# Submission to

# Parliament's Environment Committee

# on the

# Planning Bill

# by

# the Voluntary Heritage Group

VHG Convenor: Philip Barry

voluntaryheritage@gmail.com

13 February, 2026

# Statement of Position

The Voluntary Heritage Group (VHG) welcomes the Government's intention to replace the Resource Management Act 1991 with a more coherent and efficient planning system.

VHG is a nationwide group of citizens who support heritage protection where it is properly targeted, transparent and funded. We believe that if society wishes to preserve privately owned heritage, society should either (1) obtain the owner's agreement, or (2) compensate the owner fully and fairly for the resulting loss and costs.

VHG supports heritage protection in principle. However, we believe the current regulatory approach to local authority heritage designation is unfair to homeowners and often counter-productive for heritage outcomes. The Planning Bill does not adequately address these issues.

Our real lived-in experiences with the stress, costs and burdens of compulsory heritage designations under the RMA are documented in case studies from Hutt City, Hamilton, Napier, South Wairarapa and Dunedin included in this submission.

VHG's key recommendations to the Committee are:

1. Adopt an owner-consent rule: local authorities should not be able to designate privately owned property as "significant historic heritage" in a District Plan without the owner's express written consent.

2. If owner consent is not adopted, designation of a private property as heritage should only be permitted by Heritage NZ Pou here Taonga (HNZ).

3. If owner consent is not adopted, full and fair compensation should be required: the Bill should require compensation that reflects the full loss imposed, with the calculation clearly set out in the Act and with an effective dispute-resolution mechanism.

VHG wishes to speak to the Committee in support of this submission.

# 1. The problems with the current regime

The current heritage regime enables councils to impose heritage controls on private property without consent and without meaningful compensation. This has four predictable consequences: it imposes significant costs on owners; it destroys private value (even where the public benefits); it undermines the affordability of housing for the young and those on low incomes; and it often fails to protect the heritage itself.

**a. Imposes large costs on homeowners:**

- Heritage designation typically requires owners to obtain planning approvals for routine external works (for example, window joinery, roof or cladding repairs, chimneys, fences, solar panels and additions);

- Those approvals involve time delays, uncertainty, and professional costs (eg, planner, architect, engineer, heritage consultant);

- Heritage requirements can also impose additional build and maintenance costs (for example, requiring like-for-like materials, specialist trades, and specific strengthening approaches);

- Insurance can also be materially more difficult and expensive for older and/or heritage-protected buildings. VHG's experience is that insurers may charge increased premiums (25% or more) and excesses or may refuse to provide cover for the additional costs of repairing heritage homes; and

- The whole process imposes considerable stress, angst and uncertainty on the property owners (see the case studies attached to this submission).

**b. Value loss for homeowners:**

- Heritage scheduling reduces a home's market value because it removes redevelopment options and increases expected compliance costs;

- VHG's experience, supported by advice from real estate professionals and the empirical literature, is that heritage designation typically reduces the value of affected properties materially (on average in the range of negative 10% to negative 30%);

- This effect is also reflected in published studies. Bade et al (Land Use Policy, 2020) found a significant negative price penalty for houses subject to scheduled heritage status of around 10% on average in Auckland, alongside positive spillover benefits to nearby properties;

- Noonan and Gupta (Journal of Real Estate Economics, 2011) examined approx. 60,000 homes in Chicago in 1990s and found the effect of historic designation was large and negative (approximately negative 27%); and

- Market Economics (commissioned by Dunedin City Council, March 2025) reported that heritage designation in Dunedin was associated with average real price reductions of around 13% over the medium term for affected properties.

**c. Undermines housing affordability:**

- New Zealand has a high median house price to income ratio, making housing unaffordable for the young and those on low incomes;

- Heritage designations undermine housing affordability by restricting development and intensification opportunities and by increasing the cost of maintaining and upgrading existing housing stock; and

- Councils are increasingly designating houses with little or no heritage value as heritage as a way of avoiding intensification. The case studies from Hutt City and Hamilton included in this submission provide many examples of council-designated fake heritage.

