



New Zealand District Councils' Heritage Policies

12 June 2022

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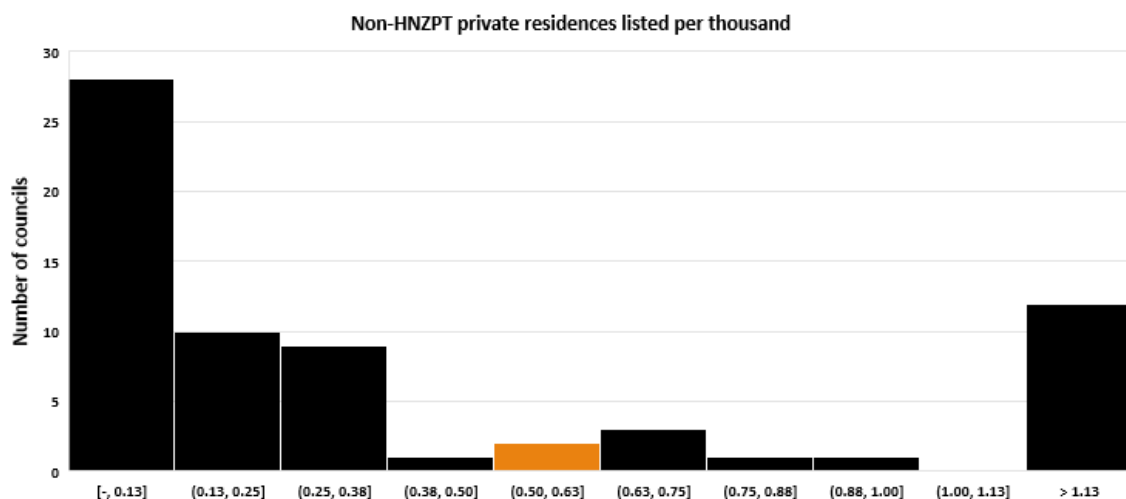
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Executive summary

- Total number of territorial authorities examined: 67 (all New Zealand district councils)
- Number of territorial authorities who responded to information requests: 59
- Number that do not list any properties other than Heritage New Zealand Pouhere Taonga (HNZPT) designated properties: 10
- Number that list additional properties, but do not list additional private residential properties: 9
- Confirmed to require owner consent: 5 (Hastings, Hurunui, Ruapehu, Waimate, Waitaki)
- Number that list additional private residential properties, but changes to them are permitted (with notice given to the council): approx. 5+

The chart below shows the frequency of non-HNZPT heritage-listed private residences per thousand people for each district council in New Zealand. The orange column indicates where Hutt City Council is positioned relative to the other councils. The graph below excludes heritage areas and precincts.



Hutt City Council is in the top third of councils for the number of non-HNZPT heritage-listed private residences per thousand people. The average for the district councils is 0.43 private residences listed per thousand people while Hutt City Council currently lists 0.54 private residences per thousand people. Appendix 1 presents the information on an individual council basis.

Rules surrounding heritage sites depend on how councils categorise the sites and the extent of the works proposed. Repairs and maintenance as well as internal alterations are typically permitted activities which do not require resource consents. Exterior alterations, additions or construction or new structures and demolition can be discretionary, restricted discretionary or even non-complying depending on the site's perceived significance to local heritage.

Smaller councils do not typically list residential buildings and many are unsure about whether they would need owner consent to list residential properties in the district plan.

Introduction

This report provides the results of research conducted into the heritage policies and practices of district councils in New Zealand. The research examines the policies and practices of all 67 district councils in relation to Heritage New Zealand Pouhere Taonga (HNZPT) and non-HNZPT heritage listed sites with a particular focus on non-HNZPT heritage-listed private residential properties. The numbers in this report do not include historic heritage areas and precincts.

The issues that have been explored for each district council are:

- How many heritage sites does the council list in its Plan in addition to those identified by HNZPT?
- How many heritage sites identified above (ie, not listed by Heritage New Zealand Pouhere Taonga) are private residences (houses)?
- Does listing of a heritage site by the council require the agreement of the landowner?
- Are there any specific rules for owners of private residences listed as a heritage site in regards to controlled or permitted activities?

This document was developed using council responses to LGOIMA requests. Of the 67 councils 59 responded to LGOIMA requests. Those councils that did not respond had information sourced directly from their respective district plans.

By conducting this research we will be able to determine how the heritage practices of Hutt City Council compare with other councils in New Zealand. We will update the analysis once the full extent of Hutt City's proposed new heritage listings is known. We will also identify potential fallback options for Hutt City Council to consider should the council deny landowners the right to not have their property listed as a heritage site.

Council breakdown

Ashburton

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
39	94	10
<i>Is owner consent required?</i>		
It would be expected that the landowners of prospective sites would be contacted and engaged with, however a listing could be pursued even if not supported by the landowner if there was strong enough justification for this.		
<i>Residential properties rules when listed by district authority</i>		
Rules relating to heritage sites are contained in Table 12-3 of the Heritage Chapter of the District Plan, there is no differentiation between private residences and other types of building or site.		

Auckland

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
532 (plus 8 Heritage Areas)	1,968 (plus 7 Heritage Areas)	Unsure
<i>Is owner consent required?</i>		
No, landowners do not have rights of veto.		
<i>Residential properties rules when listed by district authority</i>		
Yes, these are contained in the AUP Chapter D17 – Historic Heritage Overlay and Part 7 of the HGIDP.		

