

*New Zealand Historic Places Trust  
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## **A Historic look at planning for heritage protection over the last 50 years**

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Regional and District Plans prepared under the Resource Management Act 1991 and its amendments influence current settlement patterns. In the past, settlement patterns were influenced by cultural and market influences.

When planning of towns began in New Zealand there was no attempt to identify, recognise or protect heritage.

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### **In the beginning**

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#### *Plans of Towns Regulations Act 1875*

Early European settlement patterns showed little respect for protection of heritage places. Settlements were built on coastal sites, on top of the remains of kainga and early pa sites, karaka groves were felled and wetlands drained.

Commonly planners working from England who had never visited the site, designed towns and subdivisions for the purpose of selling land titles. Settlements were located where infrastructure such as ports meant that access and trade opportunities were favourable.

New towns were required to have streets of 99 feet, and right angles as far as practicable. Grid pattern layouts showed little respect for existing landforms.

Urban designs featured the quarter acre section, and made deliberate provision for open space for recreational purposes. The act provided for 1/10th of the land to be set aside as open space, and this encouraged civic squares and botanical gardens.

The aims of town planning were public health and safety, and predominantly involved controls to prevent overcrowding. As a result, municipal powers included demolition of “ruinous and deserted buildings”.



Land developers followed trends, resulting in houses built on spec. Owners of commercial enterprises built houses for themselves, and also houses for their employees in close proximity to the places of work. Those few remaining are included amongst the heritage buildings of today.

Areas of open space, such as the Wellington City Town Belt were protected by specific legislation. Fortunately many of the areas of land set aside for open space included sites that were later identified as having heritage significance.

### ***Town and Country Planning Act 1926***

In 1926 zoning was introduced to the planning toolbox. Bulk and location ordinances were introduced into New Zealand as techniques to implement zoning patterns. The government's Town Planning Board approved schemes of Borough Council's with populations of over 1000 people. Few schemes were prepared within the prescribed time limits.

Interestingly, zoning, set backs and 'side yards' survive in many District Plans of today. Other similarities include owners objecting to provisions on the grounds that they are unreasonable, mention of "tyranny" was even made in an appeal case.

The town planning legislation then followed a public desire to have clearly defined rules and not have matters left to the discretion of officials and public bodies.

### ***Town and Country Planning Act 1953***

The 1953 Act required all territorial authorities to prepare a District Planning Scheme. The legislation also provided a power of exemption from planning requirements. Model Ordinances were added in 1960. The model ordinances resulted in a planning regime that operated throughout the country with little variation.

The model ordinances set out a system for listing objects and places for preservation in the scheme statement. Ordinances prohibited any person without Council permission from destroying, removing, or damaging a preserved object or place. Under the model provisions there was no right of appeal to a listing, and the public had no right to object to the deletion of any listed item.

District Schemes established under the 1953 legislation lacked provision over design or subdivision layout. There were no controls over incompatible designs, choice of external materials, or finishing colours. A discretionary power to check plans in an "Area of Special Amenity" was tested at the Court and was found to be ultra vires.

Ultimately an Appeal Board decision ruled that the only method of listing was by designation, either for public work or for a private community purpose where acquisition was not contemplated.

The zoning system in the 1953 legislation was criticised for being too rigid. It was argued that better land use could occur under a discretionary system. A court case in



1975 ruled that a general discretionary power was contrary to the principles of certainty. Subsequently the legislation was amended to include discretionary ordinances relating to the design and external appearances of buildings. This meant that different levels of controls became possible. The specified departure tool allowed flexibility to address exceptional or unforeseeable future developments.

### ***Town and Country Planning Act 1977***

A scheme statement, code of ordinances and planning maps formed the basis of planning under the Town and Country Planning Act 1977. The scope of planning expanded to encompass social, economic, spiritual, recreational opportunities and amenities. Statutory recognition was given for matters of national importance, which encompassed the conservation, protection and enhancement of the physical, cultural and social environment. The 1977 Act made specific provision for the preservation and conservation of trees, plants, landscape and Areas of Special Amenity Value, as well as the design and external appearance of buildings.

#### *Zones, lists and ordinances to protect heritage*

Under the 1977 Act it became no longer possible to designate for other than a public work, however properties could be listed in the District Scheme as being 'used for purposes of value to the community'. Special zones to preserve areas of architectural or historic importance were provided for. Places or objects to be preserved were identified in planning maps with suitable notations, and the 'register' method of listing buildings, objects, defined areas and trees for preservation was common.

Ordinances provided for the conservation of such areas, and were able to include design policies and objectives. Any work or use inconsistent with the identified purpose required a conditional use planning consent. In cases where ordinances were considered to be too restrictive to development an owner could lodge a claim for compensation.

In spite of provisions in the legislation and in District Schemes the urban renewal projects of the 1980's saw wholesale clearance of substantial structures. Demolition policies were more prevalent than renewal grants.

#### *Heritage orders*

In addition to the powers held by territorial authorities the New Zealand Historic Places Trust was empowered to classify buildings having historic significance or architectural quality on a four-point scale. The Trust was able to issue protection notices, served on the Council and the owner and the occupier. Provision was made for those affected to lodge objections and to make submissions. The Planning Tribunal was empowered to carry out an inquiry where there were objections.

The use of land subject to a protection order for any purpose could not be carried out as a permitted activity within any particular zone.



### *Archaeological sites*

Archaeological sites were defined as places associated with human activity occurring 100 years earlier, now it is a fixed date of pre-1900. The Trust could require the territorial authority to record a registered archaeological site in the District Planning Scheme, and the authority had to do so. There was no right of appeal, and no discretion for the Council to decide not to record a site. There was no provision for claims of compensation.

