

2014

Plan Topics

Historic Heritage



Historic Heritage

New Zealand's historic heritage encompasses a diversity of significant places – historic buildings and structures, archaeological sites, historic sites, coastal sites, historic areas and Māori heritage. Historic heritage is often referred to as historic and cultural heritage. Historic heritage is defined in the [Resource Management Act 1991 \(RMA\)](#).

While many countries manage historic heritage under a centralised government agency, New Zealand's system involves shared responsibility between central and local government with a range of organisations being involved: Ministry for Culture and Heritage, Ministry for the Environment, Heritage New Zealand Pouhere Taonga (Heritage New Zealand), local authorities, iwi and hapū, and community groups.

This guidance is designed for local authorities and resource management practitioners. It focusses on the management of historic heritage under the [RMA](#), [Local Government Act 2002 \(LGA\)](#) and [Heritage New Zealand Pouhere Taonga Act 2014](#) (Heritage NZ Pouhere Taonga Act 2014). There are also relevant historic heritage-related provisions under the [Reserves Act 1977](#), the [Building Act 2004](#) and the [Marine and Coastal Area \(Takutai Moana\) Act 2011](#).

The management of historic heritage often involves rules which limit private property rights, or management of public reserves and assets. Good practice in managing New Zealand's historic heritage best occurs through an integrated package including incentives, education, support, and regulation.

Local authorities should have an overarching philosophy and methods for heritage management that are clear and strategically focused. Local authorities should collaborate with the owners of heritage places, tangata whenua, the community and Heritage New Zealand. Additional specialist expertise and involvement will be required at times.

The protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance under s6(f) of the RMA.

As a matter of national importance, RMA policy and plans must address a number of key matters in order to protect historic heritage. This includes definitions, identification of heritage places and assessment of their heritage values, historic sites, incentives, regulatory controls, and mapping.

For the purposes of policy and plan preparation, the RMA requires local authorities to have regard to any relevant entry in the [New Zealand Heritage List/Rārangī Kōrero](#) established under the [Heritage NZ Pouhere Taonga Act 2014](#). Further, local authorities are required to have particular regard to any recommendations from Heritage New Zealand concerning the conservation and protection of a historic area or wāhi tapu area.



THE RMA QUALITY PLANNING RESOURCE

One of the drivers behind the Heritage NZ Pouhere Taonga Act 2014 was to improve collaboration between agencies and improve integration with the RMA. For example, it is intended that information required for a resource consent application under the RMA could also be used for applications for archaeological authorities under the Heritage NZ Pouhere Taonga Act 2014.

Importantly, care is required about the protection of archaeological sites under the RMA in a manner that avoids regulatory duplication with the Heritage NZ Pouhere Taonga Act 2014. Generally district plan rules for archaeology should be limited to archaeological sites of high significance having multiple values and ensuring sufficient information is provided to the public (ie, archaeological advice notices) about the archaeological authority process under the Heritage NZ Pouhere Taonga Act 2014.

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Defining historic heritage

Historic heritage are places of significance to people on account of historical, physical (ie, technological, archaeological, architectural) and cultural values. Historic heritage is often referred to as cultural and historic heritage or simply 'historic places'. Essentially, all historic heritage has the following common elements:

- Is a geographical 'place' which may include a variety of types. For example, structure, monument, house, road, property, site or area.
- Is associated with heritage values and has heritage significance.
- Is associated with, or connected to, a person, group or community (the connected people).

In simple terms, a heritage place is a place with a 'story' (the heritage values) about the interaction of people with the place. For example, a particular 'rock' may have certain geological values – but what makes the rock of historic heritage value will depend on how the rock has been associated with people – it may be of value to tangata whenua or it may be associated with settlement of the district or a particular historical personality.

Historic heritage is defined by the [RMA \(s2\)](#):

- a) *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*
- b) *includes –*
 - i. *historic sites, structures, places, and areas; and*
 - ii. *archaeological sites; and*
 - iii. *sites of significance to Māori, including wahi tapu; and*
 - iv. *surroundings associated with the natural and physical resources.*

Relevant definitions are also provided for in the [Heritage NZ Pouhere Taonga Act 2014](#) including:

- Archaeological site
- Historic place
- Historic area
- Site of interest to Māori
- Wāhi tapu
- Wāhi tapu area
- Wāhi tūpuna



THE RMA QUALITY PLANNING RESOURCE

Plans and policy statements developed under the RMA can adopt these definitions to ensure integration between the RMA and the Heritage NZ Pouhere Taonga Act 2014.