Buller

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
42	270	7
<i>Is owner consent required?</i>		
Landowners would be consulted. Any plan changes/amendments are undertaken by the West Coast Regional Council.		
<i>Residential properties rules when listed by district authority</i>		
No changes of use or subdivision of any historic/cultural item(s) listed in Part 14, which would adversely affect the heritage resource or detract from the values the item(s) are listed for will be allowed. No destruction of any historic/cultural item listed in Part 14.		

Carterton

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
16	47	1
<i>Is owner consent required?</i>		
The district plan consultation process is when heritage sites are listed or removed. This is a public process and owners can object or support. The council can proceed without the owner's consent.		
<i>Residential properties rules when listed by district authority</i>		
Interior maintenance is permitted so long as the owner uses original materials and does not detract from the character of the premises. Incentives to encourage landowners to protect historic heritage, such as rates relief and assistance with applications for protective covenants.		

Central Hawkes Bay

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
76	16	4
<i>Is owner consent required?</i>		
The Operative Plan is at least 20 years old. The rules in the Proposed District Plan around Historic Heritage sites have immediate legal effect from notification. Incentives are available to landowners but while consent is preferred it is not required. All resource consent applications relating solely to safety alterations for heritage sites will be processed free of charge to encourage the preservation of heritage sites in the District.		
<i>Residential properties rules when listed by district authority</i>		
Permitted, with notice given to the council for consent process.		

Central Otago

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
107	168	81
<i>Is owner consent required?</i>		
Yes that has been the practice		
<i>Residential properties rules when listed by district authority</i>		
Discretionary. The policy framework in the District Plan provides for a fee waiver for the processing of any resource consent required in relation to these rules.		

Chatham Islands

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
10	Unsure	Unsure
<i>Is owner consent required?</i>		
Unsure		
<i>Residential properties rules when listed by district authority</i>		
Unsure		

Christchurch

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
345	344	126
<i>Is owner consent required?</i>		
Assessed against the criteria for scheduling in section 9.3.2.2.1 of Christchurch district plan and will generally only be proposed for scheduling with the support of the current owner.		
<i>Residential properties rules when listed by district authority</i>		
Heritage dwellings are subject to the same planning rules as other scheduled heritage sites. There are a number of activities which are permitted for heritage sites and heritage settings subject to meeting standards and other activities have a Controlled, Restricted Discretionary, Discretionary or Non-Complying activity status.		

Clutha

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
63	22	6
<i>Is owner consent required?</i>		
The District Plan does not address this matter specifically. However, to be included in the District Plan would require a plan change, and it would be appropriate to consult with the landowners affected as part of the plan change process.		
<i>Residential properties rules when listed by district authority</i>		
Rule HER.1 of the District Plan sets rules around Registered Heritage Buildings (as defined by the District Plan):		
<ul style="list-style-type: none"> ▪ Redecoration or restoration is a permitted activity subject to criteria (Rule HER.1(i)); ▪ Any alterations for additions will first be considered a restricted discretionary activity and would likely be non-notified (Rule HER.1(ii)); ▪ Works to modify, destroy or detract from the character of a registered heritage building or structure is a discretionary activity and would likely be publicly notified including serving notice to Heritage New Zealand (Rule HER.1(iii)). 		

Dunedin

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
376	418	241
<i>Is owner consent required?</i>		
<p>The protection of historic heritage is a matter of national significance under the RMA and the DCC are required to protect it in accordance with its standing in the RMA and also any higher order documents (for example the Regional Policy Statement Chapter HCV-HH which also has policies which direct how heritage needs to be assessed and protected). The decision whether or not something meets the criteria for being scheduled is based on a heritage assessment, prepared by a suitably qualified expert. However, like all other District Plan matters under the RMA, landowners have the right to make submissions and be heard with respect to any plan changes that may affect their property and they may choose to seek an alternative heritage assessment to support their case. However, there are no other different mechanisms to object to scheduling and changes to plan provisions (including scheduling) do not need the “agreement” of the landowner.</p>		
<i>Residential properties rules when listed by district authority</i>		
<ul style="list-style-type: none"> - ‘Repairs and maintenance’ can be undertaken without consent provided any replacement materials are ‘like for like’. Restoration is also permitted. - Development activities such as subdivision and new development require Resource Consent and an assessment on the effect to existing heritage values is undertaken. - Modifications to elements of the building identified for ‘Protection Required’ (listed in the schedule entry) are not permitted without Resource Consent. An assessment is made on the effect to existing heritage values. - Demolition of a scheduled heritage building is identified as non-complying in most zones and requires Resource Consent. An assessment is made on the effect to existing heritage values and considers the viability of alternative options. 		

Far North

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
370	35	Unsure
<i>Is owner consent required?</i>		
<p>S12.5.4.15 – The council will ensure that, before seeking to include within the Plan any heritage resource that occurs on private land, consultation will be undertaken with the landowner affected.</p>		
<i>Residential properties rules when listed by district authority</i>		
Unsure		

Gisborne

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
261	120	34
<i>Is owner consent required?</i>		
<p>While landowner agreement is desirable, during the formal public consultation process, landowner agreement is not required.</p>		

Residential properties rules when listed by district authority

The rules for residential zones are under section DD1 of the Tairāwhiti Resource Management Plan, with specific rules under DD1.6.1 for the Residential Protection Zone.

Gore

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
6	24	0

Is owner consent required?

For heritage buildings to be listed in the District Plan, they go through the RMA process for plan making. Under the RMA there is a requirement to protect historic heritage, and that legislation leads the process whereby sites get listed, as opposed to community selection or landowner agreement. That said landowners are a key stakeholder in the process that Council would engage with, and plan changes are public processes the community can engage in.