Historic Areas and traditional sites could be given formal recognition defined as “ a place or site that is important by reason of its historical significance or spiritual or emotional association with the Maori people or to any group or section thereof”. In the case of traditional sites and heritage areas, the Trust could make a recommendation to the Council that such sites were preserved. The Council required to ‘take into account’ the desirability of preservation. The effect of the recommendation was that the Trust then had standing to appear in support of its request and to make an appeal to the Planning Tribunal against an adverse decision.

### ***Resource Management Act 1991***

In response to concerns over the rigid nature of the District Scheme ordinances, and demands to manage the environment in a sustainable way the Town and Country Planning Act was replaced with the Resource Management Act 1991. The Resource Management Act 1991 provided more discretion in assessing development proposals within established environmental ‘bottom lines’. The Act made specific provision for people managing the use, development, and protection of natural and physical resources, to have particular regard to Kaitiakitanga and to the recognition and protection of heritage.

The legislation provides that regulation is only used where it can be shown to be efficient and effective, and that other methods of implementing the objectives and policies were to be considered. District Plans identified heritage places in schedules and maps, and included rules retaining varying degrees of control over activities with adverse effects on heritage places. Provision was made for non-regulatory methods alongside the rules in plans, and funded through the Council’s Annual Plans.

Like the 1953 legislation, few operative plans were in place before amendments were being made to the RMA.

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## **Planning for heritage now**

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### ***Resource Management Amendment Act 2003***

The RMA Amendment establishes historic heritage as a matter of national importance. Historic heritage is a non-renewable resource, and as such must be managed with future generations in mind.



In carrying out their functions under the RMA Local Authorities must give effect to s.6(e) RMA for Maori Heritage sites, and s.6(f) which requires protection of historic heritage from inappropriate subdivision, use and development. There are various other heritage provisions in the RMA.

Local Authorities should provide for integrated management in plans and policy statements, and recognition and protection of sites of historic significance to iwi and archeological sites through plan provisions and decisions on resource consents.

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## Historic Heritage

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### Protection of Historic heritage as a matter of national importance

Section 6 of the principal Act has been amended by adding historic heritage to the matters of national importance.

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- 6 (f) the protection of historic heritage of special value to people and communities from inappropriate subdivision, use, and development.”

In some minds heritage is limited to places of architectural merit, and sometimes limited further to only architecture of aesthetic appeal. Heritage places are much more than beautiful buildings. Heritage places are significant to us because they are associated with our ancestors, cultures, or past.

### Historic heritage is now defined in the RMA as:

#### Historic heritage —

(a) 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; and
- (vi) ~~spiritual;~~
- ~~(vii) technological; and~~

(b) includes—

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



**Historic heritage** can include<sup>1</sup>:

- Built heritage - historic buildings or structures;
- Archaeological sites;
- Places of special significance to Māori, including wāhi tapu, urupā, and places of traditional importance;
- Trees or other vegetation with historical or cultural associations;
- Places where past events have taken place;
- Cemeteries and burial places;
- Shipwrecks and other maritime heritage;
- Landscapes and areas of heritage places.

To give effect to s.6(f) Historic Heritage as a matter of national importance:

- Regional Policy Statements should include policies to guide planning documents on protection of archeological sites.
- Heritage schedules in plans should include registered heritage places, and also should include criteria for identifying and assessing heritage places of regional and local importance that may not be already registered by the New Zealand Historic Places Trust (NZHPT). Local Authorities need to undertake comprehensive review of heritage within their Districts and Regions. An assessment of archeological sites and historic features and places should be carried out. This should identify heritage of significance in areas that are covered by both District and Regional Coastal Plans. Heritage schedules should include both places that are registered by the NZHPT, and heritage places that meet the criteria that are not already registered by the NZHPT.

## **Heritage Inventories<sup>2</sup>**

### **Identification of heritage is a community project**

Local authorities and members of the community can contribute to the state of knowledge of heritage in their areas. Local knowledge is important.

Local people can:

- Identify properties associated with historical themes or building types that are not well represented in the current inventory and may be considered for future documentation (to be based on map research and contextual history conducted by the New Zealand Historic Places Trust)
- Provide local connections for contacting property owners.
- Locate historical photographs of the area and listed resources in archives and private collections.

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<sup>1</sup> Auckland Regional Council - [www.ARC.govt.nz](http://www.ARC.govt.nz) - cultural heritage

<sup>2</sup> Appendix 1 deals briefly with How to Prepare a Heritage Inventory



- Locate historical newspaper articles and similar local sources.
- Conduct oral history interviews to augment archival research.

Other useful sources for understanding the breadth and nature of heritage can be found in the New Zealand ICOMOS Charter, the Historic Places Act (1993), the Resource Management Act (1991) and its Amendments.

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## HISTORIC PLACES OF SIGNIFICANCE TO IWI

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The requirement for local authorities to recognise and provide for protection of traditional sites and sites of significance to iwi comes from section 6(e) and 6(f) of the Resource Management Act 1991.

### **Nga Taonga Tuku Iho no Nga Tupuna**

Maori heritage can be described as *nga taonga tuku iho no nga tupuna = treasures handed down by our ancestors*.

Maori heritage comprises a wide range of different places and items from the physical and tangible to the natural environment and the intangible.

The **physical/tangible** heritage places can be described as those land-based places created, formed or shaped by earlier inhabitants. These can be archaeological sites (eg burials, pa, pits, terraces, oven stones, midden, stone/rock structures, rock-art, house sites, etc) or Maori built heritage places such as marae buildings, including their contents (eg carvings, artworks, photographs, etc) and structures (eg flagpoles, gateways, etc).