There can be uncertainty about 'notable trees' and whether these trees should be treated as historic or natural heritage. Essentially, the majority of notable trees are significant for amenity-related matters (eg., size and age of tree). These trees should not be recognised as historic heritage. However, some trees do have a 'story' – they may commemorate an important event, of significance to tangata whenua, or have an association with an important historical personality. These trees may be included as historic heritage. Further information about trees is available from the [NZ Notable Trees Trust](#) and [MfE guidance 'Tree protection in urban environments'](#).

Heritage strategy

The management of historic heritage requires a systematic approach by local authorities. The substantial majority of heritage places are privately owned and the need to maintain, repair, adapt and develop historic heritage is a constant issue. Also, many heritage places owned by local authorities are substantial and significant public assets. Owners of heritage buildings often face issues relating to commercial viability and earthquake safety.

A heritage strategy is an important method to assist in the management of historic heritage. While there is no statutory requirement to prepare a heritage strategy, it is a useful way to:

- Establish best practice procedures concerning the identification of historic heritage, including the preparation of statements of significance, GIS mapping and consultation with owners and other connected people;
 - Convey direction about the management of potentially earthquake-prone heritage buildings and navigate risk and building code-related issues relating to the Building Act and the RMA;
 - Provide a structured process for thinking more broadly about heritage on a regional, district (or community) basis. This can help identify heritage aspirations and develop a vision, partnerships, and directions that stretch beyond the statutory requirements;
 - Provide for owners of heritage places and the community (not just experts) to think about historic heritage and what it means to them, so councils (and other players) can be guided in decision-making;
 - Enable a risk-management approach so the range of regulatory and non-regulatory options are considered, including information, economic incentives, advice and rules;
 - Establish a monitoring programme to improve the state of the historic environment information and plan effectiveness information. This will assist in understanding the current condition of heritage places and how well plan provisions are achieving policy and plan objectives and policies.
- Some guiding points when preparing a strategy are:
 - Consider the scope of the strategy – will it apply to all types of historic heritage in a district or region or a particular aspect, such as buildings, archaeological sites or Māori heritage?



THE RMA QUALITY PLANNING RESOURCE

- Provide explicit processes to work with tangata whenua, including procedures to identify, manage and store sensitive information;
- Explore developing a collaborative strategy with tangata whenua, Heritage New Zealand, other neighbouring local authorities or at a regional level. The use of an advisory or steering group may be a method to promote a collaborative strategy;
- Consider what the purpose of the strategy is, why the strategy is being developed and what you hope to gain from the strategy;
- Adopt a vision and principles that can stand the test of time;
- Following the vision and principles, examine the range of appropriate implementation methods. The methods should be designed to address the specific risks – demolition by neglect, demolition from development, earthquakes, fire and other natural hazards, inappropriate subdivision and use. These risks are likely to change over time and require constant re-evaluation;
- While some generic risks may apply to all types of historic heritage, specific places may be confronted by unique and specific risks, such as coastal erosion;
- Canvas all the options for heritage management and evaluate their suitability. This can provide a useful input to a s32 evaluation report. The section has been amended by the Resource Management Amendment Act 2013 to provide greater guidance and specificity about what is required for s32 reporting. For more information refer to the Ministry's [Section 32 - Fact Sheet](#);
- Ensure there is political support for, and involvement in, the strategy process;
- Use a variety of social media and other methods to increase awareness and knowledge of historic heritage within the community prior to consultation;
- Adopt a robust approach to share information and consult owners of historic heritage early in the process. This should be done prior to general engagement with the community;
- Aim to be inclusive of all interests. Keep it simple, useable, and updateable, and ensure performance is measurable (it can be a simple measure - e.g. to prepare a heritage places inventory within 2 years).

Māori heritage

The RMA and Heritage NZ Pouhere Taonga Act 2014 provides for the relationship of Māori with their ancestral lands, water, wahi tapu sites and other taonga. The Heritage NZ Pouhere Taonga Act 2014 also defines the term wahi tūpuna. Recognition and protection of Māori heritage is a fundamental principle of historic heritage in New Zealand. The [International Council on Monuments and Sites \(ICOMOS\) NZ Charter for the Conservation of Places of Cultural Heritage Value, 2010](#) states:

The indigenous cultural heritage of tangata whenua relates to whanau, hapū, and iwi groups. It shapes identity and enhances well-being, and it has particular cultural meanings and values for the present, and associations with those who have gone before. Indigenous cultural heritage brings with it responsibilities of guardianship and the practical application and passing on of associated knowledge, traditional skills, and practices.