Residential properties rules when listed by district authority

It is a permitted activity to carry out any work on any scheduled heritage structure that is for the sole purpose of restoration, repair or maintenance. Such works shall be undertaken using the same type of material to that originally used, and must retain the original design, form and texture of the feature under repair. Exterior alterations or demolition is discretionary.

Grey

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
34	1	0

Is owner consent required?

Unsure. Old Plan initiated in 2005 and no new entries considered since then.

Residential properties rules when listed by district authority

No specific rules for private residences. Exterior alterations or demolition is discretionary.

Hamilton

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
43	80	24

Is owner consent required?

No, but to be scheduled – the identified sites are subject to a First Schedule process under the Resource Management Act 1991.

Residential properties rules when listed by district authority

Yes, refer to Chapter 19 of the Hamilton City Operative District Plan.

Hastings

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
88	28	17
<i>Is owner consent required?</i>		
Yes. HRP4 – Encourage the use of non-regulatory incentives and assistance to facilitate the restoration and conservation of recognised heritage sites.		
<i>Residential properties rules when listed by district authority</i>		
Discretionary. Demolition non-compliant		

Hauraki

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
30	198	56
<i>Is owner consent required?</i>		
As part of the Draft District Plan process letters were sent to the owners of all sites proposed to be listed in the District Plan (whether already in the previous DP or newly proposed ones). They then had the opportunity to provide comment, which was considered by the District Plan Committee, and used to help formulate the Proposed District Plan. Landowners then had the opportunity to make a submission on the Proposed District Plan. We have not received any suggestions for the listing of additional sites since the DP became operative. Should we receive such a suggestion we would consult with the landowner before taking any action to include their site in the District Plan.		
<i>Residential properties rules when listed by district authority</i>		
Varies by category. Discretionary for Nationally or Regionally significant sites, permitted for locally significant.		
Note that Category C sites are listed in the District Plan only for information purposes – as being sites of local or neighbourhood significance. There are no protection or conservation rules applying, except that a photographic record be provided to Council prior to demolition or removal of listed buildings or structures. Category C has 118 sites listed of which 29 are private residences.		

Horowhenua

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
46	17	6
<i>Is owner consent required?</i>		
When Council last amended Schedule 2 of the District Plan in 2017/18, it made the decision to only list buildings/sites where the landowner was supportive. If Council was to choose to list buildings/sites in the future and the landowner was not supportive, then the plan change process is a public process and the landowner would have the opportunity to submit in opposition to their property being listed.		

Residential properties rules when listed by district authority

Maintenance and repair permitted activities. Earthquake strengthening is controlled activity and requires resource consent.

Hurunui

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
54	55	3

Is owner consent required?

If someone or a group etc. were to propose the inclusion of a building as a new heritage feature via a private plan change application, Council wouldn't accept the private plan change without the landowner approval. This is because the listing of a heritage building may become onerous and costly for the landowner in the future.

Residential properties rules when listed by district authority

Discretionary

Hutt City

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
55	59	31

Is owner consent required?

No

Residential properties rules when listed by district authority

Interior alterations – permitted, exterior – restricted discretionary

Invercargill

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
83	97 (plus 2 historic areas)	0

Is owner consent required?

Yes, Council would typically require the agreement of the landowner in order to add their property to Council's heritage record.

Residential properties rules when listed by district authority

HH – R2: Repair and maintenance to preserved the integrity of historical buildings and structures is a permitted activity provided that such work is undertaken using the same type of materials to that originally used, and must retain the original design, form and texture of the feature under repair.

Kaikoura

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
10	25	4
<i>Is owner consent required?</i>		
This would be a decision based on heritage values and would need to be decided by RMA process which are subject to appeal to both Environment Court and High Court.		
<i>Residential properties rules when listed by district authority</i>		
Discretionary. Heritage rules are outlined in Chapter 15 of the District Plan no specific rule relate to private residences, the rule however will capture private residences.		

Kaipara

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
79	26	15
<i>Is owner consent required?</i>		
Unsure. Private property rights considered. Nearly all properties listed are privately owned.		
<i>Residential properties rules when listed by district authority</i>		
Permitted if not demolishing whole or most of property. Discretionary otherwise		

Kapiti Coast

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
35	74	6
<i>Is owner consent required?</i>		
No mention of landowner consent		
<i>Residential properties rules when listed by district authority</i>		
Unsure		

Kawerau

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
0	0	0
<i>Is owner consent required?</i>		
Unsure		
<i>Residential properties rules when listed by district authority</i>		
Discretionary		

Mackenzie

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
31	55	10
<i>Is owner consent required?</i>		
Unsure		
<i>Residential properties rules when listed by district authority</i>		
Preservation is encouraged but not mandated. Demolition or removal is a permitted activity after notice and photos are given to counsel. Alteration is a controlled activity		

Manawatu

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
45	Unsure	25
<i>Is owner consent required?</i>		
Unsure		
<i>Residential properties rules when listed by district authority</i>		
Permitted (appears to suggest that even heritage NZ listings can be demolished) after giving resource consent and photographs taken		

Marlborough

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
101	44	20
<i>Is owner consent required?</i>		
Not necessarily. The criteria for inclusion in the PMEP is contained in Policy 10.1.4 of volume 1 of the PMEP. These do not include the views of the landowner.		
<i>Residential properties rules when listed by district authority</i>		
No different to other types of property or sites. Found in volume 2, chapter 2, rules 2.24-2.27. There are permitted, controlled, discretionary and prohibited activities that apply. Differs depending on whether Class A or B heritage sites.		