**d. Doesn't protect heritage**

- Heritage protection is a public good. But the current system pushes the costs of heritage designations onto the property owners, with little or no support, incentives or assistance;

- This creates a perverse incentive: owners rationally minimise investment in a building that cannot be reasonably altered, upgraded or intensified and that has suffered an uncompensated loss in value;

- The result too often is neglect and dereliction, rather than active conservation. The Gordon Wilson flats in central Wellington (pictured below) are a classic example; and

*Heritage "protected" Gordon Wilson flats in central Wellington – left derelict and abandoned for over ten years. Photo: RNZ/ Mark Papalii*

- Because the property owner bears all the costs but the benefits of a heritage-designation are socialised, the regime creates further perverse incentives by making people wary of building properties that could be designated heritage in the future.

**The incentives are all wrong**

The incentives in the current heritage regime are all wrong. Councils obtain the perceived "benefit" of heritage protection through regulation, while the financial and practical burden of the heritage designation falls on the affected homeowner.

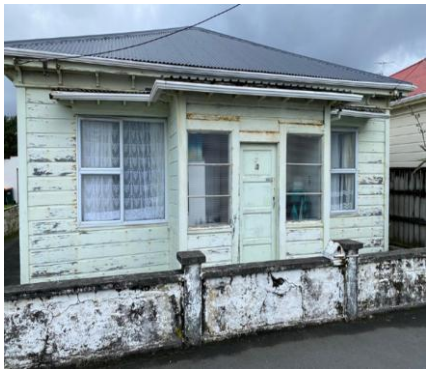
This encourages over-designation (including the scheduling of places that may be locally interesting but are not of genuine significance) and weakens public confidence in heritage protection as a whole.

## Case Study: Hutt City Council

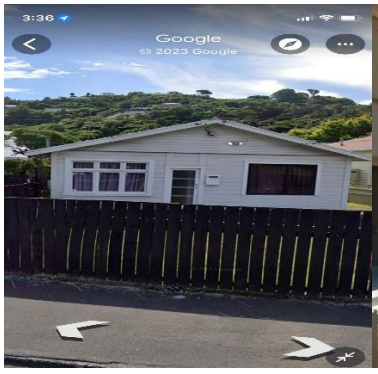
In 2022/23 Hutt City Council proposed Plan Change 56. The Plan Change was Hutt City's response to the Housing Supply Act that was aimed at increasing housing intensification and housing affordability. As a way of bypassing the Act and avoiding intensification, Hutt City proposed six new heritage areas with 350 extra heritage homes.

The Voluntary Heritage Group commissioned independent expert and registered architect Neil Kemp to assess the heritage status of the homes included in the council's proposed heritage areas. After examining the proposal, Mr Kemp concluded "The great majority of the homes in the proposed new areas have been significantly modified over time and are devoid of heritage value."

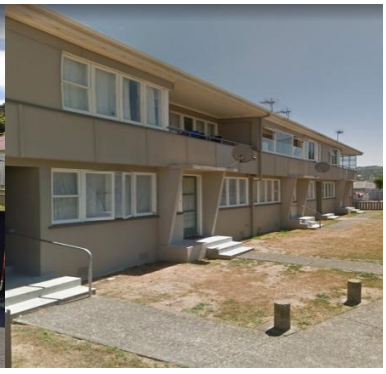
Examples of the properties identified by the council to be heritage designated are shown below. These are clearly fake heritage. Yet the council's proposal, if it had gone through would have imposed huge costs on the ordinary, everyday kiwis who owned these homes.



45 Queen Street, Petone
In the proposed heritage area HA-08




73 Hutt Road, Petone
In proposed HA-03



Hardham Crescent, Petone
In proposed HA-01

The Independent Commission that examined the council's plan agreed with Mr Kemp and the Voluntary Heritage Group and ruled against all the heritage designations proposed by the council.

*Neil McGrath*

## 2. Does the Planning Bill address the problems?

**a. No.**

The Bill improves the overall system architecture for resource management in many respects, but it does not address the fundamental problems in heritage designation: councils can still impose significant historic heritage controls on private property without consent and without providing full compensation.

**b. There are some positive features**

There are some positive features of the Bill in regard to heritage. In particular, the Bill's goals include the protection of only "sites of *significant* historic heritage" (section 11(1)(g)(iii)). This addition of the word "significant" is an improvement on the current RMA regime because it raises the threshold and should help focus regulators on more significant places.

