



New Zealand
Historic Places Trust *Pouhere Taonga*

**SUSTAINABLE MANAGEMENT
OF
HISTORIC HERITAGE**

Discussion Paper No. 1

Historic Heritage Principles and Issues



3 August 2007

Table of Contents

1. Introduction	4
2. PRINCIPLES FOR THE SUSTAINABLE MANAGEMENT OF HISTORIC HERITAGE.....	5
1.1 Legislative Overview.....	6
1.2 International Charters.....	9
1.3 Government Policy.....	10
1.4 NZHPT guidance	11
2. KEY THEMES IN SUSTAINABLE MANAGEMENT OF HISTORIC HERITAGE ..	13
2.1 Historic heritage terminology	13
2.2 Historic heritage is a matter of national importance	15
2.3 The protection of Maori heritage is of national importance and central to historic heritage	15
2.4 Historic heritage of national significance	16
2.5 Inappropriate subdivision, use and development relating to historic heritage.....	16
2.6 Heritage landscape values	17
2.7 Public good and private interests	17
2.8 Subsidiarity and Shared Responsibilities	18
2.9 Integrated management	18
2.10 Adopting a values-centered planning approach to Historic Heritage.....	19
3. RECOGNITION AND IDENTIFICATION OF HISTORIC HERITAGE.....	22
3.1 Identification strategies.....	22
3.2 Heritage criteria	23
3.3 Places and areas of significance to Maori.....	25
3.4 Archaeological sites	25
3.5 Recognition and Promotion of Historic Heritage	26
4. KEY ISSUES RELATING TO THE PROTECTION OF HISTORIC HERITAGE.....	28
Issue 1: The threat to historic places (buildings) resulting from inappropriate repairs and maintenance, alterations and additions.....	29
Issue 2: The threat to the integrity and character of historic places (buildings) resulting from relocation.....	30
Issue 3: The threat to historic places (buildings) resulting from partial demolition ..	30
Issue 4: The threat to historic places (buildings) resulting from demolition.....	31
Issue 5: The threat to the surroundings associated with historic heritage resulting from inappropriate subdivision, use and development.....	31
Issue 6: Threats to historic areas	32
Issue 7: The threat to places and areas of significance to Maori	32
Issue 8: The threat to historic sites (including archaeological sites)	33
Issue 9: The threat to historic heritage resulting from inappropriate signage and advertising.....	34
Issue 10: The threat to historic heritage resulting from inappropriate subdivision ...	34
Issue 11: The threat to historic heritage resulting from inappropriately designated areas	34

Sustainable Management of Historic Heritage Guidelines

Discussion Paper No.1

Principles and Issues

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While the NZHPT acknowledges the contribution of other agencies and organisations, the opinions and views expressed in this guide are those of the NZHPT only.

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1. Introduction

Achieving the sustainable management of historic heritage is a common overarching aspiration for all agencies with heritage-related responsibilities. Local authorities are responsible for historic heritage under the Resource Management Act 1991 (RMA). This responsibility is exercised in conjunction with other statutory agencies such as the Department of Conservation and the New Zealand Historic Places Trust (NZHPT).

This discussion paper provides an overview of key themes, principles and issues relating to historic heritage. Its aim is to inform the development of heritage provisions in regional policy statements and plans under the RMA (see guides 1-3 of this series). While the paper is designed for local authorities, it will be of interest to other stakeholders and interested parties.

The first part of the paper outlines a framework of principles for the sustainable management of historic heritage for local authorities. This framework includes the RMA, other legislation, international agreements, and other key government policy and guidance.

Following the principles, key emerging themes relating to historic heritage are discussed. This discussion covers matters such as terminology, historic heritage as a matter of national importance, subsidiarity, integrated management and values-centred planning approach to historic heritage.

An overview is provided on the recognition and identification of historic heritage and a number of issues are discussed such as alterations and additions, surroundings, and demolition. This discussion of issues may contribute towards the development of issues for regional policy statements and regional and district plans.

2. PRINCIPLES FOR THE SUSTAINABLE MANAGEMENT OF HISTORIC HERITAGE

Local authorities work within a legislative and policy framework. In relation to historic heritage, this framework includes the RMA, other legislation, international agreements, government policy and guidance. Together, the framework provides governing principles for the sustainable management of historic heritage.

Principles for the Sustainable Management of Historic Heritage for local authorities

Resource Management Act 1991

National Policy Statements, National Environmental Standards
Regional Policy Statements

Other legislation

Environment Act 1986
Local Government Act 2002
Historic Places Act 1993
Building Act 2004
Reserves Act 1977

International Agreements

Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention – cultural heritage)
ICOMOS NZ Charter

Key Government Heritage Principles and Policies

Sustainable Development for New Zealand, Programme of Action, January 2003
Policy for Government Departments' Management of Historic Heritage 2004

Other guidance principles and policies

(i.e NZHPT guidance)

1.1 Legislative Overview

Sustainable management encompasses the concept of sustainability or the responsibility to maintain and care for the natural and physical environment. This approach was first adopted in New Zealand by the `New Zealand Conservation Strategy in 1981¹ and was included in the long title of the Environment Act 1986 which states to ensure that, in the management of natural and physical resources, full and balanced account is taken of –

- (i) The intrinsic values of ecosystems; and
- (ii) All values which are placed by individuals and groups on the quality of the environment;
- (iii) The principles of the Treaty of Waitangi; and
- (iv) The sustainability of natural and physical resources; and
- (v) The needs of future generations.

The Environment Act 1986 established the Parliamentary Commissioner for the Environment and the Ministry for the Environment. This administrative framework provided the platform for the wholesale review of environmental planning law under the Resource Management Law Reform (RMLR). One of the central objectives of the RMLR was to provide for the needs of future generations, intrinsic value of ecosystems, and sustainability.²

The RMA emerged from the RMLR process to herald a new environmental management and planning framework for New Zealand. The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development, and protection of natural and physical resources in a way or rate, which enables people and communities to provide for their social, economic and cultural wellbeing. This is to be achieved while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Sustainable management and the environmental focus of the RMA provide a sustainable management approach to historic heritage. Historic heritage, as with other resources, is to be managed in a sustainable manner to enable people and communities provide for social, economic and cultural wellbeing.

In addition to the RMLR and the development of the RMA, the Government during the 1980s also embarked upon conservation law reform. The early stages of this reform proposed the establishment of a new conservation agency called 'Heritage New Zealand'. It was planned that this agency would incorporate the functions of the NZHPT. Of the 1,200

¹ Nature Conservation Council, *Integrating Conservation and Development, A Proposal for a New Zealand Conservation Strategy*, June 1981

² Cabinet Policy Committee (87) M 18/3, 26 May 1987, ENV/1/1 Vol 1, AAFH W4160, NA Wellington. For an overview see G Palmer, *Environment, The International Challenge*, Wellington, Victoria University Press, 1995

submissions to the post-Environment Forum Working Party, 750 submissions supported the establishment of a Heritage New Zealand agency.³ The anticipated mission of the new Heritage New Zealand agency was to 'promote the conservation of the nation's natural heritage and historic places, and to hold in stewardship and manage protected areas and other parts of the Crown estate.'⁴ In due course, the wide ranging Heritage New Zealand agency concept was downgraded to a proposal for a Department of Conservation which was realised in the Conservation Act 1987. The NZHPT, which was established in 1955, remained intact and linked with the new Department of Conservation.

In conjunction with the RMLR and the conservation law reform, the government undertook a review of historic places legislation in 1989. This review examined methods of protection, the role of central and local government, incentives and compensation, and the Maori dimension.⁵ Following the historic places review, the Historic Places Act 1993 was enacted. This Act provides principles for the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand.⁶ In achieving the purpose of this Act, all persons exercising functions and powers under it shall recognise:

The principle that historic places have lasting value in their own right and provide evidence of the origins of New Zealand's distinct society; and

The principle that the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage should –

- a. Take account of all relevant cultural values, knowledge and disciplines; and
- b. Take account of material of cultural heritage value and involve the least possible alteration or loss of it; and
- c. Safeguard the options of present and future generations; and
- d. Be fully researched, documented, and recorded, where culturally appropriate; and

The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga.⁷

The Historic Places Act 1993 provides a framework for the protection of archaeological sites, management of historic properties, heritage covenants, and the registration of historic places, historic areas, wahi tapu, and wahi tapu areas. The purposes of the Register are:

- To inform members of the public about historic places, historic areas, wahi tapu, and wahi tapu areas.
- To notify owners of historic places, historic areas, wahi tapu and wahi tapu areas where necessary for the purposes of this Act.

