

# HERITAGE MATTERS

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## A positive way forward for local authorities, property owners and developers

As planning professionals are aware, over the last few years there have been some significant changes to legislation in New Zealand which surrounds the recognition and protection of historic heritage'. However, across the country some local authorities, property owners and developers of historic heritage appear to be grappling with how these changes can be used positively to achieve sustainable outcomes.

This article will discuss the issues surrounding historic heritage. The main points being the heritage planning framework including the recent changes to legislation and investigate what planners could be doing to positively achieve sustainable outcomes with historic heritage.

### Defining Historic Heritage

Historic heritage is an integral part of the functioning of society, shaping people's sense of identity, place and history. The RMA Amendments of 2003 have defined historic heritage as meaning '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: archaeological, architectural, cultural, historic, scientific, technological; and includes historic sites, structures, places and areas; and archaeological sites; and sites of significance to Maori, including wahi tapu and surroundings associated with the natural and physical resources:

The term 'Historic Heritage' is not a simple one to comprehend as it encompasses a wide range of both tangible and non-tangible aspects of our past. It is a term widely used to describe things and places that relate to human history including prehistory, before the written word. It can include buildings, archaeology, areas, precincts, landscapes, gardens, trees, archaeological sites and wahi tapu.

Tangible associations include physical things such as a structure, a pa site, or urupa. Non-tangible associations relate to places where sometimes there is no physical evidence, but where people have a special affiliation with the place, for example, a place where a battle occurred or a place where there are whakapapa associations.

This paper will concentrate largely on the built environment aspect of historic heritage which is generally one aspect of historic heritage that planners, property owners and developers most easily comprehend. However most of the issues and outcomes discussed can be transpired from the built environment to other aspects of historic heritage.

### Issues surrounding Historic Heritage

The social and economic values of heritage are often overlooked by people in a twenty first century society. The discussion document Historic and Cultural Heritage Management in New Zealand by the Parliamentary Commissioner for

the Environment (1996) highlighted that many significant heritage sites in New Zealand have been destroyed and others continue to be destroyed on a daily basis.

Having a vibrant heritage can create significant advantages for a community, providing distinctiveness when compared to other communities. Historic heritage connects communities and people to those that come before them, providing a collective sense of identity, place and history. Community self-esteem can be built on pride of its historic heritage which is often reinforced by visitors. It has a role in education, providing information about the past and it can be an important part of town and city revitalisation. It has economic benefits in heritage tourism, including the heritage accommodation sector, destination tourism (for example if World Heritage status is granted to an area like Oamaru then this will attract people from around the world), and may increase property values. The retention and use or re-use of historic heritage can also contribute to sustainability in the environment. Appreciation of and access to historic heritage are fundamental to the well being and identity of a community.

In an attempt to make New Zealanders more aware of the built environment, 2005 has been designated as the 'Year of the Built Environment' by the Environment Minister Marian Hobbs. Marian

Hobbs has said that "It will be an opportunity for New Zealanders to celebrate the buildings, spaces, places and structures in which they live, work and play"<sup>2</sup>. One of the aims of the Ministry for the Environment is to enhance the distinctive character, heritage and identity of our urban environment. The Ministry recognises that the heritage of our built environment has a distinctive flavour. The style and scale of the buildings and spaces tell us where and when they were built and teach us about the people who have come before us. With the addition of quality new buildings and developments the richness of our environment continues.

### The Heritage Planning Framework

There are a number of organisations and statutes that have responsibility for the management of heritage in New Zealand. The primary legislation are the Resource Management Act 1991 administered by local government and the Historic Places Act 1993 administered by the New Zealand Historic Places Trust. Other associated heritage legislation includes the Local Government Act 2002, Conservation Act 1987, Antiquities Act 1975, Reserves Act 1977, Building Act 2004 and Claims Settlement Act 1998<sup>3</sup>.

Prior to the 2003 amendments, the Resource Management Act did not contain a definition of heritage - it only made reference to the "heritage values" of places. Additionally, the only protection afforded to historic heritage was under Section 7- 'Other Matters: where local authorities were required to have regard to heritage. This wording was non-specific and as such was often given a loose interpretation. The 2003 amendments elevated historic heritage to Section 6 - 'Matters of National Importance'. The wording of this section is to recognise and provide for: This wording provides more emphasis and

certainty for heritage under Section 6.

The new definition of historic heritage (discussed earlier) which when read in conjunction with Section 5 forms a strengthened and robust framework for sustainable management of historic heritage. This definition gives a comprehensive basis towards peoples understanding of what actually constitutes historic heritage, an issue which has caused much debate and misinterpretation for councils, property owners and developers.

These changes have placed a more definitive framework around the identification, protection and management of historic heritage, and go a long way towards making the framework easy to understand. Additionally, the Resource Management Act 2003 amendments have closed

The first and most logical step for local authorities is taking stock of what historic heritage they have in the district. A number of local authorities around New Zealand already have well developed heritage inventories and strategies identifying their districts heritage. Other Councils have recently completed or are currently completing the process. For example, Opus International Consultants recently worked with Timaru District Council to undertake a project to update their district wide heritage inventory, and this has been well received by the community.