The Treaty of Waitangi is the founding document of our nation. Article 2 of the Treaty recognises and guarantees the protection of tino rangatiratanga, and so empowers kaitiakitanga as customary trusteeship to be exercised by tangata whenua. This customary trusteeship is exercised over their taonga, such as sacred and traditional places, built heritage, traditional practices, and other cultural heritage resources. This obligation extends beyond current legal ownership wherever such cultural heritage exists.

Heritage has long been associated with historic buildings associated with early European settlement. This association is expressed in the many lists and schedules of heritage places in which historic buildings are dominant. Historic heritage needs to go beyond these types of buildings and seek to include and protect Māori heritage. This means that councils should consider including Māori heritage in identification and protection processes.

Māori heritage covers the full range of values and types of places – buildings, sites and areas. For example, Māori heritage may include urupā, water springs, pa, gardens, battle grounds, marae, flag poles and pou, wetlands, churches, hunting sites, rivers and mountains.

To build trust and establish certainty, processes to identify and protect historic heritage should be preceded by discussion and agreement between councils and iwi. This will be added by participation agreements such as memorandums of understanding, contracts and forums. Participation agreements should clearly outline the process of identifying and protecting historic heritage as it applies to Māori and the expectations of the parties involved.

The identification of Māori heritage under Māori ownership requires a carefully planned management strategy. There are different types of Māori land, of which often has complex ownership arrangements and potentially a large number of owners. Māori land is defined in the [Te Ture Whenua Maori Act 1993](#). Engagement will often be required with the Trustees and lessees, public notification in major and local newspapers and consultative hui.



THE RMA QUALITY PLANNING RESOURCE

Iwi Management Plans are often a key method to identify Māori heritage. Heritage New Zealand has produced [guidance on the development of Iwi Management Plans for heritage places](#).

Further guidance relating to Māori heritage is available on the QP website:

- [Frequently Asked Questions about Iwi Management Plans](#)
- [Frequently Asked Questions about Cultural Impact Assessments](#)
- [Context for Consultation with Tangata Whenua](#)
 - [Treaty of Waitangi Obligations](#)

Identification of historic heritage

While all district plans contain a heritage schedule, the nature and type of the heritage schedules vary. Some schedules are limited to places formerly registered under the Historic Places Act 1993 (now the [New Zealand Heritage List/ Rāranġi Kōrero](#)). Other schedules are more substantial with lists of heritage buildings, archaeological sites, heritage precincts and Māori heritage. While regional plans may contain heritage schedules, they should not duplicate district plan schedules.

An identification process is essential to ensure heritage schedules are updated and include the most significant heritage places. Conversely, identification will ensure places of low significance or destroyed places are removed from the heritage schedule.

The identification process should also be designed to provide robust and sufficient information about scheduled heritage places. This will include:

- Names - correct names of heritage places are used;
- Ownership – change of ownership is recorded;
- Geographical boundaries – the ‘extent’ of the place is identified on GIS;
- Significance – the values of the place are known;
- Evidence-base – research, maps, plans and photographs are updated;
- Risk and condition – the risks to the place are known; and
- Other changes are recorded.

For places entered on the New Zealand heritage list, information may be available on the [Heritage New Zealand website](#).

Entries for historic places and historic areas include general identification, history and significance of the place, and most contain images. The information available varies between entries, but the more recent entries have very detailed reports.

Following the Canterbury earthquakes, earthquake-related risk information will also be required. This will include the building construction type, age of construction, residential or non-residential status and potentially earthquake-prone building rating under the Building Act 2004. On the basis of this information, local authorities should have a good understanding of the earthquake-prone heritage buildings in their districts.



THE RMA QUALITY PLANNING RESOURCE

Local authorities will not be 'starting from scratch' in preparing a heritage schedule. Consequently, the following guidance is designed for reviewing and updating existing heritage schedules. This section covers:

Planning the process and objectives

Establishing a historic heritage framework

Ensuring compliance with the Privacy Act 1993

Using criteria and categorisation for identification

Gather and review existing information

Identifying and recording – Statements of significance

Finalising the heritage inventory

• Planning the process and objectives

- Plan carefully how owners of heritage places will be consulted. This includes owners of currently scheduled places and newly identified places. Owners should not 'find out about a heritage identification process when someone from the council comes to take a photo'!
- Consider how the wider community, including heritage groups, will be informed, consulted and able to participate.
- Examine the option of a state of the historic environment report approach to begin with. This may include a desktop study and a sample survey of scheduled heritage places to find out about current risks and conditions. This can be expanded into a plan effectiveness evaluation for the heritage provisions.
- Plan the process to establish heritage priorities (i.e. addressing risks and threats, such as redevelopment in key heritage areas).
- Partner with tangata whenua to determine an appropriate approach to identification and assessment of culturally significant sites and areas. Respect that iwi or hapū may not want sites disclosed, given potential site disturbance and sensitive events that may have occurred there (in accordance with protection of sensitive information under s42 of the RMA).
- Allocate realistic time and resources - ask other local authorities what they did and how much time/cost was involved.
- Recognise that some aspects of heritage management are specialised tasks, especially with regards to the preparation of statements of significance. Engage professionals as required (Heritage New Zealand may be able to assist with contacting heritage professionals).



- **Establishing a historic heritage framework**

A framework for identifying historic heritage will be an information management system. This can be a GIS-based system or other similar database method. The framework will include a system that manages:

- Basic information: name, address, property id, heritage status
- Extent of place boundaries on GIS
- Structures or items within the place that do not contribute towards significance (for example, a 1970s 'Skyline' garage)
- Change of ownership
- Statement of significance
- Significance status (ie, Group A item)
- Condition, risks and threats
- Regulatory and non-regulatory approaches – funding assistance, conservation plan status, incentives, rules
- Interactions with owners, public inquiries and consenting history
- Council monitoring history.

The framework will include an approach for mapping heritage places. When mapping heritage places, the appropriate mapping method should be matched with the location and type of place being mapped. For practical issues be guided by good examples and ask around for what works. Consider the following:

- Map heritage places such as trees, buildings, and objects on plan maps, supported by a schedule in the plan. Attempt to show accurate placement of the mark, possibly using grid references or aerial photos. Account for scale in dealing with large sites and consider blow-up insets if needed to pinpoint a place.
- Recognise the spatial arrangement and interconnectedness of certain places by designating them as areas and precincts. Depict these on maps using boundary notations or shading.
- If not already using a GIS system as the basis for the plan maps, flag places on the GIS system so they come up during the enquiry process for the particular property (for example, the PIM and LIM).

When mapping sites, recognise the whole site not just part of the site. Consider, for instance, a building's setting or garden.

- Map areas of known archaeological value and archaeological sites, particularly data derived from the [NZ Archaeological Association site recording scheme upgrade project](#). Awareness of sites is most important and in some cases alternative non-statutory mapping systems may be appropriate.
- Alert layers (identifying and mapping of geographic areas with a strong likelihood of extant sites) are one method of addressing the problem of unknown archaeological sites.



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- **Ensure compliance with the Privacy Act 1993**

As noted above, the majority of heritage places are in private ownership. A great deal of care is required to ensure personal information is appropriately managed in compliance with the Privacy Act 1993. In terms of the information privacy principles of the Privacy Act, management processes will need to ensure:

- Private information, including names and property addresses are not provided to the public without permission of owners;
- Photographs of private residential houses are not taken without permission of owners;
- Private information, including photographs, are not posted on council websites or provided to the public without permission; and
- Information sensitive to tangata whenua is carefully managed and permission is obtained from iwi and hapū prior to the public release of information.

Managing personal information will require the preparation and use of appropriate permission forms and the tracking of these permissions in council GIS. Historical information and photographs which is being used by council in the public domain without permission should be removed.

- **Use criteria and categorisation for identification**

Heritage criteria provides for a set of values for the assessment of heritage significance. Criteria should be based on the definition of historic heritage under the RMA. In addition to heritage values (historic, cultural and physical), local authorities should provide guidance on the use of thresholds such as rarity/uniqueness, association and integrity.

The heritage values and thresholds will give an indication of significance. Heritage significance is often understood at a local or district level or at a national or international level. Categorisation should be kept simple with the use of two categories (Group A and Group B) reflecting local/national significance. Many 2nd Generation district plans are adopting more simple methods of categorisation in heritage schedules.

For Māori heritage and significant archaeological sites, categorisation has not generally been adopted. The risk, however, of non-categorisation is that highly significant places may not receive the same levels of protection in district plans. Tangata whenua should be closely involved in decisions about categorisation.

Criteria and categorisation should align with criteria for the identification and classification of historic places to be entered onto the New Zealand Heritage List/Rārangī Kōrero ([Heritage NZ Pouhere Taonga Act 2014; section 66](#)).