**c. But major problems remain**

The major problems with the current heritage regime discussed in Section 1 above remain because the Bill fails to address the underlying problems. In particular:

i. Councils can still designate property as heritage without the owners' consent. This imposes significant costs on the property owner and leads to all four problems noted above.

ii. No respect for private property rights: the Bill does not include an explicit principle requiring property rights to be respected when applying significant historic heritage controls.

iii. The "Regulatory Relief" provisions (Schedule 3, Part 4) are flawed. The Schedule provides no clear standard for how much compensation must be provided or how the amount is to be calculated and expressly allows relief that is not like-for-like. This creates a real risk of councils only providing token relief as they can and sometimes already do under the status quo.

Further, the Planning Tribunal's review power is constrained. Even where the Tribunal identifies incorrect application of a relief framework, it may specify alternative relief only to the extent that it is already available under the operative land use plan. This entrenches inadequate compensation.

# Case Study: South Wairarapa District Council

In early 2023 we received an email from South Wairarapa District Council (SWDC) stating that our home at 193 East Street Greytown and 61 others had been nominated by a small self-interest group for Heritage Status. Greytown has only 1,143 houses in total, so effectively 5.5% of all the houses in the Town were nominated by this group.

What's important in this specific case is that none of the nominees had any qualifications in the field of Heritage. It was "in their opinion" these properties needed Heritage Protection.

We were served an abatement notice that we could not carry out any works on our home until this matter was concluded, so instantly the home was in all intents and purposes designated Heritage Status until we could deliver enough evidence to council to have the Heritage Status removed.

The council's email stated clearly that if we did not want Heritage Status, to reply and this Heritage Status would be removed from the Plan. We immediately emailed the council and stated "That in no way shape or form do we want any Heritage Status applied to our home, absolutely in no way do we want to proceed with any Heritage Protection of our home". We then received a confirmation email from the council that the property would be removed from the Plan. However, the SWDC did not remove our property from the Plan and so the ordeal began.

Additional information had to be assembled to fight the submission for Heritage Protection of our Home. The submitting party needed to take NO Further Action. This is an important fact as anyone in NZ no matter if in a different region or island and with absolutely no heritage qualifications can submit that any house or structure be Heritage Protected.

Heritage can easily be weaponized.

So for 2024 we employed planners and assembled all the information needed to remove the heritage status. We also employed valuers and were shocked to be advised that Heritage Protection/ Status would lower the value of the home and make it far less desirable. The property's CV is $3.3m and with Heritage Protection we were advised it would be circa $2.2m in value (a 33% decline) and would appeal to a far lower number of potential buyers.

Eventually in mid-2025 there was a hearing that we attended with our planners, all at our cost, where local Iwi, Council Representatives and Council Planners were present.

Iwi saw no merit in Heritage Protection.

Our planners submitted a demolition order from 2012 for the entire site that was approved by the Council themselves, that stated the council saw no merit for heritage. Nor did Heritage NZ make any submission to prevent the demolition nor any submission when the Home was processed as a Stand Alone Residential Dwelling when the House received its Code of Compliance, nor did Heritage NZ make a submission when a Resource Consent was applied for the swimming pool, garages or when part of the building went through the Resource Consent period to gain a change of use permit for the use of Weddings.

In short, councils do not have the ability or skills to process these types of Heritage Submissions. SWDC invested circa $50,000 with a Heritage Specialist to process the submissions.

It was a drawn-out process covering 3 years. In December 2025 we were notified that the house was not deemed to warrant Heritage Status. The process cost us time, stress and $18,500 in planners, legals and submissions… it was a hollow victory that was a complete waste of everyone's time ….. and this is happening across NZ in the 1000's of cases.

In my view Heritage Submissions should be removed from the RMA and from Council Long Term Plans and be in the sole jurisdiction of Heritage New Zealand as they are penultimately responsible, have Central Government funding as well as qualified individuals to correctly deal with submissions.