³ Robert McClean and Trecia Smith, *The Crown and Flora and Fauna: Legislation, Policies and Practices, 1983-1998*, Waitangi Tribunal Publication, 2001, p 317

⁴ *ibid*, p 319

⁵ DOC, *Historic Places Legislation Review Issues for Public Comment*, December 1988

⁶ Sec 4 (1) Historic Places Act 1993

⁷ Sec 4(2) Historic Places Act 1993

- To assist historic places, historic areas, wahi tapu and wahi tapu areas to be protected under the Resource Management Act 1991.

In relation to local authorities, the Historic Places Act 1993 provides the NZHPT with the option of making recommendations to assist in the conservation and protection of any historic area or wahi tapu area. Local authorities must have particular regard to these recommendations.⁸ Local authorities are also required to keep a copy of the Register and heritage covenants for their district (as supplied and maintained by the NZHPT) and keep the record available for public inspection during usual business hours. The NZHPT also notify any territorial authority of the particulars of any registered place or area to be included in any LIM (issued under the Local Government Official Information and Meetings Act 1987) and any PIM (issued under the Building Act 2004).

In addition to the RMA and Historic Places Act 1993, sustainable development approaches have been adopted with regard to local government and building legislation. The purpose of the Local Government Act 2002 is to 'provide for democratic and effective local government that recognises the diversity of New Zealand communities'.⁹ The Local Government Act 2002 provides a framework and powers for local authorities to 'decide which activities they undertake and the manner in which they undertake them.' It also provides for 'local authorities to play a broad role in promoting the social, economic, environmental, and cultural well-being of their communities, taking a sustainable development approach.'¹⁰

The Local Government Act 2002 provides a planning, decision-making and accountability regime for local governments. Critical to the regime is the process for identifying community outcomes and the Long Term Council Community Plan (LTCCP). The intention of the community outcomes process is to 'provide opportunities for communities to discuss their desired outcomes in terms of the present and future social, economic, environmental and cultural well-being of the community.'¹¹ These outcomes are described in the LTCCP which provides a long-term focus for the decisions and activities of local authorities. In addition, the Local Government Act 2002 defines a number of principles of consultation and the use of special consultative procedures.

Historic heritage is an important aspect of social, economic, environmental and cultural well-being. This has been recognised in many community outcome projects and LTCCPs. Historic heritage is also relevant to financial management strategies such as investment policy, development contributions, rates remission, and significance policies. It is important that local authorities adopt a strategic management approach to Council-owned heritage assets according to best practice guidance.

The Building Act 2004 provides for the regulation of building work, establishment of a licensing regime for building practitioners and the setting of performance standards for buildings. Local authorities have a range of functions under the Building Act 2004 including the issuing of building consents, project information memoranda, and the managing dangerous, earthquake-prone and insanitary buildings and dangerous dams. The purpose of the Building Act 2004 includes ensuring that 'buildings are designed, constructed and able to be used in ways that promote sustainable development.'¹² Section 4 of the Building Act 2004

⁸ Sec 32D and 33, Historic Places Act 1993

⁹ Sec 3, Local Government Act 2002

¹⁰ *ibid*

¹¹ Sec 91(2)(a) Local Government Act 2002

¹² Sec 3, Building Act 2004

outlines a number of principles to be applied in performing functions under the Act, including the principle of the need to facilitate the preservation of buildings of significant cultural, historic, or heritage value.¹³

With regard to reserve management of historic heritage by local authorities, the Reserves Act 1977 provides a framework to achieve the preservation and management of reserves for the benefit and enjoyment of the public, areas of New Zealand possessing –

- (i) Recreational use or potential, whether active or passive; or
- (ii) Wildlife
- (iii) Indigenous flora or fauna; or
- (iv) Environmental and landscape amenity or interest; or
- (i) Natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value.

Reserves are managed according to a general policy and classification structure which includes recreation reserves, historic reserves, scenic reserves, nature reserves, scientific reserves, Government purpose reserves, and local purpose reserves.

1.2 International Charters

New Zealand is a signatory to the Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention). This Convention, while establishing the World Heritage List, also places an obligation for the Government to ensure the identification, protection, conservation, presentation and transmission of cultural and natural heritage to future generations.¹⁴ In addition, the Convention requires that effective and active measures are taken for the protection, conservation and presentation of cultural and natural heritage including the adoption of a general national policy.¹⁵

The International Charter for the Conservation and Restoration of Monuments and Sites (ICOMOS, the Venice Charter 1966) sets out principles to safeguard the cultural heritage of humanity for present and future generations. Following the Venice Charter, ICOMOS New Zealand developed the (ICOMOS) New Zealand Charter for the Conservation of Places of Cultural Heritage Value.¹⁶ The intention of the Charter is to establish principles to guide the conservation of places of cultural heritage in New Zealand. Clause 4 of the ICOMOS NZ Charter states that conservation should:

- (i) make use of all relevant conservation values, knowledge, disciplines, arts and crafts;
- (ii) show the greatest respect for, and involve the least possible loss of, material of cultural heritage value;
- (iii) involve the least degree of intervention consistent with long term care and the principles of this charter;
- (iv) take into account the needs, abilities and resources of the particular communities; and
- (v) be fully documented and recorded.

¹³ Sec 4(2)(l), Building Act 2004

¹⁴ Article 4, Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972

¹⁵ Article 5, *ibid.*

¹⁶ ICOMOS NZ, *Charter for the Conservation of Places of Cultural Heritage Value*, 1992

The principles of the ICOMOS NZ Charter are explained by conservation architect, Chris Cochran, in relation to carrying out alterations to heritage buildings.¹⁷ These principles include:

- Carrying out regular maintenance and repair.
- Repair rather than replace.
- Repair using compatible materials.
- Restore with care.
- Keep change to the minimum.
- Find a compatible use.
- Make new work reversible.
- Respect alterations.
- Distinguish new from old.
- Document changes.
- Respect the patina of age.
- Respect the contents and setting.

A number of regional and district plans refer to the principles of the ICOMOS NZ Charter and the NZHPT encourages local authorities to adopt the ICOMOS NZ Charter and to support the work of ICOMOS NZ.

There are a number of other international agreements relevant to different aspects of historic heritage. For example, the Florence Charter, 1982 promotes the preservation of historic gardens and the Lausanne Charter, 1990, is for the protection and management of archaeological heritage.

1.3 Government Policy

Government has established sustainable development as a key policy objective as detailed in *Sustainable Development for New Zealand, Programme of Action*, January 2003. This policy defines sustainable development as 'development which meets the needs of the present without compromising the ability of future generations to meet their own needs.'¹⁸ This requires processes that take account of the social, economic, environmental, and cultural effects of our decisions. In particular, the *Programme of Action* highlights the importance of culture and the achievement of sustainable cities that incorporate a holistic approach to historic heritage.¹⁹

In 2004, the Government adopted a *Policy for Government's Departments' Management of Historic Heritage*.²⁰ The policy is designed to guide the management of heritage properties owned by the Crown and managed by its departments. It is expected that all government departments will safeguard historic structures and places which they manage and enable the

¹⁷ Chris Cochran, *Guidelines for Altering Heritage Buildings*, NZHPT, 2000

¹⁸ *Department of Prime Minister and Cabinet, Sustainable Development for New Zealand, Programme of Action, January 2003.*

¹⁹ *ibid*, p 22

²⁰ Ministry for Culture and Heritage, *Policy for Government's Departments' Management of Historic Heritage*, 2004

government to 'endeavour to lead by example in taking a responsible approach to its vital role as custodian of unique heritage resources.'²¹ The policy sets out eight heritage principles that are designed to inform a best practice approach and reflects national legislation and international and national charters and guidelines. The eight heritage principles are:

- Intrinsic values
- Diversity
- Sustainability
- Maori heritage
- Research and documentation
- Respect for physical material
- Understanding significance
- Setting and curtilage

In addition to the heritage principles, the document outlines 19 policies relating to identification and documentation, planning and work, use, and government responsibilities.