**Natural** heritage places may be natural features associated with traditional activities (eg springs, trees, swamps, caves, etc) or a tribal landmark (eg mountain, river, lands, sea/lake, village, etc) where no evidence of former human activity is evident.

Heritage places that have intangible characteristics are places where no visible feature or evidence is present, but where a significant event or traditional activity took place (eg battlefield, places of meeting, of learning, of ritual, fishing ground, taniwha den, etc)

All or any of the above cultural heritage places may also be considered to be wahi tapu, traditional sites, *wahi taonga*, or others according to the particular *Iwi, Hapu* or *Whanau* custom.

### **Wahi Tapu, traditional sites, wahi taonga,**

Wahi tapu are places that are sacred to Maori. The definition of wahi tapu under the Historic Places Act 1993 is ‘a place sacred to Maori in the traditional, spiritual, religious, ritual or mythological sense’.

A wahi tapu may be an archaeological site, a burial place (urupa), a natural feature (for example a spring, river, hill), a marae, or artwork. What is regarded as a wahi



tapu place by Maori in one area may be different for Maori in another, so it is important that consultation with tangata whenua determines the wahi tapu places for Maori in any particular district.

There are Maori sites that are not wahi tapu that are also important. Buildings, redoubts, fishing grounds, gardens, storage pits and other places will not necessarily be wahi tapu, but still have heritage significance. The RMA requirement to protect them from inappropriate subdivision, use or development still applies. Consultation is critical in determining whether or not a site is likely to be adversely affected by a development proposal.

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## **ARCHAEOLOGICAL SITES**

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All parties involved in heritage management should be aware that there are different components of legislation and different agency responsibilities that need to be taken into account. There is an interface between the RMA and the archeological provisions in the Historic Places Act.

The Historic Places Act 1993 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of the New Zealand Historic Places Trust.

This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District or Regional Plan or a resource or building consent has been granted. The Act also provides for substantial penalties for unauthorised destruction, damage or modification.

Any proposals that affect an archaeological site will require an authority under the Historic Places Act (sections 10-20). It is good practice to formally advise the applicant of this at the outset of enquiry or application as it can affect their time frame expectations. Refer them also to the Historic Places Trust Regional Archaeologist (refer to Contacts).

Archaeological heritage is more than a smattering of individual sites, places and items. Archaeological heritage is part of a cultural landscape where the linkages between spatial pattern and themes in development can be recognised and understood. This does not mean that local authorities must protect wide areas, but that the significance of perhaps otherwise seemingly modest individual sites and groups of sites will need to be better provided for in land use planning practice.

A readily available source of information on Archeological sites is the New Zealand Archeological Site Recording Scheme. Local Authorities could also carry out projects to identify and map sites as alert layers. Alert layers in plans can act as a flag for sites that may contain evidence of human occupation pre-1900. Early maps of the District are sometimes a useful source of information as they can show where buildings dating from pre-1900 were located on sites.

To give effect to s.6(f) Historic Heritage as a matter of national importance:

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- Regional Policy Statements should include policies to guide planning documents on protection of archeological sites.
- Integrated management is promoted through policies in Regional Policy Statements (RPS). Ideally an RPS should include criteria to identify historic heritage of regional significance, and promote identification and appropriate management of historic places and traditional sites in District Plans.
- Regional Coastal Plans and District Plans should identify archeological sites in the maps and include rules that control activities that may disturb, modify or destroy archeological sites. Plan provisions should require information to be provided on any pre-1900 occupation of the site. Indicators include buildings, wharfs, and ship wrecks dating from before 1900. Plans should require resource consent applications to include an assessment of effects on archeological sites, and lead to conditions in resource consents that require site assessments to be carried out, and archeological authorities to be obtained prior to work being carried out.
- At a minimum planning maps should identify those archeological sites on the New Zealand Archeological Association Site Recording Scheme.

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## **Review of existing plan provisions**

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Local Authorities are required to protect historic heritage from inappropriate subdivision, use or development. Plans will need to include objectives and policies that give adequate guidelines on what is considered to be inappropriate.

Provisions in plans and regional policy statements will need to be reviewed to determine whether these give effect to the recognition and protection of heritage to a matter of national importance. While the Heritage objectives and policies in most instances will recognise the need to identify and protect heritage, the pitch of the rules and scope of information to be provided with applications for resource consents may no longer be appropriate.

The RMA Amendment has seen the permitted baseline test entrenched into the legislation. Only effects of activities permitted as of right by a plan that should be included as part of the permitted baseline. This will mean Councils need to review the rules and assess the implications of permitted activities, and activities that are not controlled by a rule in the plan.

The Hutt City District plan is an example of a plan that does not comply with the RMA s.6 requirement to protect historic heritage. Demolition of a listed heritage building is a permitted activity, but the plan contains rules requiring a resource consent for alterations. The plan is clearly unworkable and inconsistent with s.6 of the RMA, as the permitted baseline is set so low that the Council has not retained any ability to decline consents where subdivision, use or development will result in the total loss of heritage values.

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## **Guidance Notes**

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## Regional Policy Statements

The regional policy statement provides an overview of the resource management issues of the region and a framework of policies and methods to achieve integrated management of the region's resources. Regional and district plans in turn assist local authorities to carry out their functions.

Regional Councils and Unitary Authorities can provide leadership in heritage policy development and implementation. In managing use, development and protection of natural and physical resources a Regional Policy Statement is required to recognise and provide for matters of national importance.

Regional Policy Statements also establish objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region. The hierarchy of planning documents means an RPS establishes a policy framework for heritage provisions regional coastal plans, regional and district plans.

Heritage places of regional significance may include natural formations or landscapes of heritage significance, heritage places of regional significance, and heritage places in the coastal marine area.