If Councils wish to over-lord this type of property action they must be prepared to pay for the impact of the properties' decrease in value. Councils need to focus on infrastructure not nonsense Heritage submissions generated by a group of Retirees with no qualifications. Property rights need reinforcing and self-interest groups need to be held financially accountable for making onerous submissions on other people's property.

*Ryan Smock*

## 3. A better way: three key changes sought

**a. No power for Local Authorities to designate private property as heritage without owner consent.**

Local authorities should have no power to impose historic-heritage protections on privately owned land or buildings without the owner's express written consent. This would not prevent heritage protection. It would shift councils toward voluntary tools: incentives, rates relief, grants, partnerships, compensated covenants, and purchase by agreement.

**b. If (a) is not accepted, only HNZ, not council officers should be able to recommend a property as heritage.** The experiences of our members – see the case studies below - show that councils are unable or unwilling to classify properties correctly. Councils do not have the ability or incentive to identify true heritage and their misclassifications adversely affect the lives of the property owners. The power of Council staff to recommend that properties be designated as heritage should be removed and only HNZ should have that ability.

**c. In addition, if (a) is not accepted, full and fair compensation is required.**

If Parliament retains an ability for councils to impose significant historic heritage controls without consent, then it is essential that owners receive compensation from councils that is full, fair, and predictable. The compensation methodology should be set out in the Act, using a "before and after" market-value approach and principles consistent with the Public Works Act 1981. In short: where the public benefits, the public should pay.

One option for ensuring compensation is full and fair to both the public and the property owner would be to require councils, where they want to heritage designate a private property, to have to offer to buy the property at fair market value (ie, the fair market value before the heritage designation was announced). To avoid pressures on councils' balance sheets and to reduce the risk of properties falling into decay once they become council owned, councils could then sell the properties on the open market with a covenant requiring their heritage values to be maintained.

## 4. Suggested legislative amendments

The following drafting suggestions are provided to assist the Committee. They are intended to be workable within the Bill's structure and to give local government, plan drafters, and the Planning Tribunal clear direction.

**4.1 Owner consent amendment (recommended)**

> Insert a new section after section 80 (Core obligations when preparing and deciding land use plan):
>
> "80A Consent required for significant historic heritage protections on privately owned property

(1) A territorial authority must not include in a land use plan or proposed land use plan any rule, overlay, schedule entry, mapping, or other plan provision that identifies, protects, or regulates a significant historic heritage site or significant historic heritage structure on privately owned land unless the written consent of every owner of the land is obtained.

(2) For the purposes of this section, owner means the registered proprietor of the land (and includes joint owners).

(3) Privately owned land means land that is not owned by the Crown, a local authority, or a council-controlled organisation (within the meaning of the Local Government Act 2002).

(4) Nothing in this section prevents a territorial authority from protecting significant historic heritage on privately owned land by agreement with the owner, including by incentives under section 86, grants, rates relief, or voluntary covenants."

**4.2 HNZ amendment (fallback if owner consent is not adopted)**

If the Committee does not support section 80A above, VHG recommends inserting a new section after section 80 as follows:

"80A Heritage New Zealand Pou here Taonga recommendation required for significant historic heritage protections on privately owned property.

(1) A land use plan or proposed land use plan must not include any rule, overlay, schedule entry, mapping, or other plan provision that identifies, protects, or regulates a site of significant historic heritage or structure of significant historic heritage on privately owned land unless—

(2) (a) the site or structure is entered on the New Zealand Heritage List/Rārangi Kōrero; or

(b) the site or structure is included in the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list; or

(c) Heritage New Zealand Pouhere Taonga has provided a written recommendation under subsection (3) that the site or structure is of significant historic heritage for the purposes of section 11(1)(g)(iii).

(2) For the purposes of this section,—
owner means the registered proprietor of the land (and includes joint owners); and
privately owned land means land that is not owned by the Crown, a local authority, or a council-controlled organisation (within the meaning of the Local Government Act 2002).

(3) Heritage New Zealand Pouhere Taonga may, on request of a territorial authority or an owner, provide a written recommendation for the purposes of subsection (1)(c).

(4) A recommendation under subsection (3) must—

(a) identify the land, site, or structure to which the recommendation relates; and

(b) state the values and characteristics that make the site or structure of significant historic heritage; and

(c) confirm that Heritage New Zealand Pouhere Taonga has consulted every owner of the relevant land and considered any views received from those owners.