While there are some differences in the definition of historic heritage under the RMA and the criteria for inclusion in the Heritage New Zealand List/Rārangī Kōrero, essentially the same types of heritage places can be identified.



THE RMA QUALITY PLANNING RESOURCE

- **Gather and review existing information**

All relevant existing information should be identified and reviewed at the beginning of the project. This stage can normally be carried out by the council. It will involve:

- Identifying and critically reviewing existing district plan heritage inventories. Information may be outdated, and places may have been identified by different criteria to the district plan process. If budget allows, undertake a comprehensive audit of scheduled places.
- Identifying other previous council inventories and lists.
- Ensuring that all historic places, areas, wāhi tapu, wāhi tūpuna and wāhi tapu areas entered on the New Zealand Heritage List are included in the schedule.
- Identifying recorded archaeological sites by the [New Zealand Archaeological Association](#).
- When preparing regional policy statements, regional plans and district plans, it is required that any iwi authority planning document for any heritage direction, statement or identified sites are taken into account.
- Obtain local information and research through referring to heritage interest groups, and to publications on heritage places (eg., bridges, railways, churches).
- Critically review existing information and places as they may have limitations for use in plans.

- **Identifying and recording – Statements of significance**

- Identifying and recording will require the preparation of a statement of significance. A statement of significance provides evidence about the heritage significance of the place or area. It is prepared by a heritage professional.
- A statement of significance should be prepared for both existing listed heritage places and for newly identified heritage places.
- In addition to heritage values, the statement of significance should identify the geographical boundaries of the place and items within the place that do not contribute towards significance. This information can be added as an appendix using maps and plans.
- The statement of significance should clearly record the type of place, age, construction materials and other matters such as potentially earthquake-prone statuses as relevant under the Building Act 2004.
- For an area, the statement of significance will contain a summary of the values of the place. Street-by-street analysis or individual items within the area should be included as an appendix.
- Statements of significance can also be prepared for significant archaeological sites and Māori heritage. This approach will require close working relationships with tangata whenua as a joint project and be guided by an iwi management plan. Heritage New Zealand has prepared an [iwi management plan guide](#). This guide informs the preparation and implementation of iwi management plans to assist in the identification and protection of Māori heritage.
- Draft statements of significance should be provided to owners of heritage places, tangata whenua and other stakeholders for review and input.



- **Finalising the heritage inventory**

Following the finalisation of the statements of significance, an inventory of heritage places can be prepared and made available to the public (comprising all of or a summary of the statements of significance).

At this stage, the council needs to decide which places should be added to the district plan heritage schedule, which places require information updating and which places require removal from the heritage schedule. Council also needs to decide which category is appropriate, and whether building interiors are included or excluded.

[Section 42 of the RMA](#) sets out a clear process for the protection of sensitive information. Section 42 specifies that local authorities may make an order to determine the need to protect the confidential nature of the information, when weighed against the public interest in making the information available. This provision can apply, for example, to burial grounds, artefacts, Whakapapa, wāhi tapu, ancestral lands, and personal information.

The s42 process occurs by a resolution of council through processes such as a hearing or council meeting. The protection should not be applied as a 'blanket', and requires consideration of each matter on a case-by-case basis.

The process to be followed needs direct reference to s42 and involves:

1. an application being made to protect the information;
2. council's consideration of public versus private protection interests; and
3. a formal order being made to protect, or not and the reasons why.

Evaluation of options

The primary options will involve information, guidance, incentives, ownership possibilities and rules. Often the appropriate method will be a combination of all five options.

Options need to align with the significance of the place and the primary risks or threats. As an example, a heritage building that is experiencing long term neglect may be assisted by a grant for repair and maintenance. District plan rules alone are not sufficient to address issues such as neglect.

Incentives are generally needed to encourage good management practice by owners of heritage places. Relatively modest incentives, such as architectural advice, waiver of consent fees, funds to assist private owners, and publicity, can generate changes in the attitude of communities towards heritage and in the practice of heritage management. Incentives complement plan regulation and they tend to sit outside the district plan. The following is relevant:

- Consider incentives as part of the [s32](#) RMA process preceding the plan review to identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions. This is particularly important as s32 evaluations are required to quantify the benefits and costs of provisions, where practical, due to the amendments in the Resource Management Reform Act 2013. A Heritage Strategy or related process can balance incentives with regulation.
- Consider applying levels of financial incentives to the listing of a heritage place in the district plan, through a system that ranks heritage value. Be clear how the incentives will be applied.

