



Heritage

Changes introduced by the Resource Management (Consenting and Other System Changes) Amendment Act 2025

These changes, which passed into law on 20 August 2025, belong to a wider programme of resource management reform. Visit the Ministry for the Environment's [webpage about the new Amendment Act](#) for more information.

Context

Heritage management under the RMA

Under the Resource Management Act 1991 (RMA), regulation of heritage in New Zealand is largely devolved to councils. Since 2003, the protection of historic heritage from inappropriate subdivision, use and development has been prescribed as a matter of national importance under section 6 of the RMA.

Councils generally give effect to this protection requirement by identifying places of significant heritage value (including specific buildings) within their jurisdiction and including them in their regional, unitary or district plans in the form of heritage schedules ('scheduling'). Places included in heritage schedules are typically subject to rules that manage subdivision and physical changes.

Councils can include within their schedule any buildings and structures that they identify as being places of significant heritage value, regardless of whether Heritage New Zealand Pouhere Taonga¹ has included the building in the New Zealand Heritage List/Rārangi Kōrero (the List). Councils could also opt not to schedule buildings and structures that are on the List.

Newly identified heritage places can be added or removed ('de-scheduling') from a local authority's heritage schedule via the plan change process in Schedule 1 of the RMA, which involves public consultation, hearings and decision-making, and appeal rights.

Streamlined planning process

(Note: The 'Housing streamlined planning process' fact sheet gives an overview of the streamlined planning process (SPP) and proposed changes to the SPP.)

Minimum entry criteria must be met for a local authority to apply to the relevant Minister for a direction to use an SPP. A local authority may apply for a direction only if the planning instrument or

¹ Heritage New Zealand Pouhere Taonga is a Crown entity established under the Heritage New Zealand Pouhere Taonga Act 2014.

proposed planning instrument is not a freshwater planning instrument, and if the application satisfies at least one of the criteria in section 80C(2) of the RMA, namely that:

- (a) the proposed planning instrument will implement a national direction
- (b) as a matter of public policy, the preparation of a planning instrument is urgent
- (c) the proposed planning instrument is required to meet a significant community need
- (d) a plan or policy statement raises an issue that has resulted in unintended consequences
- (e) the proposed planning instrument will combine several policy statements or plans to develop a combined document prepared under section 80, or
- (f) the expeditious preparation of a planning instrument is required in any circumstance comparable, or relevant, to those set out in paragraphs (a) to (e).

Key changes

- Section 20 of the Amendment Act amends section 80C of the RMA.
- Section 70(12) of the Amendment Act adds new clause 77(3B) to Schedule 1 of the RMA.
- Section 70(15) of the Amendment Act adds new clauses 84(3) and 85 to Schedule 1 of the RMA.

Prior to the Resource Management (Consenting and Other Matters) Amendment Act 2025 (the Amendment Act), the SPP entry criteria in section 80C(2) of the RMA did not explicitly refer to the de-scheduling of a heritage building, so a plan change to de-schedule a heritage building was not able to be done using the SPP.

There were also no rights of appeal on the Minister's decision to approve a proposed policy statement, plan, plan change or variation that has gone through the SPP process.² However, judicial review of decision-making was available.

The Amendment Act amends the SPP process by giving the final decision-making role on plan changes to councils, rather than the Minister for the Environment. Accepted recommendations from an SPP Panel become operative, with no appeal rights. Rejected recommendations may be appealed to the Environment Court on merit or to the High Court on questions of law. There is no further right of appeal to the Court of Appeal or Supreme Court.

New streamlined planning process entry criteria

The Amendment Act introduces new provisions that enable councils to use an SPP to remove scheduled heritage buildings and structures from their plans. An additional SPP entry criterion has been added to section 80C, to provide that an SPP can be used where the proposed planning instrument would de-schedule heritage buildings and structures, thereby removing the heritage protection provisions.

Changing the entry criteria makes it more explicit that the SPP could help councils with removing heritage scheduled buildings and structures from their plans. This change provides councils with

² Except in relation to designations, notices of requirement and heritage protection orders.

greater certainty that this is a matter for which they can apply to use an SPP. The SPP is comparatively faster and cheaper for councils than using the standard Schedule 1 plan change process.³

Matters to consider when de-scheduling a heritage building or structure

When recommending and approving the removal of a building or structure from a heritage schedule in a plan – that is, de-scheduling – SPP Panels and local authorities must have particular regard to:

- (a) its heritage significance
- (b) its physical condition, including degree of seismic risk
- (c) its current or proposed use and the economic viability of any proposed use
- (d) whether the owner agrees to removing the heritage protection.

Considering these matters will enable councils to better balance heritage protection with other important use and development matters, including the provision of housing and business activities, as well as infrastructure.

These criteria would be included in the Minister’s Statement of Expectations when approving the use of an SPP by a local authority (as provided in clause 77(3B) of Schedule 1 of the RMA).

The Amendment Act adds a new clause 84(3) in Schedule 1 of the RMA, which requires the SPP Panel to “have particular regard to the responsible Minister’s statement of expectations included in the direction given under clause 78”. The effect of this is that the SPP Panel recommendations to the council:

- would include assessment of the SPP plan change against the four de-scheduling matters (items (a) to (d) listed above)
- must be given particular regard to when considering the merits of a heritage de-scheduling SPP plan change.

When the local authority makes its decision under the new clause 85 in Schedule 1 of the RMA, it will be based on the matters presented throughout the SPP process (which includes assessment against the four de-scheduling matters). There will be evidence against which the council can support the SPP Panel recommendations, or else decide “an alternative solution” (as provided in the new clause 85(1) of Schedule 1).

Definition of building

The Amendment Act adds a definition for ‘building’, for the purposes of section 80C. This is the same as the definition in the Heritage New Zealand Pouhere Taonga Act 2014:

... **building** means a structure that is temporary or permanent, whether movable or not, and which is fixed to land and intended for occupation by any person, animal, machinery, or chattel ...

³ Timeframes to complete the SPP have ranged from 6 to 18 months (excluding application preparation and pre-application consultation).