The *Policy for Government's Departments' Management of Historic Heritage* is intended to achieve the sustainable management of historic heritage on lands owned and managed by central government. Considering that many local governments are also custodians of heritage places, the NZHPT considers that the policy can also be adapted and adopted by local authorities on a voluntary basis to guide best practice management.

1.4 NZHPT guidance

The NZHPT has a statutory function to furnish information, advice and assistance in relation to the identification, recording, investigation, assessment, registration, protection, and conservation of wahi tapu, wahi tapu areas, historic places, and historic areas.²² Existing guidance prepared by the NZHPT include the 2004, the *Heritage Management Guidelines for Resource Management Practitioners*, and the 2000 heritage guidance series which included topics of preparing conservation plans, altering heritage buildings, fire safety, earthquake strengthening, and developing heritage buildings. The Sustainable Management of Historic Heritage guidance series aims to contribute towards this guidance.

A central aspect of the Sustainable Management of Historic Heritage guidance series is to provide assistance on the protection of historic heritage under the RMA. Under the RMA, the sustainable management of historic heritage requires protection strategies to avoid, remedy or mitigate inappropriate subdivision, use and development. Inappropriate subdivision, use and development are likely to encompass a broad range of activities decided on a case-by-case basis in the circumstances of a proposal.²³

Protection is progressed by forging a general consensus in central government, local government and the community about the range of activities that are harmful to historic heritage and therefore require careful management.

²¹ *ibid*, Foreword, Helen Clark, Prime Minister and Minister for Arts, Culture and Heritage

²² Section 39(1)(d) Historic Places Act 1993

²³ *NZ Rail Ltd v Marlborough District Council* [1994] NZRMA 70, 85

Determining what constitutes 'inappropriate subdivision, use and development' should be informed by the purpose and principles of the Historic Places Act 1993, the Resource Management Act 1991, and policy documents such as the ICOMOS NZ Charter and the *Policy for Government Department's Management of Historic Heritage 2004*. The following general principles are based on this legislation and policy:

Principles for Assessing appropriate or inappropriate Subdivision, Use and Development on Historic Heritage Values

Respect values

Recognising the lasting values of the place or area and evidence of the origins and development of New Zealand's distinct peoples and society.

Diversity and Community Resources

Recognising the diverse cultures of New Zealand and the diverse social and physical environments and communities. There is a need to take into account the needs, abilities and resources of particular communities, including owners of historic heritage and stakeholders.

Sustainability

Recognising the finite nature of historic heritage and the need to take a precautionary approach in order to safeguard the options for present and future generations. Promoting sustainability may include encouraging regular maintenance and finding compatible uses for places, including original and new adaptive uses.

Maori heritage

Recognising and providing for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga following the spirit and intent of the Treaty of Waitangi (Te Tiriti o Waitangi)

Research and documentation

Ensuring interventions are informed by sufficient research, documentation and recording, where culturally appropriate. All changes should be fully documented in drawings and photographs.

Respect for physical material

The degree to which interventions involve the least possible loss of heritage significance and the least loss of material of heritage value, including any irreversible or cumulative effects. This may be achieved by promoting repair (rather than replacement), repairing in compatible materials, respecting the patina of age, and making new work reversible.

Understanding significance

Whether the values of the place are clearly understood before decisions are taken that may result in change. Decision making, where change is being contemplated, should take into account all relevant values, cultural knowledge and disciplines. Understanding significance

should be assisted by methods such as the preparation of heritage assessments and conservation plans.

Respect for contents, curtilage and setting

The extent to which interventions respect the contents and surroundings associated with the place. This may be achieved by ensuring, for example, that any alterations and additions to buildings, and new adjacent buildings, are compatible in terms of design, proportions, scale and materials.

2. KEY THEMES IN SUSTAINABLE MANAGEMENT OF HISTORIC HERITAGE

Within the sustainable management framework provided by the legislation, charters and policy, there are a number of emerging themes or common approaches to historic heritage. The following is not an exhaustive list of key themes and only provides a brief summary discussion.

2.1 Historic heritage terminology

The various heritage-related legislation and policies use a variety of terms to describe heritage values. For example, the World Heritage Convention adopts the term 'cultural heritage', the Historic Places Act 1993 promotes 'historical and cultural heritage' and the Reserves Act 1977 uses the term 'historic features'. The 2003 amendment to the RMA introduced the concept of historic heritage. Historic heritage means 'those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

- (i) archaeological;
- (ii) architectural;
- (iii) cultural;
- (iv) historic;
- (v) scientific;
- (vi) technological; and

includes –

- (ii) historic sites, structures, places, and areas; and
- (iii) archaeological sites; and
- (iv) sites of significance to Maori, including wahi tapu; and
- (v) surroundings associated with the natural and physical resources.

As a result of the 2003 amendment, historic heritage has become the primary term to generally describe heritage-related values, including cultural values, and has been adopted by the *Policy for the Government Department's Management of Historic Heritage 2004* and also by the Department of Conservation.

The following table set outs a conceptual framework for historic heritage places, that may be utilised in historic heritage identification, management and protection. A discussion about the identification of heritage places is provided in section 3 of this guide.

Suggested Historic Heritage Framework		
Group	Explanation	Examples
Historic (building) place	A place that contributes to an understanding and appreciation of New Zealand's history and cultures. It may include any land, temporary or permanent movable or immovable building(s) or structure(s) and anything that is in or fixed to any land. The term may include any building registered as a Historic Place under the Historic Places Act 1993.	Commercial, industrial, residential, and public buildings. Recreational structures (e.g. gazebos), infrastructure (e.g. bridges), memorials, retaining walls
Historic place (site)	A place that contributes to an understanding and appreciation of New Zealand's history and cultures. It may include land (and water) and vegetation without any temporary or permanent building or structure. The term may include any site registered as a Historic Place under the Historic Places Act 1993, and any recorded archaeological site that is not a place/area of significance to Maori, as defined below.	Battlefields, locations of important events whaling station site, historic roads, goldmining sites, boundary markers, coastal defences, heritage trees, parks and gardens, archaeological sites, historic sites of scientific value (e.g palaeontological sites).
Historic area	An area of land containing an inter-related group of historic places, buildings, structures and/or sites that contributes towards an understanding and appreciation of New Zealand's history and cultures. The term may include any registered Historic Area under the Historic Places Act 1993, or any heritage conservation area or precinct.	Historic streets, historic towns, rural historic environments.
Place/area of significance to Maori, including wahi tapu	A place or area of significance to Maori. It may include any wahi tapu or wahi tapu area registered under the Historic Places Act 1993, and recorded archaeological sites of significance to Maori.	Tauranga waka, historic marae, maunga, awa, mahinga kai, pa, midden, Maori archaeological sites
Surroundings associated with any historic heritage	An area of land (including land covered by water) surrounding a place, site or area of heritage significance which is essential for retaining and interpreting the places' heritage significance.	View shafts of a prominent historic building or site. Designed landscapes and historic gardens surrounding a building. Green space around a historic battle site.
Heritage Landscapes	Many places and areas comprise a range of heritage values including cultural, scientific, ecological and geological values. The full range of values of significant places and areas should be acknowledged and provided for in historic heritage frameworks. See Discussion Paper No. 3, Heritage Landscape Values	i.e. Auckland volcanic cones, New Plymouth's Sugar Loaf Islands, Wairarapa Moana, Tongariro World Heritage Area, Mana Island (Porirua), Lake Manapouri

It is important to recognise that there may be statutory requirements under the Historic Places Act 1993 for work affecting archaeological sites, in any heritage group of the framework.

2.2 Historic heritage is a matter of national importance

The RMA recognises and provides for the protection of historic heritage from inappropriate subdivision, use and development as a matter of national importance under section 6(f) of the RMA. In addition, section 6 recognises and provides for the protection of outstanding landscapes and the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

The national importance status of historic heritage is not a new concept. It could be asserted that the protection of New Zealand's historic heritage has been a matter of national importance and attention since at least the late nineteenth century with the passing of the Scenery Preservation Act 1903. In 1955, the Government passed legislation which established the National Historic Places Trust to ensure the identification and protection of historic heritage at a national level. The conservation of the physical, cultural and social environment was also a matter of national importance under the Town and Country Planning Act 1977.

It is important that policy and consent decision-making at the regional and district level ensures the national interest in historic heritage is recognised and provided for.