(5) Nothing in this section prevents a territorial authority from protecting historic heritage on privately owned land by agreement with the owner, including by incentives under section 86, grants, rates relief, or voluntary covenants."

**4.3 Compensation amendment (fallback if owner consent is not adopted)**

If the Committee does not support section 80A, VHG recommends amending Schedule 3, Part 4 (Regulatory Relief) to require full compensation from councils for historic heritage rules they impose affecting privately owned property.

Firstly the title of the Schedule should be changed from Regulatory Relief to Regulatory Compensation (as relief can be taken to imply only a partial or temporary alleviation of the pain suffered by heritage-designated property owners).

Amend Schedule 3 Part 4 by changing the word "relief" to "compensation" throughout Part 4.

Amend Schedule 3, clause 69(2) by deleting paragraph (c) ("relief need not be granted on a like-for-like basis").

Insert the following new clause after Schedule 3, clause 70 (Nature of relief):

"70A Mandatory compensation for significant historic heritage rules

(1) This clause applies where a specified rule protects a significant historic heritage site or significant historic heritage structure on privately owned land and the owner has not provided written consent to that protection.

(2) Despite clauses 69(2) and 70, the relief framework must provide for monetary compensation that is full and fair.

(3) The monetary compensation must be assessed on a "with and without" basis, being the amount by which the market value of the relevant land is reduced by the specified rule, assessed as at the date the rule was first proposed.

(4) Market value must be assessed on the same basis as section 62(1)(b) of the Public Works Act 1981 (willing seller/willing buyer), and any increase or reduction in value caused by the rule or the prospect of the rule must be disregarded (consistent with section 62(1)(c) of that Act).

(5) The relief framework must also provide for reimbursement of reasonable additional costs that are a direct consequence of the specified rule (including reasonable professional fees required to obtain consents and comply with heritage requirements).

(6) A territorial authority must pay compensation under this clause within 6 months after the rule first has legal effect, and interest is payable on any unpaid amount."

Amend Schedule 10, clause 23(5) to remove the limitation that the Tribunal may specify other relief only to the extent it is available under the operative land use plan. For example, replace clause 23(5) with:

"(5) If the tribunal concludes that the local authority did not apply its relief framework correctly, the tribunal may specify other relief in accordance with clauses 70 and 70A of Schedule 3 (as applicable) and may make any consequential orders necessary to give effect to that relief."

## Concluding comments

VHG supports a planning system that is faster and more enabling, while still protecting genuinely significant historic heritage.

But heritage protection that relies on uncompensated, involuntary burdens on individual homeowners is neither fair nor effective. Requiring owner consent will align incentives, improve heritage outcomes, and restore confidence that "heritage" is not being used as a cost-free regulatory tool. Failing that, permitting only HNZ to recommend properties as heritage and requiring full and fair compensation for the owner is the minimum that is required.

VHG therefore urges the Committee to recommend amendments to the Planning Bill consistent with section 3 and the drafting suggestions in section 4 above.

# References

Bade, Castillo & others (2020). The price premium of heritage in the housing market: evidence from Auckland, New Zealand. Land Use Policy 99.

Law and Economics Association of NZ, presentation by P Barry: Heritage and the RMA (12 November 2025).

Market Economics (March 2025). Plan Change 1: Dunedin Heritage Protections – Economic impacts and property value effects (report commissioned by Dunedin City Council).

Noonan & Krupka (2011). Making—or Picking—Winners: Evidence of Internal and External Price Effects in Historic Preservation Policies. Real Estate Economics 39(2).

Planning Bill (Government Bill 235-1, 2025).

Public Works Act 1981, section 62 (assessment of compensation).

VHG Submission on RMA Reform Phase 2 (February 2025).

VHG Submission on Additional Heritage Listings in the Hutt Draft District Plan (29 October 2025).

## Case Study: Hamilton City Council

In July 2022 around 3,000 homeowners were advised that their house was in one of 30-plus proposed new historic heritage areas (HHAs). The reasons given to homeowners for the heritage classifications were vague, with HCC admitting they held no records or evidence before 1949 for many of the properties. Homeowners who objected had to prepare an argument with no evidence provided to argue against.