Masterton

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
31	185	39
<i>Is owner consent required?</i>		
Yes, the Council would prefer the approval and agreement of the landowner if the site/building is to be protected. The list of Historic Heritage sites outlined in the operative District Plan went through a public notification process and during that process only two sites were not included as the owners opposed its listing and status.		

Residential properties rules when listed by district authority

Most of the permitted and controlled activities are in regard to “minor repairs and maintenance of any heritage item”. There are standards that outlined the extent of the work that can be undertaken and to seek Council advice before commencing any works.

Matamata-Piako

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
49	43	10

Is owner consent required?

Unsure

Residential properties rules when listed by district authority

Interior – permitted, new construction or demolition – discretionary

Napier

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
92	80	0

Is owner consent required?

The process for protecting heritage sites/items in the District Plan is through the District Plan Review or Plan Change process. This process requires notification to the public and consultation with those affected by the proposed change, however, landowner approval is not required in order to change the District Plan to include that item in its heritage schedule. It must be proven, however, that the item/site is of sufficient heritage value (as assessed by a suitably qualified professional) to justify protection.

Residential properties rules when listed by district authority

The rules for owners of private residences that have been identified as historic heritage sites are the same as those for all historic heritage sites. If an activity is deemed permitted by the District Plan, then the owner can undertake that activity, in accordance with the District Plan, without having to engage with Council. If an activity is a Controlled Activity, then resource consent is required. There are no Controlled Activities for historic heritage sites in the Operative District Plan. Activities are either classed as Permitted, Restricted Discretionary, or Discretionary Activities. Heritage sites in the Operative District Plan are divided into two groups – Group 1 and Group 2. The activities that be carried out are determined by the group number a heritage item is in.

Nelson

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
155	221	124

Is owner consent required?

Regulatory protection under the Resource Management Act 1991 (RMA), is provided through the NRMP. The NRMP determines how items listed in the plan should be managed and whether a consent is required for any modifications to the building and/or site where the listed building is located.

If a site is not listed in the NRMP, it could be nominated to be added onto the NRMP's heritage schedule. A nomination can be put forth by any member of the public. While there is a system to assess nominations and add items to the schedule, this process would usually involve some sort of consultation with the landowner. The RMA does not require the agreement of the owner.

Residential properties rules when listed by district authority

Provisions detailing how heritage buildings are dealt with are found within the individual zone rule tables of the NRMP. The NRMP classifies heritage items into three categories which are A, B and C. Most of the rules relating to heritage items are related to either the alteration or demolition of an identified heritage item. The NRMP also encompasses rules that regulate the erection of new buildings within the site of a listed heritage item.

New Plymouth

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
89	80	4

Is owner consent required?

Unnecessary if category B or C heritage site. Generally Council consults with landowners prior to any formal proposal to include sites in the district plan and we require their agreement.

Residential properties rules when listed by district authority

Only category A buildings, sites and areas are subject to heritage related rules in the New Plymouth District Plan. Category B's and C's are not regulated.

Opotiki

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
25	0	0

Is owner consent required?

Unsure

Residential properties rules when listed by district authority

Discretionary

Otorohanga

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
25	0	0

Is owner consent required?

Unsure

Residential properties rules when listed by district authority

Interior alterations – permitted, exterior – restricted discretionary

Palmerston North

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
48	46	19
<i>Is owner consent required?</i>		
Unsure		
<i>Residential properties rules when listed by district authority</i>		
Interior alterations – permitted, exterior – restricted discretionary		

Porirua

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
56	37	13
<i>Is owner consent required?</i>		
The Council does not require the agreement of the landowner in order for a heritage site to be protected (scheduled) in the PDP. The Council must however follow the relevant process under the First Schedule of the Resource Management Act 1991 when proposing a change to the district plan, including adding new heritage sites. This process includes a requirement for consultation with landowners.		
<i>Residential properties rules when listed by district authority</i>		
Interior alterations – permitted, exterior – restricted discretionary		

Queenstown Lakes

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
100	210	67
<i>Is owner consent required?</i>		
No; however, it is preferable.		
<i>Residential properties rules when listed by district authority</i>		
Yes, specific rules can be found in Chapter 26 of our Proposed District Plan. Consent would be required to demolish or undertake alterations. The threshold for consenting changes depending if the site is a Category 1 or 2 site.		

Rangitikei

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
63	0	0
<i>Is owner consent required?</i>		
To update Schedule 3CA of the District Plan, we are required to go through a publicly notified plan change, or review process. The next review of the District Plan is scheduled to begin late 2022/2023. When we review the Heritage Section of the District Plan we will need to consider whether we implement the same approach as we currently have – mirroring the Heritage NZ List, or whether		

there are other sites which should be protected under the District Plan that are not listed by Heritage NZ.

Residential properties rules when listed by district authority

Interior alterations – permitted, exterior – restricted discretionary

Rotorua

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
21	38	7

Is owner consent required?

Historic Structures are identified when the District Plan is reviewed which typically is once every 10 years. Where a site is identified as a heritage building the land owner must be notified and they have the ability to submit and appeal the scheduling of the site. In practise there would normally be significant consultation with a land owner prior to this occurring. There is however no requirement for the land owner to give their agreement.

Residential properties rules when listed by district authority

Interior alterations – permitted, exterior – restricted discretionary

Ruapehu

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
34	82	7

Is owner consent required?

“Any nomination of a heritage item that is or is part of any private property must have the support of the owner(s), either as being the nominator or a supporting signatory”.... “If the owner’s support is not included in the nomination a reason for this must be provided and council will consult with the owner before public comment is invited or the nomination is assessed.”