2.3 The protection of Maori heritage is of national importance and central to historic heritage

New Zealand has developed a unique bi-cultural and Treaty-based approach to ensuring indigenous peoples values are central to historic heritage values at the national, regional, and district levels. The NZHPT Register deals with historic places, wahi tapu, historic areas and wahi tapu areas. In addition, the definition of historic heritage includes both sites and structures and also sites of significance to Maori, including wahi tapu.

Strategies for identification, recognition, and protection of historic heritage must consider the significance of Maori values in relation to heritage places generally. It cannot be assumed that a place, building or area, even in urban areas, does not have cultural values or significance to Maori.

All agencies responsible for historic heritage must develop strategies to ensure places of significance to Maori, including wahi tapu are identified, recognised and protected. This will require a partnership approach with tangata whenua and the adoption of best practice methodologies and management approaches.

2.4 Historic heritage of national significance

Some heritage places can be considered to be of special or what could be termed national significance. Under the Historic Places Act 1993, registered Category I historic places are 'places of special or outstanding historical or cultural heritage significance or value.'²⁴ Registered Category II historic places are of 'historical or cultural heritage significance or value.'²⁵

The RMA contains criteria designed to assist the Minister to decide whether a matter is, or is part of, a proposal of national significance.²⁶ The criteria include if it 'affects or is likely to affect any structure, feature, place or area of national significance.'

The use of the term 'special significance' is also adopted in the RMA which provides the mechanism of a heritage order for the purpose of protecting 'any place of special interest, character, intrinsic or amenity value or visual appeal, or of special significance to tangata whenua for spiritual, cultural or historical reasons; and 'such area of land (if any) surrounding that place as is reasonably necessary for the purpose of ensuring the protection and reasonable enjoyment of the place.'²⁷ Further, for the purposes of a heritage order requirement, a place may 'be of special interest by having special cultural architectural, historical, scientific, ecological or other interest.'²⁸

The NZHPT considers that historic heritage of national significance will include registered Category I historic places, wahi tapu and wahi tapu areas and other places of special or outstanding value.

2.5 Inappropriate subdivision, use and development relating to historic heritage

Generally, inappropriate subdivision, use and development will undermine the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand; and will be, or have outcomes, contrary to the principles outlined in the above section (NZHPT guidance). Conversely, the principles can be achieved by a range of methods, including:

- Developing shared understandings of historic heritage
- Adopting consistent procedures (eg. identification of historic heritage)
- Promoting integrated and cooperative management (shared responsibilities)
- Providing support for owners
- Providing public information and promotion
- Assisting with education and advice
- Supporting the use of Conservation Plans and heritage assessments

²⁴ Sec 22(3)(a)(i) Historic Places Act 1993

²⁵ Sec 22(3)(a)(ii) Historic Places Act 1993

²⁶ Sec 141B, RMA 1991

²⁷ Sec 189(1) RMA 1991

²⁸ Sec 189(2) RMA 1991. The *Policy for Government Department's Management of Historic Heritage 2004* also promotes community participation with regard to the management of historic heritage of special significance (Policy 15, p 7)

- Addressing public/private ownership issues
- Developing appropriate policy tools
- Regulation and consents (HPA and regional and district plan rules)
- Heritage orders and heritage covenants.

Guide No. 1 (regional policy statements) and Guide No. 3 (district plans) include a set of criteria for assessing proposed works according to the principles. Further discussion is also provided in Discussion Paper No. 2 (Assessing effects – historic heritage). This guidance should assist local authorities in determining what activities are inappropriate and cause adverse effects on historic heritage.

2.6 Heritage landscape values

The legislation recognises that heritage significance may be related to a landscape or an area containing multiple layers of significance and values. This term is used in the Historic Places Act 1993 with regard to a 'wider historical and cultural complex or historical and cultural landscape.'²⁹

Under the RMA, the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development is a matter of national importance.

All heritage places and areas have heritage landscape values. All places are part of land and understanding and recognising the wider landscape context is any important aspect of historic heritage conservation. Larger places and areas may also be treated as heritage landscapes. Discussion Paper No. 3 of this series considers heritage landscapes values in detail.

2.7 Public good and private interests

Historic heritage is a public good. They are places and areas of value to communities, regions and the nation. The majority of historic places and areas, however, are owned by private individuals and groups. There can be tensions between private use and ownership and public good values and interests.

Regulation is necessary to protect historic heritage. This is achieved by listing and rules in regional and district plans. Regulation, however, should be complemented by substantial incentives and support. Owners of heritage places and areas should be assisted to maintain and repair their places in the public interest.

The availability of incentives and support for owners is variable around New Zealand. In many districts, local authorities do not provide incentive support for owners of heritage places. At the national level, support for privately-owned heritage places is limited to the National Heritage Preservation Incentive Fund managed by the NZHPT. This fund is for places of national significance in private ownership, in particular registered Category I historic places, wahi tapu and wahi tapu areas.

There is a need for expanded incentive support for owners of heritage places nationwide and at the local level. For example, tax incentives could be provided as a refund for work spent on

²⁹ Sec 23(2)(k) Historic Places Act 1993

repairing or maintaining a heritage place not unlike the USA tax incentive model. This issue is highlighted in discussion paper No.6 of this series in relation to the costs of earthquake strengthening of heritage buildings and discussion paper No.5 in relation to demolition by neglect.

2.8 Subsidiarity and Shared Responsibilities

Internationally, there are three general models for decision-making for historic heritage – centralised, shared, and local. The centralised model involves all decisions made on historic heritage located in central government (a central government historic agency) and no delegation to regional or local agencies. Shared models involves a mix of central and local government agencies in making decisions on historic heritage and the local model is a fully decentralised system to local authorities over historic heritage matters.³⁰

New Zealand has adopted a shared system where decisions about historic heritage rest with the NZHPT (archaeological authorities and registration), Ministry for Culture and Heritage (protected objects) and local authorities (RMA plans, policy and resource consents). The system of resource consents, including heritage-related consents, was promoted by the RMLR process under the principle of subsidiarity which assumes that environmental decisions are best made at a level closest to the communities affected by the decision-making. This principle was implemented in the RMA in order to reconcile national, regional, local and individual interests in the environment and to achieve improved public participation in planning decisions.

Local decision making, however, under the RMA does not absolve a local authority from consideration of national interests. Similarly, decisions made by central government must also consider implications for regional and district communities of interest. Further, the RMA has been amended to better provide for the proper consideration of national interests in local decision making and the use of special procedures for proposals of national significance.³¹

2.9 Integrated management

Integrated decision making is a key objective of environmental management procedures under the RMA. Integration aims to ensure all decisions are made in a manner that can consider the full range of environmental effects in the most efficient method. Integrated management is a key function of both regional and territorial authorities under sections 30(1)(a) and 31(1)(a) of the RMA.

Integrated management in historic heritage requires considerable effort because of the different approaches of the legislation and the varied responsibilities of the agencies involved. However, despite the different legislative and agency structures, there is no room for 'silo' decision making by isolated agencies either at district, regional or the national level. It is generally expected that central government agencies participate in RMA plan and consent procedures to safeguard the national interest in the environment and it is also expected that local government agencies participate in central government policy processes. For example, the NZHPT has a statutory role to 'advocate its interests at any public forum or

³⁰ Simon Thurley and Alexandra Coxen, 'Managing the Past for the Present, Our European Partners' *Conservation Bulletin*, Issue 50, 2005, p 17

³¹ Sec 141B, RMA 1991

in any statutory planning process.³² Henceforth, the NZHPT is expected (within its resource limitations) to work with local authorities in policy and consent processes in matters relating to historic heritage under the RMA. Also, it is expected that local authorities (also within their resource limitations) participate in Historic Places Act processes such as registration of historic places, historic areas, wahi tapu and wahi tapu areas.

New Zealand is a small nation with a unique and irreplaceable historic heritage. The historic heritage legislation should be implemented to foster partnerships and cooperation between the responsible agencies, especially between the NZHPT's national interest role in historic heritage and the role of local authorities in regional and district environmental decision-making under the RMA. Without a close working relationship between NZHPT and local authorities under the model of integrated management, positive historic heritage outcomes will be compromised.

2.10 Adopting a values-centered planning approach to Historic Heritage

Under the former Historic Places Act 1980, the protection of historic buildings was a primary objective. The former 'old' buildings-related focus has been replaced by a values-centered methodology which promotes 'places' that are associated with a range of qualities (archaeological, architectural, cultural, etc) and a wide range of types of places (sites, structures, areas, archaeological sites, etc).