The Oxford St (East) HHA, for example, was initially deemed a "railway workers suburb" despite the houses having nothing to do with Railways and not being Railway houses. HCC and its experts later acknowledged that they were not railway houses but insisted the heritage value was that they looked like railway houses and may have been copied from them and maintained the HHA was significant. This level of ridiculousness was difficult to argue. In February 2024 this HHA was deemed to not be significant enough to preserve, but in the almost two years prior to this several owners wanted to sell their houses but were unable to get a suitable value due to the HHA status. Fencing restrictions (max height 1.2m) also presented security issues in a high-crime suburb. Many sleepless nights were spent trying to fight what appears to be an error by a heritage "expert".

As another example, the Acacia Crescent HHA was one of ten HHAs comprising 1960s/1970s brick houses which (supposedly significantly) represented the growth of Hamilton. Given Hamilton has been growing since its inception, the same could be said for every street. This HHA (due to alphabetisation) was the first example of a new format/rating requested by the hearing panel and was ranked as High significance. The other nine streets with virtually identical histories were included as medium. No explanation was ever given as to why the distinction. Like Oxford St, there were owners who could not do basic things like put up a garage/structure on the front of the property.

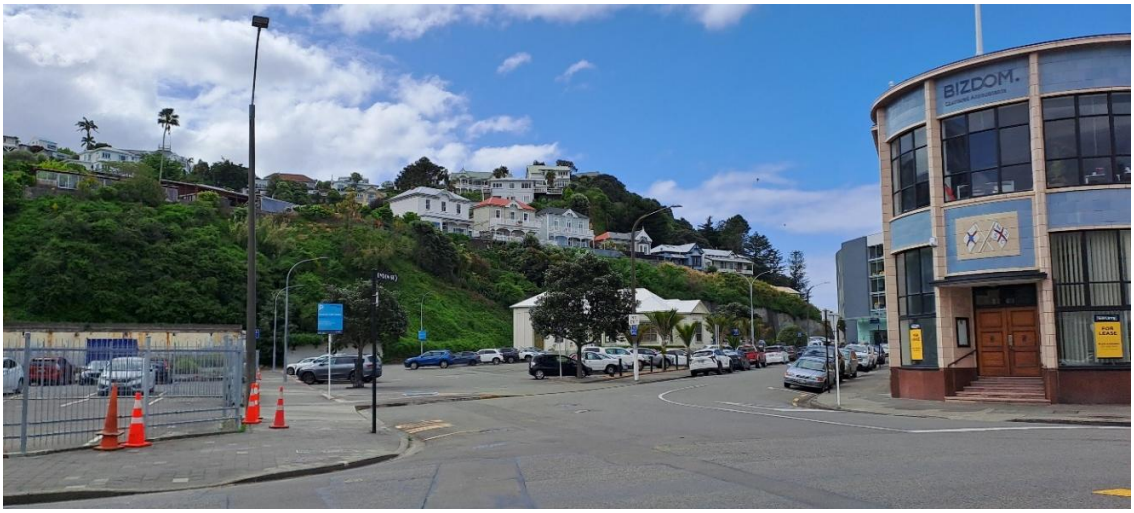
A large number of Fairfield 1950s state housing streets were also presented as high heritage significance, despite no evidence as to these particular streets being the first or unique state houses built (of the 800+ houses built in the Fairfield Project). Kainga Ora had the resources to fight this decision in the Environment Court and many of the heritage designations were eventually removed. The homeowners in Acacia Cresent did not have the resources and the HHA restrictions remain in place despite there being no evidence of true significant heritage.

It is unclear why HCC chose this extreme approach to "heritage" as they also put restrictions on development in the same areas due to infrastructure issues. Homeowner's property rights were and are severely impacted. Property values declined and many changes to property now require a consent and a costly expert report while their non-HHA near neighbours could do the same thing at a lesser cost and/or without restrictions.

If Councils can designate significant heritage on a homeowner's property without their consent, it is imperative that the homeowner is entitled to full compensation for the impact of the designation. The Hamilton example shows the RMA permitted a massive loss of personal property rights. This is not appropriate in a democratic country such as NZ.

