



## *Heritage Policy Statement*

### **Policy Objectives**

1. To protect the heritage character of significant and historic buildings within the built environment;
2. To allow for the managed redevelopment of existing buildings within the built environment;
3. To ensure that the development and redevelopment of buildings reflects quality urban design.

### **Application**

The Property Council of New Zealand will advocate for outcomes that are consistent with the objectives of this policy.

### **Rationale**

The Property Council is a signatory to the New Zealand Urban Design Protocol and supports good design methods. This means the Property Council supports the design of buildings, places, spaces and networks that make New Zealand's towns and cities useable, durable, and sustainable<sup>1</sup>.

Quality urban design also requires the effective management of existing buildings. No building can exist in perpetuity and the physical form of a building depreciates over time. Most buildings can be renovated and altered, but the form and function of individual buildings cannot always meet changing consumer demand. Therefore it is necessary to ensure that urban design allows for buildings to be significantly altered or, in the case of a building that has reached the end of its asset life, demolished and replaced.

There is a dynamic tension that exists between those who advocate for the retention of buildings and those who seek to replace buildings at the end of the asset life. An appropriate heritage policy will manage this tension, by providing for a managed process for identifying buildings that possess significant and intrinsic historic value, and which enhance the built environment. Buildings that possess this value should be preserved under certain circumstances.

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<sup>1</sup> New Zealand Urban Design Protocol, 2005, page 4.

Buildings that do not possess significant and intrinsic historic value should not be considered significant in terms of a heritage value. Any building that is not on a heritage schedule may be subject to a demolition consent if the owner wishes to replace that building at the end of the asset life.

The development community seeks certainty around specific buildings that do *not* possess significant and intrinsic historic value. Buildings that do not possess significant intrinsic historic value should not be retrospectively included on any heritage schedule, which preserves that building in perpetuity.

Adding buildings to a heritage schedule has implications for the owners of such designated buildings. This includes the potential financial loss incurred due to the inability to alter or replace the building. Individual owners of designated buildings should be assisted through compensatory measures, which should be negotiated by the specific territorial authority responsible for the heritage designation.

Although territorial authorities are responsible for compiling a schedule of heritage buildings, the requirement to institute compensatory measures should be codified in statute. Parliament should pass legislation to confirm the provision of compensatory options.

## Policy Requirements

1. The Property Council supports every city and district territorial authority developing a heritage building schedule, which codifies a heritage status that may apply to specific buildings within the area governed by that authority. Each schedule must:
  - identify the individual building designated as having a heritage status, including the current owner of the building and the years the building was (a) first commissioned and (b) built.
  - codify why each designated building possesses significant and intrinsic historic value;
  - codify why each designated building adds to the character of the city or town to which it is situated;
  - allow for a regular review of each building's heritage status, with the review occurring at intervals no more than ten years and in accordance with the review of the District Plan;
  - states what the building owner can and cannot do to alter the facade of a building designated as having a heritage status; and
  - require the territorial authority to consult with the registered building owner at the time of each review, as well as ensuring that the building owner has an opportunity to make submissions on the continuing heritage status of that building.
2. The Property Council considers that any and all designated buildings should not be subject to a demolition consent. Any mixed-use building that is included on a heritage schedule may be subject to building works pursuant to section 363 of the Building Act 2004, but building works should not include demolition and replacement while that building attracts a heritage status.
3. The Property Council considers that any building that does not have a heritage status may be subject to a demolition consent if the owner wishes to replace that building at the end of the asset life. Demolishing a building is an expensive and significant exercise and is only undertaken because the building subject to the demolition consent does not meet consumer demand. It is

therefore appropriate for territorial authorities to expedite demolition consent applications for buildings that are not designated on a heritage schedule.

4. Heritage schedules will be updated from time to time, which reflects analysis of individual building within the built environment. The Property Council supports the regular review of heritage schedules but opposes retrospectively designating a building *after* a demolition consent for that building has been applied for and granted.
5. Territorial authorities should be encouraged to allocate funds to contribute to the redevelopment of urban spaces to ensure that those spaces compliment the character and profile of adjacent buildings (irrespective of the building's heritage status).
6. Territorial authorities should assist affected property owners whose buildings are added to a heritage schedule. This assistance might include (but not be limited to) (a) financial compensation for the loss of ability to alter or replace a heritage building, (b) transferable rights to alter or replace alternate buildings in lieu of the loss of ability to alter or replace a heritage building, or (c) other compensatory options negotiated between the territorial authority and the building owner.
7. Parliament should pass legislation to confirm in statute the requirement to recompense owners of heritage buildings.

## Consultation and Monitoring

Each territorial authority should be responsible for managing its heritage schedule.

Section 82(1) of the Local Government Act 2002 (the "Act") states that consultation that a territorial authority that undertakes to consult on any decision or other matter must comply with the following principles:

*"(a) that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons:*

*(b) that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority:*

*(c) that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented:*

*(d) that person who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons:*

*(e) that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration:*

*(f) that persons who present views to the local authority should be provided by the local authority with information concerning both the relevant decisions and the reasons for those decisions."*

The Property Council considers that each territorial authority should be careful to ensure that it follows the requirements set out in section 82(1)(a) to (e) of the Act when developing and reviewing its heritage schedule. Professional organisations such as the Property Council (and its individual members) are available to consult with and assist territorial authorities developing heritage schedules.

### **Property Council delegation**

The Chairperson of the Urban Strategy and Infrastructure Committee, and the National Director of the Property Council shall have delegated authority to review this Heritage Policy Statement from time to time. Any amendment to this statement shall be subject to approval by the Urban Strategy and Infrastructure Committee in consultation with the National Executive of the Property Council.