Heritage inventories are an excellent tool for identifying the heritage resource and historic themes of the District. It is also a way to get members of the community involved in

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the gaps in the links with the Historic Places Act 1993. There is sometimes a misconception that the Historic Places Act 1993 provides 'protection' of historic heritage. This is not the case. The Historic Places Act provides identification mechanisms for historic heritage with its Category I (national significance) and II listings (regional significance), and statutory protection for archaeology only.

### What should planners be doing?

Planners should be using the legislative framework surrounding historic heritage to help solve the issues they face in a positive way, working with communities, property owners and developers. However this is a two way relationship and equally so, property owners and developers should be aware of the legislative framework and work within its boundaries.

a non-statutory process, allowing them to take ownership of their districts heritage. This has a positive spin-off for local authorities as positive community ownership will eventually make its way to developers and property owners, increasing awareness and making heritage management and protection easier for all. This can also reinforce the positives of good adaptive re-use of heritage buildings. For example the 'Twisted Hop' a Microbrewery & Brasserie in Christchurch which successfully operates out of an adapted heritage building. It is in an area which Christchurch City Council intends to close to vehicular traffic and make for pedestrians only. The Council have identified this area of town as an important heritage precinct within Christchurch and are developing appropriately.

Steps which follow the heritage inventory

are both statutory and non-statutory. One of the most important statutory mechanisms ensuring District and City Plan provisions (issues, objectives, policies and rules) provide appropriate recognition and protection in line with legislation for the identified historic heritage. The changes to Section 6 of the Resource Management Act may mean that statutory planning documents do not yet reflect the elevation of historic heritage and this will lead to difficulty in the processing of resource consent applications as weight has to be given to something which is not explicitly dealt with in planning documents. This is particularly the case with consent applications for demolition and also for alterations to heritage landscapes.

Councils will be closely watching case law for how to interpret Section 6 of the Resource Management Act. One of the first Environment Court decisions regarding heritage under the Resource Management Act 2003 amendments, is NZ Historic Places Trust v's The Manawatu District Council (W081/04). This case involved an application for resource consent to demolish a heritage building in Feilding and the decision was to allow the demolition. The basis for this decision, was that the building was one of many examples of this Edwardian style of architecture in town and keeping the building would not promote sustainable management in terms of economic well-being. In particular the Judge did not want to impose the cost of preserving the building as a form of 'museum exhibit' onto the owner. Additionally, it was felt retaining the building would not promote sustainable management in terms of the cultural well-being of the community through condemning the building to a slow and sad deterioration.

However in the interim Councils should not let the uncertainty stop them from moving forward with historic heritage in the community.

Local authorities need to be mindful that historic heritage can be for the most part very locally specific. For example a building, place or object may have very high values at a local level, but not be of importance to another region or to the nation. This is very much a grey area in dealing with historic heritage as its value is dependent upon many factors including a places social history and what the local community deems important. The wording of Section 6 as 'Matter of National Importance' confuses the situation for Councils, property owners and developers as some would consider that only monuments such as the National Museum and Art Gallery in Wellington or the Christchurch Cathedral are of national importance. There are however smaller, isolated buildings which can often be overlooked, however they are of national significance given they may represent the last remaining building by a well known architect or possibly of a particular building construction type. For example a church in Philipstown, Christchurch which was designed by B.W. Mountford, and is one of only two of its architectural type left in New Zealand, therefore has national significance, but is not well known.

As is the case in other areas of resource management, statutory mechanisms are not successful just in isolation. Rules contained in a District Plan sometimes cause negative perceptions in the community in dealing with historic heritage. However, if the rules are applied in association with non-regulatory mechanisms, this has the potential for positive responses and positive outcomes for heritage management. Local authorities need to successfully use such non-regulatory mechanisms to support and enhance their district plans. Some non-regulatory mechanisms currently used by local authorities include information pamphlets, heritage awards, heritage weeks, open days at significant sites,

rates relief, in-house heritage advice and funds for developments. For example, Christchurch City Council coordinates a very successful Heritage Week on an annual basis, they have a heritage fund to which property owners and developers can apply for assistance, and hold a series of information booklets on some of the significant heritage buildings in the city.

### Conclusion

In conclusion, New Zealand's historic heritage is currently experiencing a period of transition and change. Recent changes in the heritage planning framework have elevated historic heritage to a national level, giving it more weight in legislation. In addition, communities are becoming more aware of their historic heritage and this has a positive flow on effect to property owners and developers. There is a burgeoning sense of pride and understanding of our local, regional and national heritage, and the positives it has to offer communities. However, while good heritage management needs buy in from the community, it also needs Councils to prepare and implement robust statutory and non-statutory mechanisms to deal with the issues surrounding historic heritage.

### Footnotes

1. The significant legislation changes have occurred in the Resource Management Act Amendments 2003, the Local Government Act 2002 and the Building Act 2004.
2. Media release 21/1/05 [www.mfe.govt.nz](http://www.mfe.govt.nz).
3. Further discussion and implications of these acts can be read in more detail on the following website [www.mfe.govt.nz](http://www.mfe.govt.nz). The document has been prepared by Opus for the Ministry for the Environment and provides guidance on Co-operative Community Historic Heritage Identification, Protection and Management.