Values-centered planning as a methodology is explained by Randall Mason who states that values-centered planning is a framework for:

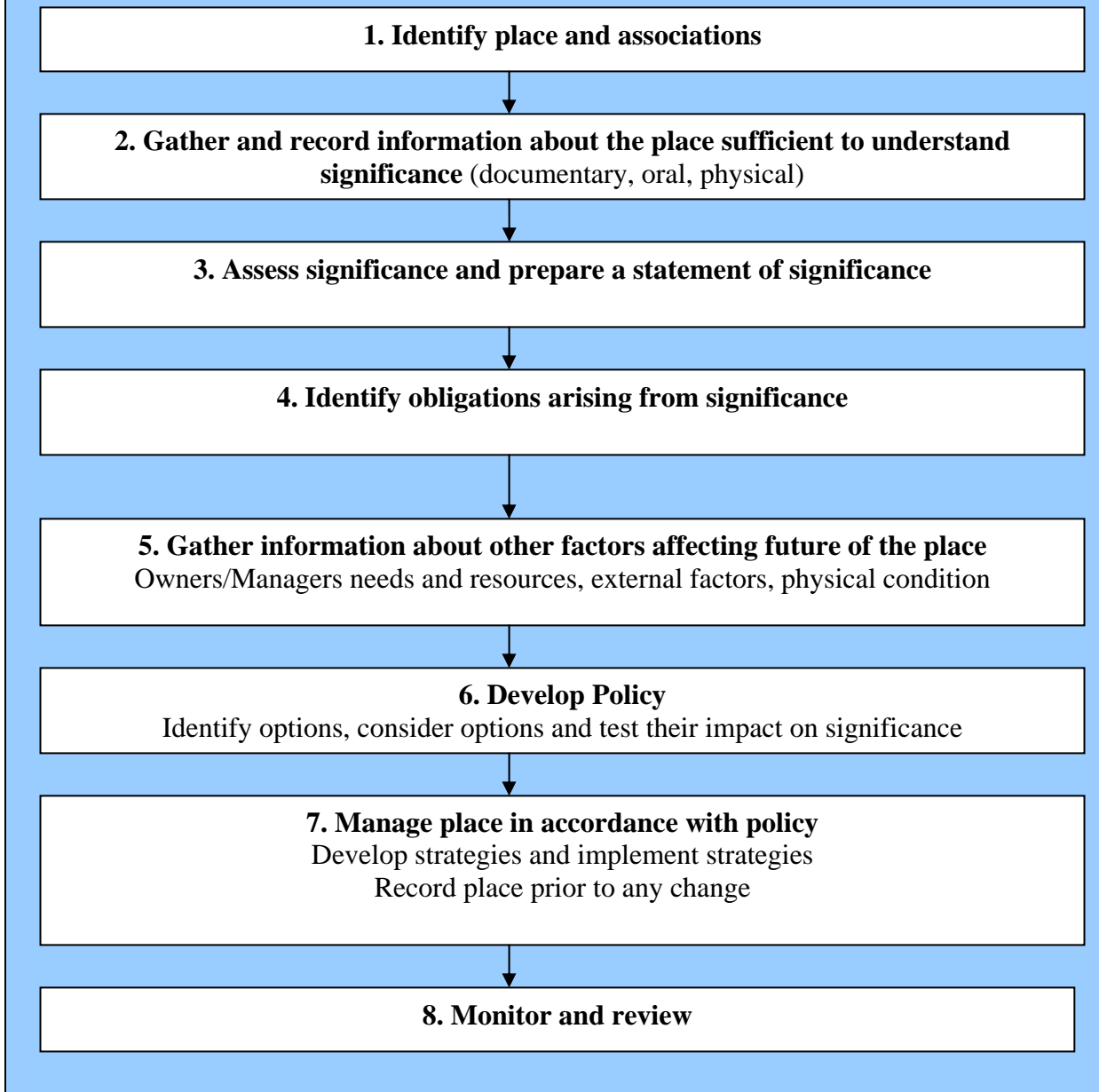
Dealing holistically with particular sites and addressing both the contemporary and historic values of a place. As implemented, values-centered preservation drives a regime of planning and site management described as, 'the coordinated and structured operation of a heritage site with the primary purpose of protecting the significance of the place...' The significance is drawn from the values of which we speak, and the professional's understanding of a site's significance lies at the core of all decisions. To fully understand the range of values at play, though, professionals must solicit the views of congeries of stakeholders, both official and unofficial, experts and lay people.³³

The RMA and Historic Places Act 1993 provide a values-centered planning approach and the range of values associated with historic heritage are outlined in the definition in the RMA. This approach follows closely the focus of the ICOMOS Charters, in particular the Australian ICOMOS Burra Charter. The Burra Charter provides a seven-staged sequence of investigations, decisions and actions to guide decision-making, which is illustrated in the following table. The adoption of the values-centred approach is important to avoid the pitfalls of listing and regulation without considering the significance of the place and the resulting range of appropriate policy options.

³² Sec 54(2)(a) Historic Places Act 1993

³³ Randall Mason, 'Theoretical and Practical Arguments for Values-Centered Preservation' *CRM Journal*, Summer 2006, pp 21-22

The Burra Charter Process (adapted from Marquis-Kyle and Walker, *The Illustrated Burra Charter*, 2004, p 111)



The NZHPT promotes the use of a Heritage Impact Assessment as best practice to guide values-centered decision making in New Zealand. The Heritage Impact Assessment should:

- Identify what heritage place is affected or involved (i.e. listed Group A historic building and registered Category I historic place) and its heritage values.
- Review what work or changes are proposed, and the effects on heritage values.

- Identify the principles that guide the assessment (i.e. district plan objectives, ICOMOS NZ Charter); any special statutory or policy implications.
- Determine how the proposal measures up to the regional and district plan assessment standards (or other best practice standards).
- Conclude by providing a summary of the positive or negative effects of the proposal.

Policy options range between incentives and regulation, and should be well informed by the perspectives of the owners and other stakeholders. Options include:

- Information provision (including heritage assessment)
- Technical assistance and advice
- Access to trade discounts for owners of heritage properties
- Economic revitalisation projects
- Incentive and grant support
- Rates relief
- Tax incentives (including capital depreciation rates)
- Conservation plan
- Reserve Management Plan
- Structure planning
- Zone or area planning
- Heritage strategy
- Links with LTCCP and community planning exercises
- Regional or district plan listing and rules
- Archaeological authority
- Heritage covenant
- Heritage order

It is particularly important with regard to historic areas and heritage landscapes that careful attention is paid to the identification of heritage values and appropriate management options. For example with regards to a small isolated rural town, an economic revitalisation strategy may be the most important tool to ensure that the buildings in the town obtain ongoing use and hence maintenance and repair. The management of heritage landscapes values is discussed in Discussion Paper No. 3 of this series.

3. RECOGNITION AND IDENTIFICATION OF HISTORIC HERITAGE

Recognition and protection are two important concepts used in section 6 of the RMA. To recognise a place is to give appropriate recognition and status. This can be achieved using policy statements and plans under the RMA and other non-statutory instruments such as heritage strategies and inventories. Protection is to keep something safe from injury.³⁴ This is achieved using regional and district plans and a range of non-statutory instruments. Recognition and protection strategies must firstly, however, be informed by identification strategies for historic heritage.

3.1 Identification strategies

Many historic places have not been identified and recognised in a comprehensive manner. Some past heritage identification initiatives (including NZHPT registration processes) have been *ad hoc* and inconsistent. Some areas of New Zealand have never been surveyed for historic heritage or the surveys have been limited to architectural values. There may be a need for a systematic historic heritage identification project and the development of a district historic heritage inventory.

While some heritage places have been identified, there is a need for high quality information about those places. Protection strategies, including rules in regional and district plans require robust information to ensure decisions are properly informed. This information may include heritage inventories, research reports, heritage assessments, archaeological surveys and conservation plans.

There is a need to constantly update and upgrade information relating to identified heritage places. A collection of such heritage information requires a cooperative project involving researchers, NZHPT, landowners, and other community groups.