Ongoing political commitment to financial assistance will help ensure that heritage objectives continue progressing in the long term. Reporting progress to council in terms of the effects of incentives is important to maintain support.

Regulatory controls

Regulation should be judiciously applied to create an appropriate balance between heritage values and the rights of property owners. Ideally regulation should be counter-balanced with non-regulatory methods of management.

Regional coastal plans will also need to identify heritage places in the coastal marine area and provide for them in rules.

As outlined above, local authorities shall have regard to any relevant entry on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage NZ Pouhere Taonga Act 2014 when preparing or changing a policy or plan under the RMA.



THE RMA QUALITY PLANNING RESOURCE

Under [section 74](#) of the Heritage NZ Pouhere Taonga Act 2014, local authorities are required to have particular regard to any recommendations from Heritage New Zealand concerning the conservation and protection of a historic area or wāhi tapu area.

While the purpose of the former Historic Places Register under the Historic Places Act 1993 included to *'assist'* in protection under the RMA, the purpose of the New Zealand Heritage List/Rārangi Kōrero is to be a *'source of information'* about historic places, historic areas, wāhi tūpuna, wāhi tapu and wāhi tapu areas for the purposes of the RMA. This change aimed to distinguish between the purpose of the New Zealand Heritage List/Rārangi Kōrero to identify historic heritage, and protection of historic heritage from inappropriate subdivision and development under the RMA.

In addition, the Heritage NZ Pouhere Taonga Act 2014 includes National Historic Landmarks/Ngā Manawhenua me ona Kōrero Tūturu which is a list of places of outstanding national heritage value.

Regional and district plan heritage section

A specific heritage section in plans often works best, rather than dispersing rules for heritage places throughout the plan. A heritage section should provide:

- Objectives and policies, with explanatory notes and reference to alternative methods as required;
- Clear and precise definitions for terms like 'minor alterations' or 'demolition' if these are being used to distinguish activity statuses;
- Requirements for information to be supplied with applications and further documentation that may be required;
- Criteria for listing heritage places, and ranking arrangements if applicable, including any special methodologies used for assessments. These should be suitably robust, and recognised by the Courts and the planning profession;
- Targeted regulatory controls covering the range of heritage places, buildings, objects, trees, archaeological sites, sites of significance to Māori, and groupings or areas of heritage places. Cross reference controls to activities likely to affect heritage places, such as earthworks and demolition. Be clear that the heritage overlay rules prevail over general and zone rules, unless stated otherwise;
- Consider design guidelines for areas where there are common characteristics to the area and its contextual setting. These must be part of the plan if they are to have legal weight, but can also be effective as a voluntary method complementing regulatory provisions; and
- Make monitoring a consent condition for resource consent applications for heritage places (e.g. photographic documentation before, during and after changes). Require reasonable costs of monitoring to be met by the applicant.

Activity status

Heritage New Zealand provides an [overview of heritage rules in district plans](#) in New Zealand. Heritage New Zealand also provides guidance for model district plan rules as part of the [Sustainable Management of Historic Heritage Guidance Series](#). Heritage New Zealand is currently updating this guidance (at the time of publishing this guidance note).

Local authorities need to select an appropriate regulatory control that corresponds with the scale and significance of the heritage issue. This will occur as part of an evaluation under [section 32 of the RMA](#) which needs to consider the effectiveness and efficiency of the options in relation to the costs and benefits of the anticipated environmental, economic, social and cultural effects.

Local authorities need to consider an appropriate regulatory control that corresponds with the scale and significance of the heritage issue. On the basis of existing practice, the most common heritage rules are listed in the table below.

Rule	Consent status	Notes
Repair and maintenance Removal of an identified non-contributory item within the setting of a heritage place	Permitted with performance standards	The rule should be designed for all types of heritage places – buildings, historic sites, Māori heritage
Alterations and additions	Restricted Discretionary	Provision should be made for encouraging building safety-related alterations such as earthquake strengthening as a permitted or controlled activity
Subdivision, signage, earthworks, new buildings within the setting of a listed heritage place	Restricted Discretionary or Discretionary	Signage rules should cover signs attached or signs that may obscure a heritage place
Relocation or partial demolition	Discretionary or Non-Complying	Relocation rules should apply to both on-site relocation and off-site
Demolition or destruction	Non-Complying	



Cultural and heritage landscapes

The RMA does not explicitly refer to the terms cultural and heritage landscapes. Further, the reference to a wider historical and cultural landscape was replaced with 'wider historical and cultural area' as criteria for inclusion on the New Zealand Heritage List/Rārangī Kōrero. Consequently, local authorities need to ensure that any initiative to identify and protect cultural and heritage landscapes is within the scope of the legislation.