Residential properties rules when listed by district authority

Identified for information only, not subject to rules

Selwyn

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
32	44	Unsure

Is owner consent required?

It is preferable but this is not an absolute requirement for scheduling. During the review process for the Selwyn District Plan, where a property owner objected to a recommendation for inclusion in the schedule by our heritage consultant, these were then peer reviewed to determine if their inclusion was appropriate. Furthermore, through the submissions process on the Proposed Selwyn District Plan, a property owner (or any member of the public) could submit in support or opposition to the proposed heritage schedule.

Residential properties rules when listed by district authority

Scheduled heritage items are subject to rules in the District Plan that restrict the degree of change to the item itself and to the setting. In terms of permitted activities, maintenance and repair of the item can be undertaken where the repair and maintenance do not alter the form, appearance and profile of the external fabric of the item. Cleaning (but not abrasive blasting) and repainting are also permitted. Where the work does alter the outward form, appearance and profile of item it ceases to be repair and maintenance and becomes an alteration which is a restricted discretionary activity. Seismic strengthening also requires a resource consent but as a controlled activity. In terms of the setting, new minor structures, repairs/replacement of paved areas and earthworks that do not permanently alter the shape of the land are permitted although larger scale changes are likely to require a resource consent as a restricted discretionary activity.

South Taranaki

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
67	28	5
<i>Is owner consent required?</i>		
The South Taranaki District Council consults with the landowner prior to placing heritage sites on the heritage schedule of the District Plan.		
<i>Residential properties rules when listed by district authority</i>		
Discretionary		

South Waikato

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
26	Unsure	Unsure
<i>Is owner consent required?</i>		
No		
<i>Residential properties rules when listed by district authority</i>		
Interior alterations – permitted, exterior – restricted discretionary		

South Wairarapa

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
52	129	16
<i>Is owner consent required?</i>		
No. Inclusion in the plan is based around objective heritage assessment and process under the RMA.		
<i>Residential properties rules when listed by district authority</i>		
Interior alterations – permitted, exterior – restricted discretionary		

Southland

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
45	9	5
<i>Is owner consent required?</i>		
Unsure. Consultation		
<i>Residential properties rules when listed by district authority</i>		
Alteration – discretionary. Demolition – non-compliant		

Stratford

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
12	17	1
<i>Is owner consent required?</i>		
The inclusion of a newly identified site in the District Plan would need to follow the prescribed process for changes to District Plans. While it's not a requirement, it is desirable to have a supportive landowner.		
<i>Residential properties rules when listed by district authority</i>		
Discretionary. The rules for heritage buildings are the same irrespective of them being residential or not.		

Tararua

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
53	0	0
<i>Is owner consent required?</i>		
No		
<i>Residential properties rules when listed by district authority</i>		
Interior alterations – permitted, exterior – restricted discretionary		

Tasman

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
128	25	9
<i>Is owner consent required?</i>		
Unaware of any such buildings been added recently; the policy provisions do not require land owner consent. Most buildings have been rolled over from the old district schemes and where identified a long time ago.		

Residential properties rules when listed by district authority

Interior alterations – permitted, exterior – restricted discretionary

Taupo

HNZPT listed

5

Non-HPTNZ listed

0

Residential Non-HPTNZ listed

0

Is owner consent required?

Anyone can propose a plan change to include a historic heritage site in the district plan or through the district plan review. Technically you don't need to have the landowners agreement to do this. However as the Council would need to consult with the landowner and the landowner has the opportunity to submit to this change to the district plan, it is uncertain whether such an inclusion would occur without the landowner's agreement.

Residential properties rules when listed by district authority

Interior alterations – permitted, exterior – restricted discretionary

Tauranga

HNZPT listed

31

Non-HPTNZ listed

19

Residential Non-HPTNZ listed

0

Is owner consent required?

In most cases, we will consult those affected before notifying a plan change. The level of consultation required will depend on the nature of the plan change. We will produce a plan change document that includes an explanation of the proposed changes and a section 32 report. This report considers the appropriateness of the plan change and assesses the costs and benefits of the environmental, economic, social, and cultural effects anticipated from the plan change.

Residential properties rules when listed by district authority

Interior alterations – permitted, exterior – restricted discretionary

Thames-Coromandel

HNZPT listed

184

Non-HPTNZ listed

Unsure

Residential Non-HPTNZ listed

10

Is owner consent required?

The Proposed District Plan does not have a policy to require agreement from the owner of a heritage building for the building to be listed in the Historic Heritage Schedule.

In the review of the District Plan between 2013-2016, there were some submissions lodged by owners of properties who opposed the inclusion of particular buildings in the Historic Heritage Schedule. Council did approve the Historic Heritage Schedule without some of these buildings, notwithstanding the heritage consultant's professional opinion that the buildings should be in the Schedule. Examples of buildings deleted from the Schedule as a result of property owners' objections included the Kopu Station Hotel and the Sinclair bach at Wyuna Bay.

Residential properties rules when listed by district authority

Discretionary

Timaru

HNZPT listed

129

Non-HPTNZ listed

0

Residential Non-HPTNZ listed

0

Is owner consent required?

Unsure

Residential properties rules when listed by district authority

Interior alterations – permitted, exterior – restricted discretionary

Upper Hutt

HNZPT listed

18

Non-HPTNZ listed

9

Residential Non-HPTNZ listed

0

Is owner consent required?

In respect of protection under the District Plan, landowner agreement is not required to propose to include a new item for protection under the District Plan. If the heritage item/site is deemed significant under s.6(f) of the Act, then it does not require the agreement of the landowner to list it in the district plan. The proviso is there would need to be evidence prepared by a suitably qualified and experienced person to support the heritage listing, not just that it was 'identified by the local community'.

