



HERITAGE NEW ZEALAND
POUHERE TAONGA



GUIDE TO THE MANAGEMENT OF HISTORIC HERITAGE: **DISTRICT PLANS**

April 2022



COVER IMAGE: Somerset Farm Settlers Cottage,
Upper Moutere
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PREFACE

This guide is one of three prepared by Heritage New Zealand Pouhere Taonga to assist local authorities to prepare heritage content for Resource Management Act 1991 (RMA) planning documents. The others cover the heritage content of Regional Policy Statements and Regional Plans. It is being published while the RMA is being reviewed and will be amended and replaced as the RMA review progresses.

The guide is high-level and non-statutory. It represents a Heritage New Zealand Pouhere Taonga view. Users should amplify the suggested provisions as circumstances require.

In preparing the guide, we are indebted to the *ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value* (Revised 2010). The guide does not quote directly from the Charter, but instead seeks to interpret its key provisions within the context of the RMA legal framework and relevant case law. In particular, the guide takes into account the *King Salmon* case,¹ through which the Supreme Court found that words in the RMA are to be interpreted with their ordinary meanings, including the word 'avoid' in the phrase 'avoiding adverse effects'.

Finally, we acknowledge the ongoing discussions on several important planning issues: the impacts of climate change, the protection of cultural landscapes, seismic strengthening of earthquake-prone heritage buildings and the challenges presented by the housing crisis. We reflect current thinking on each of these topics from a heritage perspective, while recognising that planning responses will continue to evolve to meet these challenges.

April 2022

¹ *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited & Ors* [2014] NZSC 38.

CONTENTS

PREFACE	3
INTRODUCTION	5
ABBREVIATIONS	5
ROLE OF HERITAGE NEW ZEALAND POUHERE TAONGA	5
PURPOSE OF DISTRICT PLANS	5
REGIONAL AND NATIONAL DIRECTION	5
NEW ZEALAND COASTAL POLICY STATEMENT 2010	5
NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT 2020	5
THE WIDER CONTEXT FOR HISTORIC HERITAGE	6
HERITAGE CONTENT OF DISTRICT PLANS	6
THE ARCHAEOLOGICAL AUTHORITY PROCESS	7
DEFINITIONS	7
AMENITY	8
OBJECTIVES AND POLICIES	8
SCHEDULES – INFORMATION REQUIREMENTS	8
SCHEDULES – CONTENT	9
SCHEDULING HISTORIC HERITAGE	9
SCHEDULING SITES AND AREAS OF SIGNIFICANCE TO MĀORI	9
SCHEDULING ARCHAEOLOGICAL SITES	10
TYPES OF RULES	10
PROVISIONS TO PROTECT, WHERE APPROPRIATE, AND MANAGE EFFECTS	10
MAINTENANCE AND REPAIR	10
ALTERATIONS AND ADDITIONS	11
RESTORATION	11
SEISMIC STRENGTHENING, FIRE PROTECTION AND ACCESSIBILITY UPGRADES	11
NEW STRUCTURES	12
RELOCATION	12
DEMOLITION AND DESTRUCTION	12
EARTHWORKS	13
SUBDIVISION	13
SIGNS	13
HERITAGE ORDERS	13
WHERE CAN I GET FURTHER ASSISTANCE?	14
APPENDIX 1: HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014	15
NEW ZEALAND HERITAGE LIST/RĀRANGI KŌRERO	15
ARCHAEOLOGICAL AUTHORITIES	15
APPENDIX 2: THE VALUE OF HERITAGE	16

INTRODUCTION

Heritage New Zealand Pouhere Taonga (HNZPT) has prepared this guide to assist local authorities when preparing content on sites and areas of significance to Māori and historic heritage for district plans.