Generally cultural and heritage landscapes are large areas with layers of interrelated values and features, and can have many connected communities. The features may include individual places, linear elements (ie, tracks) and areas. The setting or curtilage of these landscapes is of particular importance. Many historic areas and precincts could be described as cultural or heritage landscapes. Examples include Otatara Pa, Lyttelton Historic Area, Old Dunstan Road, Oamaru Historic Area, Denniston Mine, and the Lower Nevis Valley Historic Area.

Best practice processes for the identification and protection of historic places, as outlined above, also apply to cultural and heritage landscapes. This will include defining the place, establishing geographical boundaries, consulting communities, preparing statement(s) of significance and careful design and implementation of appropriate incentives and rules. Often non-regulatory methods will be highly significant for cultural and heritage landscapes, particularly to inform the public about the values of the place. Denniston Mine, near Westport, is a good example of how a heritage landscape can be designed to provide improved historic information and public access.

Archaeological sites

- Information on the protection of archaeological sites is available on the [Heritage New Zealand website](#).
- Heritage New Zealand has statutory responsibilities for archaeological sites under the [Heritage NZ Pouhere Taonga Act 2014](#). The Act [defines an archaeological site](#) as a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand. A place associated with post-1900 human activity may be [declared](#), by publication in the Gazette, as an archaeological site under the Act.
- Modification or destruction of an archaeological site requires an [archaeological authority](#) under the Heritage NZ Pouhere Taonga Act 2014. However, an archaeological authority is not required for work on buildings that are archaeological sites unless the work will result in the demolition of the whole building. If in doubt, check with Heritage New Zealand.
- While all archaeological sites are protected under the Heritage NZ Pouhere Taonga Act 2014, local authorities have management responsibility for the use of land under the RMA. Archaeological values are also part of the definition of historic heritage.
- The requirements of the Heritage NZ Pouhere Taonga Act 2014 and the RMA means that local authorities and Heritage New Zealand need to work together to avoid confusion and unnecessary regulatory duplication.



THE RMA QUALITY PLANNING RESOURCE

- While archaeological sites (including previously unrecorded sites) are managed under the Heritage NZ Pouhere Taonga Act 2014, district plans have a role in protecting the most significant archaeological sites (including groups of significant archaeological sites).
- As for any heritage place, archaeological sites scheduled in district plans must be identified with geographical boundaries (which incorporate the need for any buffer areas), legal description and statement of significance. Large lists of recorded archaeological sites with little 'ground truthing', analysis or justification should not be included in district plans. Accurate identification and statements of significance should be undertaken by a professional archaeologist.
- The [New Zealand Archaeological Association \(NZAA\) Archsite database](#) is the national database of recorded archaeological sites. Local authorities can work with NZAA to ensure information on recorded archaeological sites is updated. Work will also be necessary to determine the spatial extent of archaeological sites for district plan listing purposes.
- Following the accurate identification of archaeological sites (including the extent of archaeological sites), local authorities should use project information memorandums and land information memorandums to ensure landowners are informed about the presence of the sites.
- Include methods for archaeological site management in the plan in the appropriate form to match the level of information available. Where the information available is not detailed enough to prescribe regulation, use alternative methods to address RMA responsibilities. Such methods include non-statutory databases, mapping, and raising landowners' awareness.
- Promote consistency in terminology and definitions used. For example, if the definition 'archaeological site' is used in the plan; it should be identical to the definition. When managing the **resource consent process** and applications for archaeological sites, consider the following:
 - Develop a protocol with Heritage NZ Pouhere Taonga for any parallel approval processes relating to RMA resource consents and applications for archaeological authorities under the Heritage NZ Pouhere Taonga Act 2014. Include this protocol in the district and/or regional plan as an information note or method for reference.
 - Recognise Heritage New Zealand as an affected party in the district and/or regional plan processes with respect to archaeological sites.
 - Cross reference archaeological sites related provisions in the plan to earthworks provisions and rules in the district and/or regional plan.
 - An application to Heritage New Zealand for an archaeological authority will often involve the preparation of an archaeological assessment. These assessments can also be used as part of resource consent applications if relevant.
 - Refer to guidance and/or protocols for accidental discovery in the district and/or regional plan. Apply accidental discovery protocol advice notes to resource consents that may affect an archaeological site. Heritage New Zealand can advise on the most appropriate wording.