Regional Policy Statements should:

- A. Establish objectives, policies and criteria for identification and assessment of historic heritage of regional significance
  - (a) to recognise the heritage of the region across all ethnic groups and provide for protection of sites of significance
  - (b) to provide for public involvement in heritage conservation,
  - (c) to increase community appreciation of the breadth and value of heritage places and the importance of retaining heritage and transmitting it in good condition to future generations
  - (d) to ensure that any use or development does not adversely affect the heritage significance of heritage items or of heritage landscapes
  - (e) to establish a consistent approach toward identification and management of heritage places of regional significance in planning and development control processes.
  - (f) Regional Policy Statements could provide guidance on appropriate themes for identification of heritage places of regional significance.

The themes and criteria that make a statement of regional historic heritage significance might include the following:

- a. It is natural or cultural heritage that has special value for current and future generations.
- b. it is important in demonstrating the evolution or pattern of the regions history and development
- c. it demonstrates rare, uncommon or threatened aspects of the region's heritage
- d. it has potential to yield information that will contribute to an understanding of the regions history or archaeology
- e. it is important as a representative in demonstrating the characteristics of a broader class of cultural places
- f. it is important in demonstrating a high degree of technical achievement
- g. it has a strong or special meaning for any group or community because of social, cultural or spiritual associations

- B. Provide for integrated management of activities that may impact upon historic heritage across district boundaries
  - a. to integrate heritage conservation into policies and plans prepared under the RMA.
- C. Provide a context for research strategies for investigation and recording of archaeological sites.
  - a. To identify sites within the region to support protection mechanisms
  - b. To better understand the history of the region through excavation and interpretation
  - c. To better understand cultural values in the regional context
  - d. To identify sites to be left in situ as a permanent feature
  - e. Identify gaps in coverage of NZAA site record forms and map overlay with Maori heritage sites

*Regional Councils involvement in heritage may include:*  
*Leadership in policy development and implementation*  
*Guidance and integrated management of historic heritage through Regional Policy Statements*  
*Promotion of heritage conservation through education and advocacy*  
*Regional heritage databases*

- *Shipwreck data base*
- *Archaeological sites data base*
- *Structures in the coastal marine area with heritage significance*

*Promote heritage networks, partnerships and programs*  
*Promote community involvement in natural and historic heritage conservation*

## Regional Plans

A function of Regional Councils and Unitary Authorities is the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land that is of regional significance.

### *Identification in plans*

Recognition of archaeological sites, and natural and cultural heritage in Regional Plans helps with integrated management and the protection of land of regional significance. Where Councils prepare plans that recognise landscapes of regional significance, manage soil disturbance or earthworks, or Regional Coastal Plans, these should include schedules and maps that include details of archaeological, cultural or historic heritage sites of significance.

### *Information to be provided with coastal permit and resource consent applications*

‘Information to be provided’ with resource consent applications should include information on historic heritage features, and on the likelihood that there may be any archaeological sites or evidence of human occupation prior to 1900.

Other consents or authorities required may include an archaeological authority. The Historic Places Act provides that no person may modify, damage, destroy, or undertake invasive investigation of the whole or any part of an archaeological site. Information should be provided of consultation with the NZHPT, and where appropriate a copy of the assessment or archaeological authority should also be provided with an application for a resource consent.

## Regional Coastal Plans



Regional councils are responsible for the protection of heritage from inappropriate use or development in the coastal marine area. Many of New Zealand's settlements are, or were, located at the interface of the land and sea or water bodies and this has resulted in concentrations of heritage places on the coast (e.g. middens, wharves, navigation devices).

#### *Restrictions on use of coastal marine area*

RMA S.12 (1) now provides restrictions on use of the coastal marine area.

Section 12 (1) provides that no person may:

- (g) 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; or
  - (h) Modify, damage, destroy, or undertake invasive investigation of the whole or part of an archaeological site in, on, or under the foreshore or seabed,
- unless specifically permitted by a rule in the plan, or a resource consent has been obtained.

To give effect to s.6(e) and (f), and s12(1) (g) and (h), regional coastal plans need to contain provisions to recognise and provide for the protection of historic heritage in the coastal marine area.

The preparation of an inventory of heritage places provides a useful starting point for management of historic heritage. The inventory should then be included in the plan as a heritage schedule, along with objectives, policies and rules that control adverse effects and provide for sustainable management of the resource. The background material collected while researching and preparing the inventory can then form part of the RMAs.<sup>32</sup> Consultation with the regional community during the preparation of a cultural and heritage inventory can help to identify candidates for further research and assessment of heritage values.

Heritage places in the coastal marine area may include wharves, buildings or structures built over water or on wharfs, places of special significance to Māori, including wāhi tapu, urupā, and places of traditional importance, archaeological sites, marine landscapes with historical or cultural significance, places where past events have taken place (e.g. first contact/ meeting of cultures), burial places, shipwrecks, navigation aids and other maritime heritage.

In addition to the built heritage there are likely to be places of significance to tangata whenua. Councils should also research and assess any meeting sites of the two cultures as these will have social or cultural significance, and coastal landscapes for heritage significance.

Rules should control activities that may have adverse effects on historic heritage or archaeological sites. Activities that have potential for adverse effects on historic heritage include dredging, or disturbance of the seabed, reclamation or damage or the foreshore or seabed.

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#### *District Councils and historic heritage under the RMA Amendment*

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## **District Plans**

Objectives and policies in District Plans must give effect to RMA s.6, to protect historic heritage from inappropriate subdivision, use or development. Objectives and policies should give guidance on what is considered to be inappropriate subdivision, use or development, and to what degree protection is appropriate.