A district may have many areas of historic significance. In the urban areas, city centres often have high collective heritage integrity. Surrounding the centres, suburban, industrial, and other areas may also have high historic values. In the countryside, there is an increasing level of recognition of historic landscapes. A heritage area might be significant because:

- The area itself, or the places within it have heritage value
- The area is composed of places that individually may have little heritage value, but which are important as a group or collection of places.³⁵

Generally, the identification of areas of historic significance has been a neglected activity and many significant areas may exist (for example, the CBD of a small rural town or country village) that have not been identified or recognised. Further, within identified and existing historic areas, the quality of information about the area may be low. There is a need,

³⁴ *Environmental Defence Society v Mangonui County Council* [1989] 3 NZLR 257, 262

³⁵ Adapted from: Heritage Victoria, Guidelines for the Assessment of Heritage Planning Applications, 'Heritage Areas', 2005 (see <http://www.heritage.vic.gov.au>)

therefore, to ensure the research and identification of new historic areas and upgrade information about existing historic areas and landscapes.

3.2 Heritage criteria

The use of criteria allows for a systematic and transparent approach to the identification and assessment process. NZHPT promotes the use of the following criteria as best practice³⁶.

Physical values

Archaeological information: Does the place or area have the potential to contribute information about the human history of the region, or to current archaeological research questions, through investigation using archaeological methods?

Architecture: Is the place significant because of its design, form, scale, materials, ornamentation, style, period, craftsmanship or other architectural element?

Technology: Does the place demonstrate innovative or important methods of construction or design, does it contain unusual construction materials, is it an early example of the use of a particular construction technique or does it have the potential to contribute information about technological history?

Scientific: Does the area or place have the potential to provide scientific information about the history of the region?

Rarity: Is the place or area, or are features within it, unique, unusual, uncommon or rare at a district, regional or national level or in relation to particular historical themes?

Representativeness: Is the place or area a good example of its class, for example, in terms of design, type, features, use, technology or time period?

Integrity: Does the place have integrity, retaining significant features from its time of construction, or later periods when important modifications or additions were carried out?

Vulnerability: Is the place vulnerable to deterioration or destruction or is threatened by land use activities.

Context or Group: Is the place or area part of a group of heritage places, a landscape, a townscape or setting which when considered as a whole amplify the heritage values of the place and group/ landscape or extend its significance?

Historic values

³⁶ These criteria are based largely on Proposed Change No.1 to the Bay of Plenty Regional Policy Statement (Heritage Criteria), November 2005 and advice provided by Karen Greig and Lynda Walter, Insitu Heritage Ltd.

People: Is the place associated with the life or works of a well-known or important individual, group or organisation?

Events: Is the place associated with an important event in local, regional or national history?

Patterns: Is the place associated with important aspects, processes, themes or patterns of local, regional or national history?

Cultural values

Identity: Is the place or area a focus of community, regional or national identity or sense of place, and does it provide evidence of cultural or historical continuity?

Public esteem: Is the place held in high public esteem for its heritage or aesthetic values or as a focus of spiritual, political, national or other cultural sentiment?

Commemorative: Does the place have symbolic or commemorative significance to people who use or have used it, or to the descendants of such people, as a result of its special interest, character, landmark, amenity or visual appeal?

Education: Could the place contribute, through public education, to people's awareness, understanding and appreciation of New Zealand's history and cultures?

Tangata whenua: Is the place important to tangata whenua for traditional, spiritual, cultural or historical reasons?

Statutory recognition: Does the place or area have recognition in New Zealand legislation or international law including: World Heritage Listing under the World Heritage Convention 1972; registration under the Historic Places Act 1993; is it an archaeological site as defined by the Historic Places Act 1993; is it a statutory acknowledgement under claim settlement legislation; or is it recognised by special legislation?

3.3 Places and areas of significance to Maori

Places and areas of significance to Maori are those places of special significance to tangata whenua. They may be wahi tapu (sacred places) or other places associated with the ancestors such as wahi tipuna. Many places of significance to Maori may also be archaeological sites and are recorded by the New Zealand Archaeological Association (NZAA). Other places and areas of significance may not be associated with physical archaeological evidence and may be largely natural features such as an awa (river) or maunga (mountain). Many places of significance to iwi have been the subject of claims to the Waitangi Tribunal.

The Historic Places Act 1993 provides for the identification and recognition of any wahi tapu or wahi tapu area as part of the Register. The purpose of the Register is to inform the owners and the public and to assist in protection under the RMA. The Historic Places Act 1993 empowers the Maori Heritage Council of the NZHPT to make specific recommendations to the local authority as to appropriate measures the local authority should take to assist in the conservation and protection of a wahi tapu area. The local authority must have particular regard to the Council's recommendations.³⁷ Further the Maori Heritage Council can take specific action with regard to any application for resource consent in respect of any registered wahi tapu area. This action can include consulting the local authority, relevant iwi, the proposers of the wahi tapu area and advising the NZHPT of any comment or recommendation it wishes to make on any consent application.³⁸

The RMA enables the recognition and protection of places of significance to Maori on all types of land – private, Maori land and Crown land. These places include registered wahi tapu and wahi tapu areas and other sites of significance to Maori. Information management is an important aspect of protecting Maori-related sites and protocols may be necessary to manage issues such as intellectual and cultural property rights.

3.4 Archaeological sites

Archaeological sites are present in every district of New Zealand. These are sites which are historically associated with human activity and can be investigated by archaeological methods to provide evidence relating to the history of New Zealand.³⁹ Archaeological sites are often clustered along coastlines and the main inland river systems. Some, but not all, sites have been recorded by the NZ Archaeological Association (NZAA).

The NZAA is leading a national project to upgrade recorded archaeological site information. This project will result in improved information about recorded archaeological sites and the provision of data about archaeological sites to local authorities over the internet. The NZHPT strongly encourages all local authorities to participate and support the upgrade project. Information about the project is available at:

http://www.nzarchaeology.org/SRS_upgrade_project.htm

³⁷ Sec 32 Historic Places Act 1993

³⁸ Sec 33, Historic Places Act 1993

³⁹ See definition of archaeological sites in the Historic Places Act 1993. Note that identification and protective measures in district plans may include sites that are related to post-1900 human activity.

3.5 Recognition and Promotion of Historic Heritage

Historic heritage is of value to people and communities.⁴⁰ That value may be a direct use or commercial value, a recreational value, an optional or bequest value in terms of possible use of future generations, or an existence value that often relates to preservation values that people may hold about a particular place or area.⁴¹ Such values may be held by both individual owners, different community groups, or by society as a whole. For example, an individual owner may value a commercial building depending on its economic return and usage. However, the community may value the same building for its contribution towards the historic character of the area (existence value) and its contribution towards regional tourism activities (commercial value).

There can be tensions between private/public interests to use and develop physical resources and private/public interests in the preservation of historic heritage. It is often the case that owners and the public do not fully recognise the wider economic values of heritage beyond the short term perspective of the property market. This limited view drives pressures to demolish or remove buildings that are perceived to be under utilised or are deemed to be 'past their use-by-date.' By removing the physical resource, the land is made available for new activities.

Intensification of land use may exert pressure on historic sites and places of significance to Maori. Changes from pastoral farming to horticulture, dairy conversions, viticulture and greenfields and coastal subdivision can result in a number of changes that can have a negative impact on historic heritage places. Earthworks for new facilities can cause physical damage to sites, increasing populations may put pressure on sites through heavier foot traffic and vehicle movements and changes in land tenure may result in the break up of groups of linked heritage places.

The economic tensions affect different types of heritage places in different ways. For example residential houses generally have a high utility value for owners – they are often private homes and are frequently well maintained depending on the location. With regard to commercial buildings, the utility value to the owner can vary depending on economic returns and the public interest in these buildings can also vary depending on their location, historic importance, and amenity value. Public buildings such as schools, churches, and halls often have high utility value by both owners and the public.⁴²

Archaeological sites may survive without active management within pastoral settings, as their preservation does not generally conflict with stock management and most farming activities. Tensions may arise when the landowner wishes to carry out an activity that is not compatible with archaeological site protection, for example, house construction or subdivision.