*Jean Dorrell*

## Case Study: Napier City Council




The Napier City Council has recently designated the above row of houses, 1-6 Seaview Terrace, Bluff Hill Napier, as a Heritage Group, as part of its 10-year update of its District Plan. During the prior consultation process, we submitted evidence in opposition to this proposal, both in writing and in person, but this seems to have been ignored or overruled. As 1 Seaview Terrace has been our home and principal asset since 2008 we have experienced this planning process and the resulting designation as an infringement of our property rights and financial security in our old age.

The Napier City Council considers that it is entitled, if not obliged, to make this designation under the Resource Management Act. Although we agree with the general goal of preserving architectural heritage, we consider that NCC's action in this case is unjust for several reasons.

1. Hastings District Council, which surrounds Napier City geographically, has a policy of not making heritage designations of private residential property without the owners' consent. That the legislation allows this difference in application across Councils impacts on the real estate market in our region.
2. There is a lack of clear assessment criteria for making a group listing in cases such as this, where heritage values of some of these houses individually have already been seriously compromised.
3. There is a lack of clear criteria for asserting that our group of houses are nationally significant. The houses are among a multitude of surviving late-19$^{th}$ century villas across the country. We need clear rules for what constitutes significant architectural heritage.
4. The designation imposes increased financial risks for the homeowners by its impact on insurance costs and property values. While the Act recommends that local authorities consider provision of financial support for designated properties, this is not compulsory and has not been built into the NCC's plan.
5. This group of historic houses at 1-6 Seaview Terrace has been built and preserved by the costly investment of generations of private owners. To claim them now as the heritage of the city at large is in effect a partial transfer of property values from private ownership to the public realm without any corresponding public investment or compensation. If the rate-paying public of Napier, acting through their City Council, want these homes to endure, what are they prepared to invest in them?

*Sue Dick and Howard Pilgrim*

# Case Study: Dunedin City Council

WHAT THE COUNCIL HAS DONE SO FAR

In 2025, the Dunedin City Council (DCC) proposed scheduling 146 properties as having significant heritage value. This proposal formed part of Plan Change 1 – Minor Improvements to the 2015 Second Generation Dunedin City District Plan.

Of the affected owners, 46 formally opposed the proposed scheduling. As a result of this process, 16 properties were ultimately not scheduled, and a further four properties remain under appeal to the Environment Court.

This process was notable for the local media attention it attracted. For the first time, coverage looked at the experiences of ordinary private homeowners, many of whom stated they had received no prior warning or engagement from the Council regarding the intention to schedule their property. This represented a shift from earlier heritage debates, which tended to focus on large, centrally located commercial buildings owned by professional developers. The coverage highlighted the personal, financial, and emotional impacts of scheduling on private residential owners.

MERITS OF COUNCIL ACTIONS – WAS THE PROPOSAL JUSTIFIED?

The Council has acknowledged that the heritage assessments undertaken were generally only just sufficient to justify scheduling. In practice, these assessments often relied on superficial comparisons with already scheduled buildings — effectively, “if it looks like that one, it is probably heritage.” There was little evidence of deeper analysis or the application of clear, consistent, and rational criteria. This weakness was explicitly identified in the conclusions of the Market Economics Consulting report (Commissioned by the DCC to look at the claims of financial burden on private ownership of newly scheduled houses).

The abbreviated nature of these initial assessments meant that many owners were left without a clear understanding of why their property had been scheduled. Meetings with Council staff often failed to clarify matters, particularly where assessments had been contracted out and staff themselves were not privy to the detailed reasoning behind the recommendations. Information around significance criteria, how scheduling is supposed to work, or the involvement of third-parties was also not disclosed to owners, or was difficult to find.

More detailed assessments generally only emerged once an owner challenged the scheduling through the RMA process. Even then, there was no guarantee that the revised assessments contained greater analytical depth or more robust justification based on facts.

At least one assessment relied on the argument that a building supported scheduling because it incorporated modern alterations undertaken in an older architectural style. This reasoning was rejected by the Heritage Commissioners and the Heritage Panel.