1. ABBREVIATIONS

1.1. The following abbreviations are used:

Heritage New Zealand Pouhere Taonga	HNZPT
Heritage New Zealand Pouhere Taonga Act 2014	HNZPT Act
ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value	ICOMOS New Zealand Charter 2010
National Policy Statement on Urban Development 2020	NPS-UD
Resource Management Act 1991	RMA

2. ROLE OF HERITAGE NEW ZEALAND POUHERE TAONGA

2.1. HNZPT is an Autonomous Crown Entity with a wide range of functions and powers under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act), including:

- to advocate in any planning process in which it has standing for the conservation of historical and cultural heritage
- to administer an authority (consenting) process that regulates the modification of archaeological sites (see section 9 of this guide)
- to maintain the New Zealand Heritage List/Rārangī Kōrero, which identifies significant and valued historic places, historic areas, wāhi tūpuna, wāhi tapu and wāhi tapu areas.

2.2. Appendix 1 provides further information on HNZPT's functions and powers.

3. PURPOSE OF DISTRICT PLANS

3.1. The purpose of a District Plan is to assist a territorial authority to carry out its functions to achieve the sustainable management purpose of the RMA. These functions include achieving the integrated management of the effects of the use, development or protection of land and associated natural and physical resources. In preparing a District Plan, councils must recognise and provide for matters of national importance concerning

heritage:

- the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga (section 6(e))
- the protection of historic heritage from inappropriate subdivision, use and development (section 6(f))
- the protection of protected customary rights (section 6(g)).

3.2. District Plans must also take account of any relevant planning documents prepared by an iwi authority (section 74(2A)) and have regard to relevant entries on the New Zealand Heritage List/Rārangī Kōrero (the List) (section 74(2)(b)(iia)).

4. REGIONAL AND NATIONAL DIRECTION

4.1. The District Plan must give effect to the relevant Regional Policy Statement (see our separate guide), National Policy Statements, the New Zealand Coastal Policy Statement 2010 (NZCPS), and National Environmental Standards. It must not be inconsistent with relevant Regional Plans.

4.2. Relevant National Policy Statements in developing heritage provisions include: the National Policy Statement on Electricity Transmission 2008, the National Policy Statement for Renewable Electricity Generation 2011 and the National Policy Statement on Urban Development 2020 (NPS-UD). Along with the NZPS, the NPS-UD is especially pertinent.

5. NEW ZEALAND COASTAL POLICY STATEMENT 2010

5.1. The NZCPS² requires that local authorities protect historic heritage in the coastal environment from inappropriate subdivision, use and development. Policy 17 of the NZCPS sets out ways to achieve this, including:

- identification, assessment and recording of historic heritage, including archaeological sites
- providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki
- recognising that heritage to be protected may need conservation.

5.2. Guidance on implementing the NZCPS is available on the Department of Conservation's website.³

2 www.doc.govt.nz/about-us/science-publications/conservation-publications/marine-and-coastal/new-zealand-coastal-policy-statement/new-zealand-coastal-policy-statement-2010/policy-17-historic-heritage-identification-and-protection

3 www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/coastal-management/guidance/policy-17.pdf

6. NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT 2020

- 6.1.** The NPS-UD aims to achieve well-functioning urban environments that meet the changing needs of diverse communities. It requires local authorities to provide sufficient development capacity to meet expected demand for housing and business land with increased heights and densities of urban form in Tier 1, 2 and 3 urban environments. District Plans are required to enable sufficient development capacity in urban environments.
- 6.2.** In Tier 1 urban environments (named territorial authorities in the Auckland, Hamilton (Waikato), Tauranga (Bay of Plenty), Wellington and Christchurch (Canterbury) regions), the building height or density requirements can be modified only to the extent necessary to accommodate a qualifying matter. Qualifying matters include:
- the protection of historic heritage from inappropriate subdivision, development and use (NPS-UD, 3.32(1)(a))
 - the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga (NPS-UD, 3.32(1)(a))
 - an area subject to a heritage order (NPS-UD, 3.32(1)(e))
 - matters necessary to implement or ensure consistency with iwi participation legislation (NPS-UD, 3.32(1)(f)), and
 - instances where a territorial authority amending its District Plan has included in its evaluation report a site-specific analysis of the special characteristics and options to achieve the greatest heights and densities while managing the special characteristics of the site (NPS-UD, 3.32(1)(g)).
- 6.3.** It is therefore especially important that sites and areas of significance to Māori, and historic heritage, are considered fully in developing and amending District Plans. Otherwise, they may not be regarded as qualifying matters.