## **Identification of Significant Resource Management issues**

Significant resource management issues arise from development pressure and a lack of knowledge of what heritage places are present within a region or district.

## **Objectives and Policies**

Plans need to include objectives consistent with the RMA s.6 requirement to protect historic heritage. Policies in plans should give guidance to decision makers on the appropriate degree of development that may affect particular types of historic heritage. Policies should also include criteria to identify historic heritage features within the District.

## **Planning tools that manage effects on heritage**

### ***Rules***

District Plans must state the rules and other methods to be used to implement the objective of protection of historic heritage. As historic heritage is a limited and non-renewable physical resource, and so plan provisions must be sufficiently robust to manage any risk that heritage values may be diminished or lost.

The pitch of the rules should reflect the degree of control needed to ensure heritage features and fabric is retained. At a minimum rules must retain sufficient discretion to decline an application that may have adverse effects on heritage values. Where effects are likely to be irreversible Council should retain the discretion to decline a consent application.

Plan provisions for parking, site coverage, height limits, landscape works, or veranda requirements may impact on heritage values. Frequently today's bulk and location requirements do not recognise the historical form and on-site position and context of heritage buildings so that changes undertaken that attempt to fit the current rules will often be incongruous and reduce the heritage value of the place. Heritage buildings were often built to a street edge or boundary (current rules may require set backs), have little or no place for car parking (current rules may require on-site parking) and have tall heights in relation to boundaries (current rules may require sunlight access planes). Where a heritage building is being added to, or part is being replaced, provide more liberally for the historical form and location of heritage buildings in the rules to ensure the result is not an 'out of character' heritage shape or position. [example: waiving requirement for verandas on buildings that do not originally have them]

## *Heritage schedules and maps*

Heritage schedules need to recognise that the heritage resources are more than the fabric or architecture of buildings. Places with heritage values include places with cultural and social history, examples of technical innovations, industrial architecture, and infrastructure (tunnels, power sub-stations, railway tracks). They include wahi tapu, archaeological sites, trees, navigation aids, wharfs, roads, structures and gardens.

A District Plan should:

- Identify the significant resource management issues associated with protecting heritage as a matter of national importance.
- List and map heritage places and sites of significance, identified through a comprehensive identification and assessment process. Have rules that enable Council to assess, and where appropriate decline, activities with effects that diminish, remove or demolish heritage places, trees, features, sites of significance to Tangata Whenua, or archeological sites.
- Specify any “Other Methods” that may be used to give effect to the protection of heritage as a matter of national importance.
- Utilise special overlay zones or precincts, in addition to the base zoning, to recognise the values in groupings of heritage places.
- Incorporate an archeological alert layer in the GIS system to promote integrated management between the Historic Places Act and the RMA
- Include provisions that avoid adverse effects on Maori heritage sites and values and that ensure that tangata whenua have the opportunity to identify significant sites and to participate fully in the planning process. Specify relevant iwi as affected parties, and require consultation and an assessment of effects that includes heritage values of significance to Maori.
- Clearly identify heritage sites and areas on maps, except if tangata whenua wish this information to remain confidential (refer to Wahi Tapu).
- Include a policy to recognise and apply the ICOMOS Charter for conservation practice.
- Include financial contributions that can be used for the protection of heritage.



## Resource Consents

Information to be provided when making an application for a registered or heritage listed or registered site (in addition to existing requirements)

1. Site characteristics
  - Age and location of any existing buildings or structures (indicators of archaeological issues)
  - Location of any sites and features identified in NZAA Site Recording Scheme.
  - Any significant natural features, aged trees or landscapes
2. Relevant sections of the Conservation Plan if there is one
3. Heritage assessment prepared by a suitably qualified person (cross ref: conservation architect, historian, archaeologist)
4. Where a heritage place is being developed require a report on conservation values. A Conservation Plan may need to be prepared by an appropriately qualified specialist to ensure that the most important heritage values are identified and not adversely affected. At a minimum a resource consent application should contain a heritage assessment that has been prepared by a suitably qualified professional. If this is not included an option for the local authority is to have the resource consent application and AEE peer reviewed by a suitably qualified person.

### *Source material that will assist with preparation of a Heritage assessment:*

- Copies of original plans from archives, showing original elevations and specifications
- Photographs of existing buildings or structures
- Architecture/fabric description and assessment of heritage values (may incl. roof, windows, doors – assess heritage significance)
- Inventory of remaining original internal features
- Materials used
- Social or cultural history
- Curtilage – heritage values/features of merit (may incl. space, or lack of space for front and side yards, gardens, fences, ancillary buildings – outhouses, garages)
- Photographs or description of adjacent land
- Copy of NZAA site record form
- statement of community interest in site/development
- Any consultation carried out, particularly with iwi/hapu, runanga, NZHPT and the NZAA file keeper re: archaeological sites, local historical associations.
- Copies of any written approvals provided under RMA s.94
- Plans of proposal - alterations, soil disturbance etc

### Site visits

Always do a site visit to check that an applicant has not overlooked heritage places. Identify site characteristics, take photos as a record, identify all structures and buildings on the site, identify their age.



Site characteristics include any large or unique trees, all existing building and structures, any existing fences or features that may indicate pre-1900 occupation of the site.

#### Assessment of effects

- Using the original plans or early photographs of the heritage place, identify all remaining original features, and identify those features that have already been altered. Determine whether the alterations have heritage merit in themselves. Identify whether there are gaps in the information provided. The information provided with the application needs to include: construction date, name(s) of architect/builder/designer, identify any social or cultural history, people of interest associated with the heritage place. If heritage place is a structure or building should include a description and assessment of architectural values in their historical context.
- Identify any parts of the proposal that will avoid, remedy or mitigate adverse effects on heritage values. It will be helpful to have some experience of heritage management to evaluate the effectiveness of these. If in doubt consult the Historic Places Trust and a reliable professional.
- If the Plan has no criteria refer to Part II RMA, the ICOMOS Charter (Appendix 2), the s.32 report on heritage values, undertake an architectural, heritage, and cultural assessment to identify effects on heritage values. Undertake a plan change or variation ASAP to include assessment criteria.