Residential properties rules when listed by district authority

•Chapter HH – Historical Heritage – of the District Plan sets out the policy and rule framework with respect to heritage sites. The chapter is attached and the rules copied below.

HH-R1 – Any repair or maintenance to the exterior of a significant heritage feature listed in Schedule (HH-SCHED1) – Permitted.

HH-R2 – Any alterations or additions to any significant heritage feature listed in Schedule (HH-SCHED1), other than the partial or total demolition, destruction or removal of any such heritage feature. Council may impose conditions over design and appearance of the additions or alterations – Controlled.

HH-R3 – The partial or total demolition, destruction or removal of any heritage feature listed in Schedule (HH-SCHED1) – Discretionary.

Waikato

HNZPT listed

59

Non-HPTNZ listed

94

Residential Non-HPTNZ listed

31

Is owner consent required?

No

Residential properties rules when listed by district authority

Interior alterations – permitted, exterior – restricted discretionary

Waimakariri

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
80	26	1

Is owner consent required?

Section 6 of the Resource Management Act 1991 (RMA) identifies the protection of heritage values from inappropriate subdivision, use, and development as a matter of national importance. Accordingly, a Heritage Consultant reviewed all existing and nominated heritage items in the Waimakariri District and confirmed those scheduled in the Proposed District Plan as worthy of being listed. In mid-2020, the Council advised owners of identified historic heritage items, via a letter, of its intention of scheduling the items in the Proposed District Plan. The letter informed owners that:

- the items had been assessed and deemed worthy of inclusion.
- the intention was to provide a greater level of protection to the item.
- the Proposed District Plan would be notified in mid-2021 for public submissions, and that the submissions and hearings process would be used to confirm the proposed heritage schedule in order to meet the Council's obligations under the RMA.
- contact information was also provided if owners wished to gain further information or raise concerns or objections. Council did have a hearing that resulted in some historic heritage items being removed from the schedule.

Residential properties rules when listed by district authority

Interior alterations – permitted, exterior – restricted discretionary

Waimate

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
25	124	11

Is owner consent required?

Yes it is the practice that the landowner agrees to the heritage sites identified.

Residential properties rules when listed by district authority

Demolition or removal – Permitted activity with written consent and photos. Alteration – controlled activity.

Waipa

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
74	167	6

Is owner consent required?

None currently. Any sites listed in the District Plan must follow a public consultation and submission process. There is no statutory obligation under the Resource Management Act to obtain prior

landowner agreement, but best practice is to consult with directly affected landowners prior to publicly notifying the listing of their sites, for public submissions.

Residential properties rules when listed by district authority

Interior alterations – permitted, exterior – restricted discretionary

Wairoa

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
31	36	17

Is owner consent required?

If there are any sites identified by community on private land, it will have to go through a hearing process to make it official. The landowner will be consulted and be heard before the decision is made, just like a resource consent process.

Residential properties rules when listed by district authority

Discretionary

Waitaki

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
189	49	6

Is owner consent required?

As part of the current review of the district plan, landowner agreement is required for nominated Category B sites but is not required for Category A sites.

Residential properties rules when listed by district authority

The rules for owners of private residences identified as historic heritage sites are contained in Chapter 11 of the District Plan. As such there are no specific rules, but the general provisions do allow for a range of activities without resource consent.

Waitomo

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
20	2	0

Is owner consent required?

No

Residential properties rules when listed by district authority

Discretionary

Wellington

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
351	246	59

Is owner consent required?

All places that are to be listed in the District Plan (whether nominated by the community or not) must be shown to have significant historic heritage value. This is determined through an in-depth assessment of heritage values by heritage experts, against Council's criteria for listing. This assessment is provided to land owners for comment and consideration. Owner agreement to the heritage listing of a place is not required. It is a factor that is considered when a recommendation for listing is made by Council officers.

Residential properties rules when listed by district authority

Interior alterations – permitted, exterior – restricted discretionary

Western Bay of Plenty

HNZPT listed *Non-HPTNZ listed* *Residential Non-HPTNZ listed*

107

57

3

Is owner consent required?

It wouldn't require the landowner's permission, but they would have a say. To add a new built heritage feature to the District Plan, it would require a Plan Change. Before notifying any such Plan Change, the landowner would need to be consulted with, and if a Plan Change was to be notified, the landowner would be entitled to make a submission. A decision would then be made by Council and the landowner would be entitled to appeal this decision to the Environment Court.

Residential properties rules when listed by district authority

Interior alterations – permitted, exterior – restricted discretionary

Westland

HNZPT listed *Non-HPTNZ listed* *Residential Non-HPTNZ listed*

36

0

0

Is owner consent required?

Unsure

Residential properties rules when listed by district authority

Not specified

Whakatane

HNZPT listed *Non-HPTNZ listed* *Residential Non-HPTNZ listed*

96

0

0

Is owner consent required?