Many historic buildings and structures are not maintained on a regular basis and are subject to physical decay. This issue tends to be more predominant in small towns in rural areas which have experienced economic hardship and declining levels of investment. In these

⁴⁰ See definition, historic heritage, sec 2, RMA 1991

⁴¹ Dr Basil Sharp, 'Basic Concepts' in *Economics and the RMA*, New Zealand Law Society Seminar, August 2004, p 28

⁴² For an overview see P.Brent Nahkies, *The Economics of Heritage Buildings*, NZHPT, April 1998

circumstances, many owners seek financial or other assistance to maintain and restore heritage buildings.

The building code and associated regulations under the Building Act 2004 place a responsibility on owners to ensure their building or structure is safe and sanitary. Owners of historic buildings can face a considerable challenge to ensure their building is structurally safe to withstand earthquakes. Local authorities are required to develop strategies to manage earthquake-prone buildings and dams under the Building Act, including the issue of heritage buildings and dams.

It is often the case that national and local non-regulatory incentives such as grants and loans make a substantial contribution to the long term preservation of historic places. The provision of public monies to support conservation of historic heritage is appropriate given that the preservation of historic places is in the public interest. Ideally, any heavy burden resulting from caring for and/or maintaining historic places should be met in an equitable manner by both private and public interests.

4. KEY ISSUES RELATING TO THE PROTECTION OF HISTORIC HERITAGE

Under the RMA, the use of land includes any use, erection, reconstruction, placement, alteration, extension, removal, or demolition of any structure or part of any structure in, on, under or over the land. It also includes excavation, drilling, tunnelling or other disturbance of land.⁴³ In the coastal marine area, no person may destroy damage or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on historic heritage.⁴⁴

The NZHPT maintains a Register of historic places, historic areas, wahi tapu and wahi tapu areas under the Historic Places Act 1993. The Register is an important national statutory register of historical and cultural heritage. The purpose of the Register is to inform members of the public and notify owners about historic places, historic areas, wahi tapu and wahi tapu areas and assist in the protection of these places under the RMA.

With the exclusion of archaeological sites, the Historic Places Act 1993 does not provide protection to registered historic places, historic areas, wahi tapu and wahi tapu areas per se. Instead protection of historic heritage is achieved under the RMA via rules in regional and district plans. The RMA provides high level guidance within which local authorities can set regional and district regulatory rules for historic heritage.

All existing district plans prepared under the RMA include rules relating to historic heritage. However, there is a wide variety in approaches and the large majority of these rules were prepared prior to the amendment of the RMA which elevated historic heritage to a matter of national importance under section 6(f). It is important that regional and district plan rules for historic heritage are effective in achieving protection and are implemented in a fair and consistent manner.

In addition to rules in regional and district plans, protection of historic heritage is achieved by heritage orders, covenants and a range of non-statutory measures such as incentives, conservation plans and provision of information. Rules should be accompanied by incentives and are prepared and implemented in consultation with owners of historic heritage and the community.

The following discussion provides a brief overview of key activities that may be considered inappropriate from the viewpoint of the NZHPT and require protection measures under the RMA. All the activities discussed below can be managed by local authorities under the RMA. The RMA has the ability, by the use of policies and plans, to provide for the adaptation of rules to address new and emerging issues, to confront cumulative effects and to provide flexibility in implementation taking account of local circumstances.

⁴³ Sec 9(4)(a)(b), RMA 1991

⁴⁴ Sec 12(1)(g), RMA 1991

Issue 1: The threat to historic places (buildings) resulting from inappropriate repairs and maintenance, alterations and additions

Regular maintenance and repair of historic buildings should be encouraged. Without such work, buildings and structures can decay beyond repair. Well meaning repairs and maintenance works, however, may be carried out in an inappropriate manner or without sufficient guidance and result in irreversible damage. As a result, repair and maintenance work without sufficient care or guidance can compromise heritage values.

To 'alter' means to change the characteristics of a particular thing. The degree of change and the characteristics themselves are often the disputed point. In the ICOMOS Charter, alterations come within the concept of adaptation which means 'modifying a place to suit it to a compatible use, involving the least possible loss of historic heritage value.' If the proposed alterations involve more than minor loss of historic heritage value, the activity should be not be permitted or at least discouraged.

Many historic buildings are well used and cared for. However, in responding to changing needs and usage, physical adaptations are often required that involve alterations. This work, however, can compromise the heritage value and integrity of historic buildings. Poorly conceived and designed alterations can harm fabric of heritage value and undermine historic character. The NZHPT considers that there is a need to provide good practice guidance information with regard to alterations. Also consent processes must be robust to ensure good conservation outcomes without unnecessary or ill-conceived restrictions.

An addition is essentially an extension to a building which increases its size and volume. Additions are normally treated as an 'adaptation' in terms of the ICOMOS Charter and are assessed in a similar manner to alterations. Additions can damage building fabric of heritage value and compromise the essential historic character of a building. Generally, an addition should be considered 'only after it has been determined that the new use cannot be met by altering non-significant or secondary interior spaces.'⁴⁵ If the new use can not take place within the building, an attached addition may be acceptable if it is appropriately designed to preserve significant materials and features and preserves the historic character of a building.⁴⁶

As with alterations, there is a need to provide good practice guidance information with regard to additions. Also consent processes must be robust to ensure good conservation outcomes without unnecessary or ill-conceived restrictions.

⁴⁵ Kay D. Weeks, 'New Exterior Additions to Historic Buildings: Preservation Concerns' *Technical Preservation Services for Historic Buildings*, National Park Service (www.oldhousejournal.com/notebook).

⁴⁶ *ibid*

Issue 2: The threat to the integrity and character of historic places (buildings) resulting from relocation

The NZHPT promotes the view that heritage buildings should remain in their historical location, as cultural significance is often derived from the historical relationship of the place with its surrounds. For this reason, relocation of a significant heritage building should be avoided. The cumulative effect of relocations can undermine the historic character of the entire town and district.

Relocation can involve the shifting of a building within a property or shifting a structure to another property and location. It is also possible that the building may have already been shifted. Normally relocation will require a review of the listing in the heritage schedule and/or registration status and the building in the new location may not be subject of protection.

Resource consent processes should provide for a unitary approach to both the proposed removal from the existing location and the proposed reinstatement of the building at the new location. In addition, the consent processes should also consider the proposed new use of the land formerly occupied by the historic building or structure.

Issue 3: The threat to historic places (buildings) resulting from partial demolition

The value of many historic buildings is often perceived to be limited to its front façade. In fact, it is frequently assumed that only the 'façade is listed or registered.' As a result and especially in the cities, many buildings are partially demolished leaving only the façade remaining. In other instances, large parts of a building may be demolished to make way for a new addition or building.

Partial demolition results in the significant loss of heritage fabric and value, and the retention of facades does not achieve positive heritage outcomes. It is acknowledged that some heritage buildings are significant mainly because of the character and/or quality of their facades. However, even in such situations the structure behind the facade should be seen as having a strong relationship with it in terms of architectural value, providing the context for the facade and often generating the particular detailing of the façade.

As with total demolition, any partial demolition requires robust information and assessment. The basic information should include specialist heritage, architectural and engineering assessments including information on alternatives to demolition, health and safety issues and the costs associated with all the options.

Issue 4: The threat to historic places (buildings) resulting from demolition

Demolition results in the total loss of heritage fabric and value. It is generally expected that the regulatory authority will normally refuse a request for total demolition of a listed heritage item in the heritage schedule except in extraordinary situations.

Any demolition proposal requires robust information and assessment. The basic information should include specialist heritage, architectural and engineering assessments including information on alternatives to demolition, health and safety issues and the costs associated with all the options.

Issue 5: The threat to the surroundings associated with historic heritage resulting from inappropriate subdivision, use and development

The surroundings associated with any historic heritage often contribute towards its value. The surroundings may form part of an original relationship of the heritage item to its site and locality or involve a significant visual aspect. The extent and nature of the surroundings will vary on a case-by-case basis and the definition of surroundings requires careful research and evaluation.

Section 6 of the ICOMOS *Charter for the Conservation of Places of Cultural Heritage Value* highlights the importance of protecting heritage settings:

The historical setting of a place should be conserved with the place itself. If the historical setting no longer exists, construction of a setting based on physical and documentary evidence should be the aim. The extent of the appropriate setting may be affected by constraints other than heritage value.

The concept of heritage setting or curtilage⁴⁷ basically means that when a heritage item is considered for listing or management purposes, a decision is required on the extent of surrounding land that contributes towards its heritage significance. This surrounding land may be limited to the property title or be a much wider area or landscape.⁴⁸ Once this setting is defined, any proposed subdivisions affecting the area should be carefully assessed in relating to any adverse effects on the heritage item.