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#### *Non-regulatory methods*

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**Incentive Funds** Incentive funds are one of the most measurably successful methods for local authorities to positively influence heritage management outcomes. These funds are generally fed by annual plan allocations. The funds can be applied to whatever projects the local authority wishes to but should be set up with a clear policy for management and allocation of funds. The aim of such a fund is to provide sufficient encouragement to heritage property owners to have them look after the heritage values of a place.

**Information** is a powerful method of achieving positive heritage outcomes – knowing the right people to speak to, the process, the value of your property’s heritage, where to get assistance, and the rules will help anyone weighing up property development or investment prospects, for example. Make sure that you know where to find the answers to common enquiries.

**Interpretation** Telling the stories associated with historic places can be a very effective way of increasing public awareness of heritage. Start with council-owned reserves, buildings and sites. Signage should be interesting, accurate and informative. the local museum, library or historical society may be able to assist with researching



sites and consulting with the community on the wording of signs. Consider whether there is a demand for pamphlets. Heritage trails are a popular way to interpret the history of an area. Done well they make heritage accessible and add to visitor interest. Trails make connections between places (some of which might be quite modest) and help with understanding a theme in the development of a district.

**Rates Relief** Rates relief can benefit heritage property owners as well as being a tangible recognition by local authorities of owners' goodwill, even if the monetary value is small. The relief can take various forms (eg 'holidays, ceilings, sliding scales or caps), but clear policy is needed on this incentive for heritage conservation. The rates relief policy needs to give careful consideration to the criteria and conditions that apply, as rates relief can work to encourage alterations rather than restoration. Refer to the Rating Powers Act.



## How to prepare a Heritage Inventory

### 1. Identify Methodology

Workshop themes/approach to identify candidates for heritage places

**2. Publicity** Raise profile of project – prepare press releases, send information to residents associations and historical societies, churches, community groups

### 3. Photograph heritage places

Photographs are a useful resource for compiling Heritage Inventories

Photographs make a good reference for checking that owners are correctly matched with houses, they can also provide useful information on existing condition of the heritage place.

Photograph heritage place from the street and index each photo with date, film and slide/negative reference, address, date and folder reference

- ensure as places are photographed that owners receive flyer with contact details and information about project
- provide owners with copy of photograph if requested (great for public relations)
- ask owner if photographs can be taken from on the property

For a small amount extra most photo shops will also provide the developed photographs on CD, which helps when loading the Heritage Inventory onto web sites etc.

### 4. Research

Compile a folder for each site with copies of all background information/source materials. Cross reference with photograph film and slide references

A key aspect of establishing heritage value is to have sufficient information to determine significance relative to criteria. Research can draw on:

- Council archival material – building permit records, plans and specifications, rate books, early survey plans and maps.
- Historic Places Trust records – Register information, conservation plans, branch research etc.
- New Zealand Archaeological Association site records contain large amounts of information (plans, photos, articles) about individual archaeological sites and these should be a primary source.
- Iwi and community input – oral and written histories, photos and contacts.
- Local museums and libraries often hold a diverse range of published and unpublished information and often historic images from the area. In addition the Alexander Turnbull Library, Archives New Zealand, the Hocken Library, and Te Papa hold national collections of records, maps and historical images.
- Historical societies are usually very helpful and keen to assist.

### 5. Prepare a Heritage Assessment

Although there may be different value sets the common elements are:

- **Historic Values** what are the sites, buildings, places, and structures associated with important or representative aspects of national, regional or local history, or with ideas, events, people, groups, or organisations, which are themselves important. How rare is the place?

- **Social and Cultural Values** What are the landscapes, areas, sites, buildings, places and structures that are held in high public esteem, have symbolic, commemorative, traditional, spiritual, or cultural value for groups within the community?
- **Architectural Values/ Aesthetic Values** What are the sites, buildings, places, structure with architectural or artistic value because of design, form, scale, materials, colours, patina or quality of space; that are the representative examples of a style or period; that have townscape value for the part played in defining a street or space; provide visual interest by their role as a landmark; that contribute to the character and sense of place?
- **Scientific Values** What are the sites, buildings, places, structures with technical values, that are good representative examples of a technique of construction; that are authentic due to significant fabric remaining from the time of construction or from periods when important additions or alterations were carried out; or have archaeological values that provide information about past human activity or lifestyle?
- Maori may have a different or differing set of cultural values – **consult Iwi.**



## ICOMOS NEW ZEALAND Charter for the Conservation of Places of Cultural Heritage Value

### Preamble

New Zealand retains a unique assemblage of places of cultural heritage value relating to its indigenous and its more recent peoples. These areas, landscapes and features, buildings, structures and gardens, archaeological and traditional sites, and sacred places and monuments are treasures of distinctive value. New Zealand shares a general responsibility with the rest of humanity to safeguard its cultural heritage for present and future generations. More specifically, New Zealand peoples have particular ways of perceiving, conserving and relating to their cultural heritage.

Following the spirit of the [International Charter for the Conservation and Restoration of Monuments and Sites](#) (the Venice Charter 1966), this charter sets our principles to guide the conservation of places of cultural heritage value in New Zealand. It is intended as a frame of reference for all those who, as owners, territorial authorities, tradespersons or professionals, are involved in the different aspects of such work. It aims to provide guidelines for community leaders, organisations and individuals concerned with conservation issues. It is a statement of professional practice for members of ICOMOS New Zealand.