The Heritage Panel rejected a number of recurring themes advanced by the Council. These included over-claiming of significance, particularly in the social and historic context; deliberate downplaying of private costs; scheduling on a precautionary “just in case” basis; and attempts to schedule entire buildings where only limited elements, if any, could be justified as significant.

Despite these rejections, the DCC continued to minimise the significance of costs and impacts on owners, maintaining this position all the way through to the Hearing Panel. This stance persisted even though the Council had commissioned the Market Economics report, which acknowledged that heritage scheduling can affect property values and impose additional costs, including higher insurance premiums and increased compliance expenses. Market Economics estimated the value impact in Dunedin of heritage designation to be a decline in value of around 13%.

PUBLIC BENEFIT CLAIMS AND EVIDENCE BASE

The Council has consistently relied on appeals to "public benefit" to justify scheduling decisions. However, these benefits are rarely clearly defined or quantified, and the lack of explanation allows the concept to remain ambiguous and difficult to test. Despite this, the Council continued to advance public benefit arguments throughout the hearing process.

Concerns also arose regarding the quality of data used to support these claims. In the Section 42 report presented to the Heritage Panel, the Council relied on a survey of 182 respondents to support the assertion that heritage is widely valued by residents and visitors. The Council acknowledged that the survey was self-selected. For context, Dunedin has a population of approximately 130,000 people, or around 57,000 ratepayers. The council-commissioned report by Market Economics Consulting clearly identified the lack of primary research and robust analysis underpinning the Council's claims in this area.

With respect to the state of heritage in the city the most recent publicly available Council report is dated 2018. This raises questions about whether current policy decisions are being informed by any up-to-date evidence.

COSTS, IMPACTS AND HISTORICAL AWARENESS

The Council's ongoing trivialisation of the impacts of scheduling on owners is particularly concerning given that these issues have been known for many years. As early as 2007, the financial and regulatory burdens of heritage scheduling were raised and discussed, and potential remedies were proposed. While the focus at that time was largely on commercial buildings and development, the underlying issues apply equally to private residential owners.

That these concerns have resurfaced — largely unresolved — suggests a wilful refusal to learn from past experience or to meaningfully incorporate earlier lessons into current practice.

ONGOING AND FUTURE RISKS FOR OWNERS

It is important to note that the Council is already positioning itself to minimise the effects of the proposed new legislation. The DCC is aware of constraints on access to regulatory relief for owners who acquired properties after the last operative plan was notified and appears to be prepared to use these constraints to limit owners' ability to seek fair recompense. For Dunedin residents this will mean if you came into your property after the last RMA plan was notified (2015 for Dunedin) then you are not eligible for regulatory relief! This is frankly intolerable.

The Heritage Commissioners also requested that the DCC consider reducing the burden on owners by removing resource consent fees for scheduled parts of buildings. This issue, which again dates back to at least 2007, highlights a pattern that commercial owners often gain traction in seeking relief, while private residential owners remain effectively excluded. The oft-cited slogan "red carpet, not red tape" has not been borne out in practice for private owners.

THE HERITAGE FUND – PROMISE AND PRECARITY

The DCC frequently points to its Heritage Fund as evidence of support for owners of scheduled properties. The fund is discretionary and sits at approximately $600,000, give or take.

What is not usually mentioned is that an early 2025 report by Council staff identified significant risks to the fund, including over-subscription resulting from the recent push to schedule a large number of properties and a real decline in the fund's value due to inflation. As of 2026, the fund remains at roughly the same value. The report concluded that these pressures could result in reduced grant amounts and fewer successful applicants.

Despite this, the Council continues to promote the Heritage Fund to newly scheduled owners without acknowledging its precarious state. At the same time, the DCC is quick to highlight claims that heritage contributes approximately $300 million in turnover to the city, without clearly reconciling this figure with the limited and inadequate support available to affected owners.

CONCLUSION

The Council's actions mean that many owners have experienced uncertainty and financial stress. Meaningful justification for scheduling only appears once the Council enters a fraught and adversarial process. The cumulative effect is to entrench a system where impacts on private owners are acknowledged late, mitigated inadequately, and justified through evidence that is often thin, outdated, or selectively applied.

*Vaughn Malkin*