In New Zealand land use patterns are changing and there is greater intensification of both rural and urban environments. Surroundings associated with historic heritage are often compromised by inappropriate subdivision or adjoining use. This may include major earthworks and landscaping within the setting of a existing historic building. Such earthworks can result in the loss of significant historic gardens. This is a particularly relevant issue in towns such as Christchurch. Other impacts can arise from adjacent undesirable and noxious activities such as noise, smell, induced vibration and air pollution.

⁴⁷ Curtilage is based on an Old French word 'courtilage or courtil' meaning a small court or an area attached to a dwelling-house as part of its enclosure.

⁴⁸ Department of Urban Affairs and Planning, *Heritage Curtilages*, Heritage Office, NSW, 1996, p 3

The construction of new buildings near to, or adjacent to existing historic buildings, is a growing issue in many cities. Some new buildings are often similar to additions but are not physically joined to the historic building. New buildings can compromise the character of historic buildings by obscuring or dominating a historic building. The NZHPT considers it is critical that any new buildings located near or adjacent to historic buildings are well designed to preserve significant views and the historic character of the existing building.

An additional issue are major additions to non-listed buildings within the setting of an existing historic building. A major addition can have a similar effect to the construction of a new building and can compromise the character of historic buildings.

Issue 6: Threats to historic areas

Demolition, relocation, as well as inappropriate additions and alterations, can undermine the collective integrity of historic areas. The gradual and cumulative loss of contributory buildings and structures will undermine the significance of the area. This loss may include the removal or demolition of historic and archaeological features, historic paths, and larger spaces such as gardens and farming patterns. Any proposed demolition or removal should be carefully considered and be limited to non-significant or non-contributory items within an area.

The construction of new buildings can also compromise historic areas. New buildings should be designed in a manner that is sympathetic to the significance and character of the area. Good urban design within historic areas is critical. Established international principles include character, scale, form, siting, materials and colour, and detailing.⁴⁹

Quality urban design also questions the use of landscape features and fixtures of a quasi-heritage nature such as imitation Victorian Street lamps and signage. These features can produce a 'fabricated feel' and undermine the integrity of a historic area.

Historic areas can be threatened by a range of land use changes in the environment. Transport planning requires an approach to ensure changes in road or rail networks do not compromise historic values and the setting of historic areas and landscapes. Many historic areas are 'slow zones' and historically favoured pedestrian traffic over vehicles. Other threats can include changes in retail patterns and the construction of 'green field' large-format retail or 'mega shopping centres'. These shops may cause a decline in the economic viability of the traditional and historic CBD and may compromise the wider character of a town or area.

Issue 7: The threat to places and areas of significance to Maori

Places and areas of significance to Maori can be damaged by a range of activities that may include earthworks, tunnelling, disposal, cutting, construction works, removal of structures, reclamation or drainage, subsidence, gravel or soil extraction, dredging, diverting or damming water. Other damaging activities may include induced vibration caused by adjacent works and traffic and discharge of contaminants. Furthermore, subdivision may damage the setting or curtilage of a site.

⁴⁹ English Heritage/CABE, *Building in Context, New Development in Historic Areas*, London, 2001; NSW Heritage Office/RAIA, *Design in Context, Guidelines for Infill Development in the Historic Environment*, Sydney, 2005

Places of particular tapu may be also compromised by activities such as waste disposal and food consumption. Many places of significance to Maori may be natural features and not recorded as archaeological sites and contain no physical remains or characteristics. These sites can be compromised by changes to the environment or context resulting from land development projects.

It is important to protect the particular characteristics of a place or area of significance to Maori. For example, a place known to be a historic and important battle ground may be an open field. The openness of the field may be an essential part of the characteristics of the site. It is, therefore, essential that the field and its surroundings be protected from urban encroachment or other development. Another example is a historic pa site which may be also occupied by small-scale baches for holiday dwellers. While the construction of these baches in the past has damaged the pa site, the place may retain its significance for Maori. The wholesale removal of the baches and the construction of large dwellings complete with driveways and landscaping may compromise the historical and cultural significance of the place.

Further, any particular structures or buildings associated with the place should be protected. Many sites have memorials or structures such as historic whare tipuna. The removal of, or damage to these structures must be regulated by rules in the district plan.

It is particularly important that the surroundings or context associated with any place of significance to Maori is protected and any buffer areas are carefully managed to ensure the integrity of the place is retained.

Issue 8: The threat to historic sites (including archaeological sites)

Historic sites (including archaeological sites) are heritage places that do not involve buildings or structures. They may include historic battlegrounds, historic roads, heritage trees, gardens, goldmining sites, and whaling station sites. Historic sites may have physical fabric (archaeological features) or be without any physical fabric.

Historic sites are sensitive finite physical resources that can be damaged and destroyed by natural processes and human activities. These processes and activities include coastal erosion, wind erosion, land subsidence, earthworks, flooding, digging, cutting, tunnelling and filling. In addition, archaeological sites can be damaged by heavy stocking, fencing and ground disturbance from forestry and cultivation. It is important that activities that have the potential to damage or destroy historic sites are addressed via policies and plans.

As with buildings and structures, owners or developers may perceive historic sites as having no value or use. In order to develop the land for 'other uses', the historic sites may be damaged. There is, therefore, a need to educate the public about the values of historic sites.

Many archaeological sites are at risk because they have no obvious physical surface features. For example, a midden that is buried below the current ground surface may be damaged by

earthworks. It is possible to develop methodologies to assist in the prediction of areas where there is a likelihood of unrecorded archaeological sites.⁵⁰

All pre-1900 archaeological sites are protected under the Historic Places Act 1993. This protective mechanism does not apply to the surroundings associated with archaeological sites or post-1900 archaeological sites not subject to any notice in the *Gazette* under section 9 of the Historic Places Act 1993. In addition, wahi tapu or places of significance to iwi that are not pre-1900 archaeological sites are not protected under the Historic Places Act.

There is a need for good integration between the RMA and the Historic Places Act 1993 with regard to archaeological site protection and management. It is appropriate that archaeological sites of significance in the district are listed in the heritage schedule of the district plan and protection is achieved by both the Historic Places Act 1993 provisions and the RMA.

Issue 9: The threat to historic heritage resulting from inappropriate signage and advertising

Inappropriate signage can be harmful to the heritage values of historic buildings and areas. The sign itself may be inappropriate (by its style or advertising design), its fixtures may damage a building, or it may obscure significant views of a heritage building. This issue is more apparent in (but not limited to) urban centres. It is critically important in historic areas and heritage landscapes to manage the cumulative effect of signage and advertising.

Issue 10: The threat to historic heritage resulting from inappropriate subdivision

Subdivision often leads to changes in land use and increased development. Subdivision can compromise the heritage curtilage or setting of historic places and sites and places of significance to Maori. For example, historic gardens, shearing sheds, and outbuildings can become separated from the original homestead and the heritage integrity of the area can be undermined. The individual features of an archaeological site or complex of sites may also be separated. Subdivision can also result in inappropriate activities such as the construction of a new transport route or large building adjoining a historic building.

Issue 11: The threat to historic heritage resulting from inappropriately designated areas

Inappropriate designation of areas can compromise the heritage curtilage or setting of historic places and places/areas of significance to Maori, as well as wider historic areas and heritage landscapes. For example, the designation of land for sewage treatment works immediately opposite an area containing historic buildings can render the area aesthetically unpleasant, and so compromise public appreciation of the area and its historic significance. The designation of even a small site for telecommunication facilities, meanwhile, may totally

⁵⁰ J.R. Leathwick, *Predictive models of archaeological site distributions in New Zealand*, Department of Conservation, November 2000

compromise the integrity of a heritage landscape by allowing dominant modern structures to be located there.

Section 171 requires the territorial local authority to consider the effects on the environment when assessing the requirement for any designation. This will include considering the effects on the historic environment. Considering historic heritage matters should inform possible alternative sites and routes or methods for undertaking the work.

A designation outline plan can cover a range of matters relating to historic heritage such as height, shape and bulk, location of the activity on the designated site, likely finished contour, vehicular access, circulation and parking, landscaping proposed, and any other matters to avoid, remedy or mitigate any adverse effects on the environment.