Each section of the charter should be read in the light of all the others. Definitions of terms used are provided in [section 22](#).

Accordingly this charter has been adopted by the New Zealand National Committee of the International Council on Monuments and Sites at its Annual General Meeting on 4 October 1992.

### 1. The Purpose of Conservation

The purpose of conservation is to care for places of cultural heritage value, their structures, materials and cultural meaning. In general, such places:

- i. have lasting values and can be appreciated in their own right;
- ii. teach us about the past and the culture of those who came before us;
- iii. provide the context for community identity whereby people relate to the land and to those who have gone before;
- iv. provide variety and contrast in the modern world and a measure against which we can compare the achievements of today; and
- v. provide visible evidence of the continuity between past, present and future.

### 2. Indigenous Cultural Heritage

The indigenous heritage of Maori and Moriori relates to family, local and tribal groups and associations. It is inseparable from identity and well-being and has particular cultural meanings.

The [Treaty of Waitangi](#) is the historical basis for indigenous guardianship. It recognises the indigenous people as exercising responsibility for their treasures, monuments and sacred places. This interest extends beyond current legal ownership wherever such heritage exists. Particular knowledge of heritage values is entrusted to chosen guardians. The conservation of places of indigenous cultural heritage value therefore is conditional on decisions made in the indigenous community, and should proceed only in this context. Indigenous conservation precepts are fluid and take account of the continuity of life and the needs of the present as well as the responsibilities of guardianship and association with those who have gone before. In particular, protocols of access, authority and ritual are handled at a local level. General principles of ethics and social respect affirm that such protocols should be observed.

### 3. Conservation Practice

Appropriate conservation professionals should be involved in all aspects of conservation work. Indigenous methodologies should be applied as appropriate and may vary from place to place. Conservation results should be in keeping with their cultural content. All necessary consents and permits should be obtained.

Conservation projects should include the following:

- i. definition of the cultural heritage value of the place, which requires prior researching of any documentary and oral history, a detailed examination of the place, and the recording of its physical condition;
- ii. community consultation, continuing throughout a project as appropriate;
- iii. preparation of a plan which meets the conservation principles of this charter;
- iv. the implementation of any planned work; and
- v. the documentation of any research, recording and conservation work, as it proceeds.

### **GENERAL PRINCIPLES**

#### **4. Conservation Method**

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.

#### **5. Respect for existing evidence**

The evidence of time and the contributions of all periods should be respected in conservation. The material of a particular period may be obscured or removed if assessment shows that this would not diminish the cultural heritage value of the place. In these circumstances such material should be documented before it is obscured or removed.

#### **6. Setting**

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.

#### **7. Risk Mitigation**

All places of cultural heritage value should be assessed as to their potential risk from any natural process or event. Where a significant risk is determined, appropriate action to minimise the risk should be undertaken. Where appropriate, a risk mitigation plan should be prepared.

#### **8. Relocation**

The site of an historic structure is usually an integral part of its cultural heritage value. Relocation, however, can be a legitimate part of the conservation process where assessment shows that:

- i. the site is not of associated value (an exceptional circumstance); or
- ii. relocation is the only means of saving the structure; or
- iii. relocation provides continuity of cultural heritage value.

A new site should provide a setting compatible with cultural heritage value.

#### **9. Invasive Investigation**

Invasive investigation of a place can provide knowledge that is not likely to be gained from any other source. Archaeological or structural investigation can be justified where such evidence is about to be lost, or where knowledge may be significantly extended, or where it is necessary to establish the existence of material of cultural heritage value, or where it is necessary for conservation work. The examination should be carried out according to accepted scientific standards. Such investigation should leave the maximum amount of material undisturbed for study by future generations.

#### **10. Contents**

Where the contents of a place contribute to its cultural heritage value, they should be regarded as an integral part of the place and be conserved with it.

#### **11. Works of Art and Special Fabric**

Carving, painting, weaving, stained glass and other arts associated with a place should be considered integral with a place. Where it is necessary to carry out maintenance and repair of any such material, specialist conservation advice appropriate to the material should be sought.



## **12. Records**

Records of the research and conservation of places of cultural heritage value should be placed in an appropriate archive. Some knowledge of place of indigenous heritage value is not a matter of public record, but is entrusted to guardians within the indigenous community.

### *CONSERVATION PROCESSES*

## **13. Degrees of Intervention**

Conservation may involve, in increasing extent of intervention: non-intervention, maintenance, stabilisation, repair, restoration, reconstruction or adaptation. Where appropriate, conservation processes may be applied to parts or components of a structure or site.

Re-creation, meaning the conjectural reconstruction of a place, and replication, meaning to make a copy of an existing place, are outside the scope of this charter.

## **14. Non-intervention**

In some circumstances, assessment may show that any intervention is undesirable. In particular, undisturbed constancy of spiritual association may be more important than the physical aspects of some places of indigenous heritage value.

## **15. Maintenance**

A place of cultural heritage value should be maintained regularly and according to a plan, except in circumstances where it may be appropriate for places to remain without intervention.

## **16. Stabilisation**

Places of cultural heritage value should be protected from processes of decay, except where decay is appropriate to their value. Although deterioration cannot be totally prevented, it should be slowed by providing stabilisation or support.

## **17. Repair**

Repair of material or of a site should be with original or similar materials. Repair of a technically higher standard than the original workmanship or materials may be justified where the life expectancy of the site or material is increased, the new material is compatible with the old and the cultural heritage value is not diminished. New material should be identifiable.