Unsure

Residential properties rules when listed by district authority

Not specified

Whanganui

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
85	243	101
<i>Is owner consent required?</i>		
<p>A heritage covenant under the HNZPT Act is a voluntary agreement between the landowner and HNZPT.</p> <p>The process of including site in a heritage schedule in a District Plan does not, strictly speaking, require the agreement of the landowner. As with any District Plan process under the Resource Management Act 1991 (RMA), the process is a public one and the landowner, and the rest of the community, have a right to have their views heard by the Council before any decisions are made.</p>		
<i>Residential properties rules when listed by district authority</i>		
Interior alterations – permitted, exterior – restricted discretionary		

Whangarei

<i>HNZPT listed</i>	<i>Non-HPTNZ listed</i>	<i>Residential Non-HPTNZ listed</i>
87	36	26
<i>Is owner consent required?</i>		
<p>During the plan change process, anyone can request that an item or building be listed as a scheduled heritage item or building in the Whangarei District Plan (with required evidence of why it should be scheduled). However, there is opportunity for others (including the landowners) to oppose this and put forward their case of why it shouldn't be listed.</p>		
<i>Residential properties rules when listed by district authority</i>		
Guidelines for owners of heritage properties on repair, maintenance and painting (including appropriate colour schemes) of scheduled built heritage sites. External alterations – restricted discretionary.		

Conclusions

This research finds Hutt City Council to have the following positions relative to other councils:

- 12th highest of all 67 councils in terms of number of non-HNZPT private residences heritage-listed sites;
- 18th highest of all 67 councils in number of non-HNZPT private residences heritage-listed per thousand people; and
- 7th highest among district councils in % of locally significant heritage listed sites that are private residences.

24 councils either do not list any non-HNZPT private residences or only do so with the consent of the owner.

The following councils explicitly require landowner consent before listing non-HNZPT heritage sites; Hastings, Hurunui, Ruapehu, Waimate and Waitaki. In response to the LGOIMA request Hurunui Council responded that the reason for landowner consent was “... *because the listing of a heritage building may become onerous and costly for the landowner in the future.*”

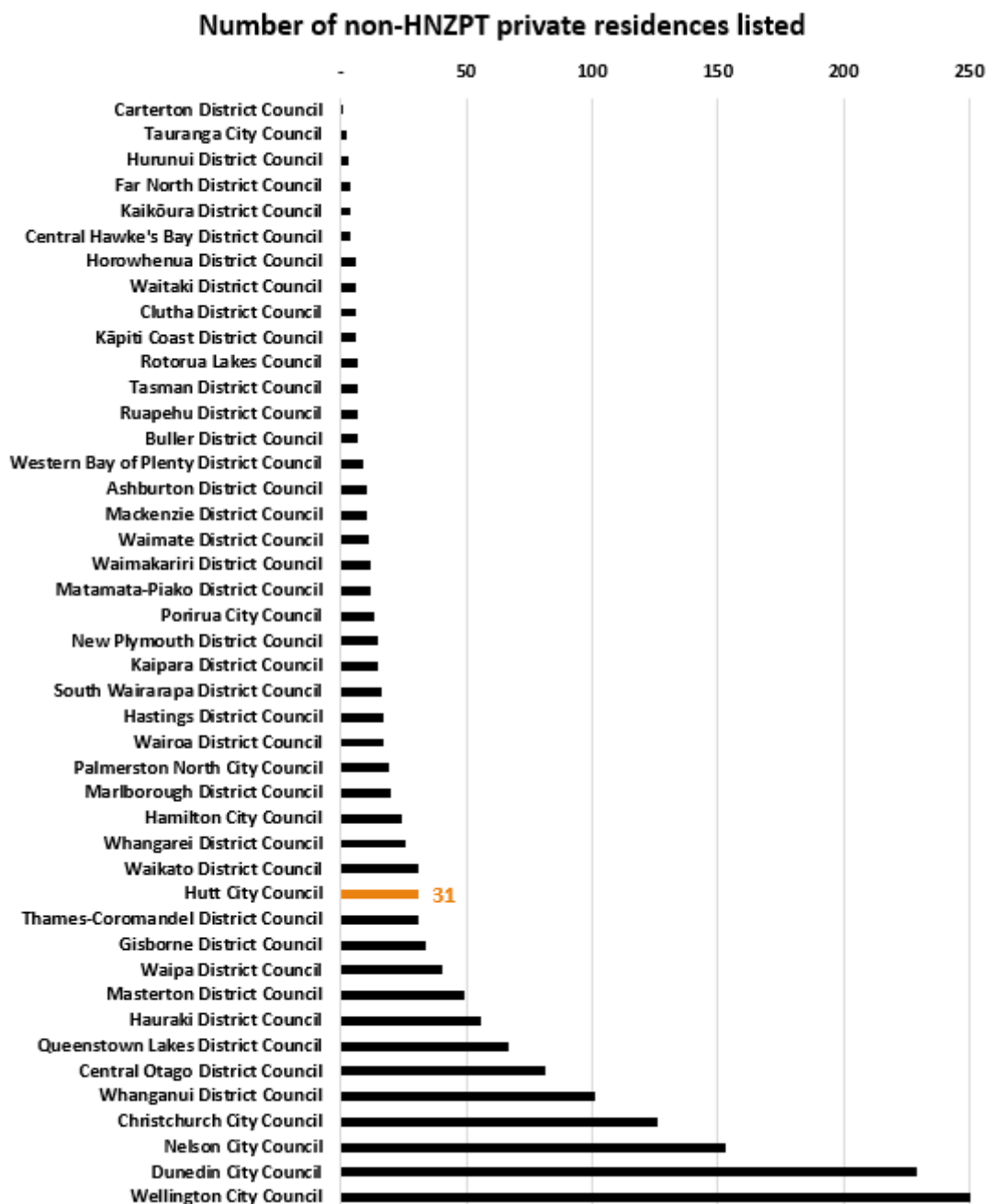
A few councils categorise non-HNZPT heritage sites listed in the district plan based on the significance of their heritage value to the local community or entire district:

- New Plymouth Council only subjects category A buildings, sites and areas to heritage related while category B's and C's are not regulated;
- Waitaki Council, under its current review of the district plan, requires landowner agreement for nominated category B sites but not for category A sites.

