary of key findings – July 2018 to July 2021



SUMMARY OF KEY FINDINGS – JULY 2018 TO JULY 2021

SCOPE

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

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

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

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

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

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

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

IDENTIFICATION IN RMA PLANS

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

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

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

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

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

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

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

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

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

PROTECTING HISTORICAL AND CULTURAL HERITAGE IN DISTRICT PLANS

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

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

INCENTIVES

Fifty-nine percent of district plans provide for heritage incentives, such as exemptions from rules that would restrict adaptive re-use of heritage and commitments to provide rates relief, consent fee waivers and grant funding. Overall, 75% of territorial

authorities provide either regulatory incentives in RMA plans or financial incentives to owners via long-term plans under the Local Government Act 2002.

MONITORING PLAN QUALITY

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

REGIONAL POLICY STATEMENTS AND COASTAL PLANS

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

Regional Coastal Plans (RCPs) do not fully address the requirements of the New Zealand Coastal Policy Statement 2010 (NZCPS). Only one-third of RCPs include even half of the heritage requirements of the NZCPS and the remainder include only one or two of them. Half of the RCPs take an integrated approach to sites within the coastal environment, whereas the other half only address the coastal marine area (CMA) below mean high water springs (MHWS).

- Approximately 500 sites formerly on archaeological schedules and at least 300 new sites have been assessed and clearly identified to be of significance to Māori in a single proposed plan. Another 700 formerly in general historic heritage schedules or new sites have been specifically identified to be of significance to Māori in revised or new schedules.
- Scheduled sites include historic places and areas, places and areas of significance to Māori (including significant archaeological sites), that are protected by appropriate objectives, policies and rules. Schedules of solely archaeological sites (around 8,000) protected by basic rules are counted separately.
- Higher-ranked items are those identified in plan heritage schedules as 'Category A', 'Category 1' or equivalent.
- Section 32 of the RMA requires local authorities to assess whether the objectives of plan changes and proposed new plans are the most appropriate way to meet the purpose of the RMA and whether the provisions are the most appropriate way to achieve the plan objectives.

OTHER PLAN RULES

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

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

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

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

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

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

RISKS TO HISTORIC HERITAGE

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

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

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

FINAL REPORT

To view a copy of the full report, please visit our website www.heritage.org.nz.

The QR code will direct you to the document.



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

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