## **18. Restoration**

Restoration should be based on respect for existing material and on the logical interpretation of all available evidence, so that the place is consistent with its earlier form and meaning. It should only be carried out if the cultural heritage value of the place is recovered or revealed by the process.

The restoration process typically involves reassembly and reinstatement and may involve the removal of accretions.

## **19. Reconstruction**

Reconstruction is distinguished from restoration by the introduction of additional materials where loss has occurred. Reconstruction may be appropriate if it is essential to the function or understanding of a place, if sufficient physical and documentary evidence exists to minimise conjecture, and if surviving heritage valued are preserved. Reconstruction should not normally constitute the majority of a place. Generalised representations of typical features or structures should be avoided.

## **20. Adaptation**

The conservation of a place of cultural heritage value is usually facilitated by it serving a socially, culturally or economically useful purpose. In some cases, alterations and additions may be acceptable where they are essential to continued use, or where they are culturally desirable, or where the conservation of the place cannot otherwise be achieved. Any change, however, should be the minimum necessary and should not detract from the cultural heritage value of the place. Any conditions and alterations should be compatible with original fabric but should be sufficiently distinct that they can be read as new work.

## **21. Interpretation**

Interpretation of a place may be appropriate if enhancement of public understanding is required. Relevant

protocol should be complied with. Any interpretation should not compromise the values, appearance, structure or materials of a place, or intrude upon the experience of the place.

## 22. DEFINITIONS

For the purposes of this charter:

- **adaptation** means modifying a place to suit it to a compatible use, involving the least possible loss of cultural heritage value
- **conservation** means the processes of caring for a place so as to safeguard its cultural heritage value
- **cultural heritage value** means possessing historical, archaeological, architectural, technological, aesthetic, scientific, spiritual, social, traditional or other special cultural significance, associated with human activity
- **maintenance** means the protective care of a place
- **material** means physical matter which is the product of human activity or has been modified by human activity
- **place** means any land, including land covered by water, and the airspace forming the spatial context to such land, including any landscape, traditional site or sacred place, and anything fixed to the land including any archaeological site, garden, building or structure, and any body of water, whether fresh or seawater, that forms part of the historical and cultural heritage of New Zealand
- **preservation** means maintaining a place with as little change as possible
- **reassembly** (*anastylosis*) means putting existing but dismembered parts back together
- **reconstruction** means to build again in the original form using old or new material
- **reinstatement** means putting components of earlier material back in position
- **repair** means making good decayed or damaged material
- **restoration** means returning a place as nearly as possible to a known earlier state by reassembly, reinstatement and/or the removal of extraneous additions
- **stabilisation** means the arrest of the processes of decay
- **structure** means any building, equipment, device or other facility made by people and which is fixed to the land.



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## CONTACTS

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### Archives New Zealand

Archives House, 10 Mulgrave Street,  
P O Box 12050, Wellington  
Tel: 499 5595  
Email: [enquiries@archives.govt.nz](mailto:enquiries@archives.govt.nz)

(also has regional offices in Auckland, Christchurch and Dunedin)

### Department of Conservation

Head Office, 59 Boulcott Street,  
Wellington, P O Box 10-420  
Tel: 04 471 0726

### ICOMOS New Zealand

P O Box 90 581, Auckland for copies of the Charter  
Web: [www.icomos.org/docs/nz](http://www.icomos.org/docs/nz)

### New Zealand Historic Places Trust

Northern Regional Office  
Premier Buildings, 2 Durham Street East  
P O Box 105291, Auckland  
Tel: 09 307 8896  
Email: [infonorthern@historic.org.nz](mailto:infonorthern@historic.org.nz)

### Area Office, Keri Keri

P O Box 836, Keri Keri  
Tel: 09 407 4443

### Area Office, Tauranga

P O Box 13339, Tauranga  
Tel: 07 578 1219

### Central Regional Office

Antrim House, 63 Boulcott Street,  
P O Box 2629, Wellington  
Tel: 04 472 4341  
Email: [information@historic.org.nz](mailto:information@historic.org.nz)

### Southern Regional Office

Gough House, 1<sup>st</sup> Floor, 90 Hereford Street,  
P O Box 4403, Christchurch  
Tel: 03 377 39687  
Email: [infosouthern@historic.org.nz](mailto:infosouthern@historic.org.nz)

### Area Office, Dunedin

Queens Building, 109 Princess Street  
P O Box 5467, Dunedin  
Tel: 03 477 9871  
Email: [infodeepsouth@historic.org.nz](mailto:infodeepsouth@historic.org.nz)

### New Zealand Lotteries Grants Board

P O Box 805, Wellington  
Tel: 0800 824 824

### Ministry for Culture and Heritage

Level 5, Radio New Zealand House,  
155 The Terrace, P O Box 5364, Wellington  
Tel: 04 499 4229  
Web: [www.cultureandheritage.govt.nz](http://www.cultureandheritage.govt.nz)

### NZ Archaeological Association

For list of archaeological consultants  
P O Box 6337, Dunedin  
Tel: 03 477 2372 Fax: 03 477 5993  
Web: [www.nzarchaeology.org](http://www.nzarchaeology.org)

For records from archaeological sites database:

The Central File keeper, Conservation Sciences  
Centre, Department of Conservation  
P O Box 10-420, Wellington  
Tel: 04 471 0726  
[twalton@doc.govt.nz](mailto:twalton@doc.govt.nz)

### New Zealand Institute of Architects

P O Box 2516, Auckland  
Tel: 09 623 6080

### New Zealand Planning Institute

P O Box 52046, Kingsland, Auckland  
Tel: 09 815 2086

### Professional Historian's Association of NZ/Aotearoa

P O Box 1904, Thorndon, Wellington  
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P O Box 72563, Papakura, NZ