Rules surrounding heritage listed properties do not differ significantly between district councils as they are largely all derived indirectly from the Resource Management Act:

- Permitted activities do not require a resource consent – for heritage sites the activities classified as permitted include repairs and maintenance and interior alterations.
- The four activities that require the landowner to go through the resource consent process are controlled, discretionary, restricted discretionary and non-complying:
 - exterior alterations or construction of new structures that may impact on the visual sighting of the heritage site from the road can be either be controlled, discretionary or non-discretionary depending on the significance of the heritage site and extent of works required; and
 - demolition of the heritage site will typically be non-complying although can be restricted discretionary for certain councils should the heritage site have low significance to the district.

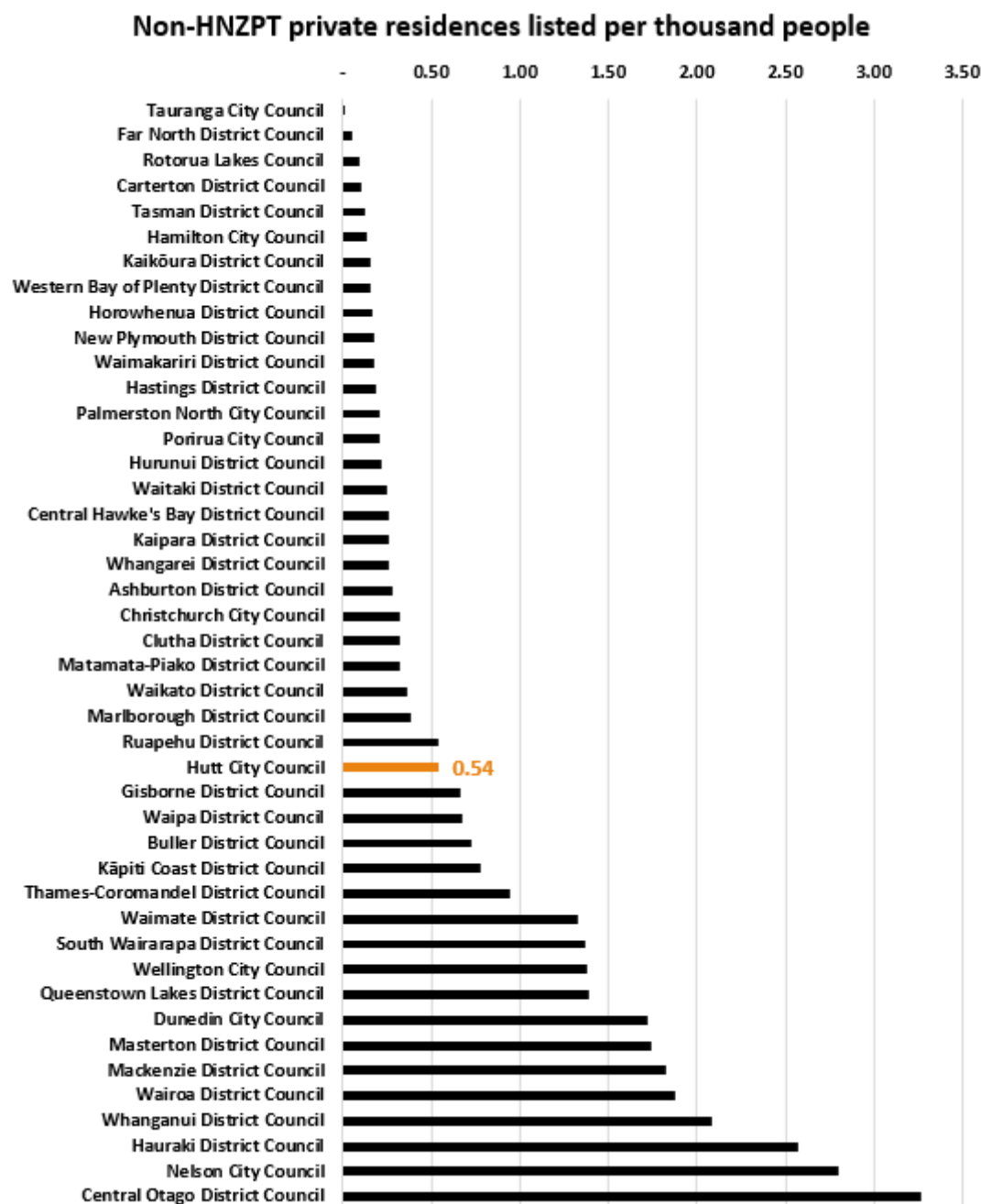
Appendix 1: Number of private residences listed



Zero private residences listed

Chatham Islands Council	Rangitikei District Council	Waitomo District Council
Gore District Council	South Waikato District Council	Westland District Council
Grey District Council	Southland District Council	Whakatāne District Council
Invercargill City Council	Stratford District Council	
Kawerau District Council	Taranua District Council	
Napier City Council	Taupō District Council	
Ōpōtiki District Council	Timaru District Council	
Ōtorohanga District Council	Upper Hutt City Council	

Appendix 2: Private residences listed per thousand people



Zero private residences listed

Chatham Islands Council	Rangitīkei District Council	Waitomo District Council
Gore District Council	South Waikato District Council	Westland District Council
Grey District Council	Southland District Council	Whakatāne District Council
Invercargill City Council	Stratford District Council	
Kawerau District Council	Tararua District Council	
Napier City Council	Taupō District Council	
Ōpōtiki District Council	Timaru District Council	
Ōtorohanga District Council	Upper Hutt City Council	