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- Include specific assessment criteria to help evaluate the effects of activities on archaeological sites.
- Develop protocols with tangata whenua for archaeological sites identified as also of significance to them.
- Ensure staff know what archaeological sites are, have guidelines for how to identify them, and know where they are likely to be found.

Resource consent information requirements

State information requirements for resource consent applications that involve or may impact on heritage places. Include:

- A clear definition of the location of heritage places relative to the activity;
- Assessment of effects on heritage values with reference to plan assessment criteria;
- An archaeological assessment for archaeological sites;
- Cultural values effects assessment documentation by tangata whenua for activities that relate to Māori heritage; and
- Ensure that Heritage New Zealand is consulted as an affected party.

Monitoring

Establish a state of historic environment monitoring strategy to monitor the integrity and condition of heritage places. See [Heritage New Zealand's 'State of the Environment Reporting and Monitoring'](#) for guidance on undertaking heritage monitoring.

Plan effectiveness monitoring for historic heritage should also be undertaken prior to major plan changes.



Links to Other Legislation and Agencies

There is legislation in addition to the RMA that local authorities need to consider in making provision for historic heritage management through plans. This includes:

[Heritage New Zealand Pouhere Taonga Act 2014](#)

- This Act is administered by Heritage New Zealand Pouhere Taonga. It outlines the functions and powers of Heritage New Zealand and the Māori Heritage Council. These functions include the preparation of general policy statements relating to archaeological sites, properties owned or controlled by Heritage New Zealand, administration of the New Zealand Heritage List/Rārangi Kōrero, including the National Historic Landmarks List and the statutory advocacy role of Heritage New Zealand.
- As outlined in this guidance note, the Heritage NZ Pouhere Taonga Act 2014 includes a number of provisions that are closely aligned with the RMA, especially the protection of archaeological sites, heritage covenants and the New Zealand Heritage List/Rārangi Kōrero.

[Conservation Act 1987](#)

- The Conservation Act 1987 provides for the protection of historic resources. This will include historic resources within public conservation land, under agreement with landowners and general advocacy by the Department of Conservation. The management of historic resources on public conservation land is guided by general policy, conservation management strategies and conservation plans.

[Building Act 2004](#)

- The Building Act 2004 includes a range of provisions relevant to historic heritage, including the principle of the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value.
- Under the [Building Act 2004, a project information memorandum \(PIM\)](#) must include any information likely to be relevant to the proposed building work that identifies the heritage status of the building (if any) and each special feature of the land concerned. The PIM must also indicate if the territorial authority considers that notification to Heritage New Zealand is likely to be required under section 39.
- Under [section 39](#), a territorial authority must advise Heritage New Zealand if an application for a PIM, or for a building consent, affects a historic place, historic area, wāhi tapu, wāhi tūpuna or wāhi tapu area that has been entered on the New Zealand Heritage List/Rārangi Kōrero; and the territorial authority has not previously advised Heritage New Zealand about the building work to which that application relates. The territorial authority must advise Heritage New Zealand within 5 days after receiving the application. Further, in issuing a building consent, the territorial authority must confirm that Heritage New Zealand has been notified under section 39, if applicable.
- There are also a number of provisions relevant to heritage buildings with regard to earthquake prone, dangerous and insanitary buildings. In terms of policies prepared under [section 131 of the Building Act 2004](#), territorial authorities must state how it will apply to heritage buildings. Heritage New Zealand must also



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receive a copy of any section 124 notice with respect to an earthquake prone, dangerous or insanitary building, if the building is a heritage building. Guidance is available from the Heritage New Zealand website with respect to heritage-related matters under the Building Act 2004.

Reserves Act 1977

- Reserves may be classified as historic reserves. Historic reserves may be vested in local authorities or Heritage New Zealand. Alternatively, local authorities or Heritage New Zealand may be appointed to control and manage historic reserves. Reserves of other classifications may also include important historic heritage. Plans should be coordinated with the overall management direction of reserve management plans, prepared under the Act.

Te Ture Whenua Māori Act 1993

- This Act promotes the retention of land by Māori and is administered by Te Puni Kōkiri. It provides for land to be set aside as Māori reserve. This may include places of historic or cultural interest.

Local Government Act 2002

- This Act enables local government to develop its own provisions to address local issues. Heritage planning, funding and management may be a key topic of that is addressed a new through long term planning.



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