7. THE WIDER CONTEXT FOR HISTORIC HERITAGE

- 7.1.** Historic heritage is defined in section 2 of the RMA. Broadly speaking, New Zealand's historic heritage is the whenua and places that define who we are as New Zealanders, our iwi, hapū and hapori/communities. It is important for a wide range of social, cultural and economic reasons (see Appendix 2).

- 7.2.** There are nationwide challenges to its sustainable management. Key challenges include:

- **Māori heritage is under-represented in RMA plans and on the New Zealand Heritage List/Rārangī Kōrero:** The HNZPT triennial review of plans has shown an under-representation of Māori heritage.⁴
- **Cultural landscapes and heritage areas are often not well regulated:** Yet they have greater collective cultural and heritage value than the individual places and sites. Cultural landscapes and heritage areas need identification and recognition, so their heritage values are not lost through inappropriate use and development.
- **Heightened sensitivity of heritage buildings and structures to earthquake risk and requirements for earthquake strengthening:** Anticipated seismic strengthening costs increase the risk of demolition and have led some businesses to move out of older buildings. One-quarter of buildings identified as earthquake-prone on the Ministry of Business, Innovation and Employment (MBIE) Register of Earthquake Prone Buildings are identified as heritage buildings.⁵
- **Effects of climate change:** Climate change exacerbates natural hazards, including coastal and river erosion, flooding and inundation that affects historic heritage, notably coastal archaeological sites and maritime structures.
- **Strong urban growth and pressure for intensification presents opportunities but also puts heritage at risk:** Factors that contribute to risk include rapid growth, property speculation, a lack of good strategic planning and guidance on how to integrate old and new, as well as insufficient provisions and incentives for protection.
- **Lack of use and maintenance threaten the future survival of heritage buildings and structures:** The longer buildings and structures are unused and/or under-maintained, the higher the costs of rehabilitation and upgrading. This is particularly a problem in regions of low economic growth.
- **Surroundings of heritage places are being compromised:** Historic heritage surroundings are integral context and setting. Loss of surroundings can reduce heritage values and economic viability.

- 7.3.** District Plans are an important regulatory tool in addressing the above issues.

⁴ See www.heritage.org.nz/protecting-heritage/advocating-for-heritage

⁵ See www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/epb-register

8. HERITAGE CONTENT OF DISTRICT PLANS

- 8.1. Under section 75(1) of the RMA, a District Plan is required to include objectives, policies and rules to achieve the objectives, and rules (if any) to implement the policies.
- 8.2. The National Planning Standards include requirements for the format and content of District Plans.⁶ A chapter on historical and cultural values is not compulsory, but HNZPT strongly advocates its inclusion, for the reasons set out in Appendix 2 of this guide.
- 8.3. The objectives, policies and rules on Māori and historic heritage can be included in separate chapters on sites and areas of interest to Māori and historic heritage. In the interests of avoiding repetition, we discuss the content of these chapters together. Key topics include:
 - The archaeological authority process
 - Definitions, including amenity
 - Objectives and policies

9. THE ARCHAEOLOGICAL AUTHORITY PROCESS

- 9.1. HNZPT recommends that the introductions to the sites and areas of significance to Māori, historic heritage and earthworks chapters include an outline of the archaeological authority process (see Appendix 1).
- 9.2. Under the HNZPT Act, it is unlawful to modify or destroy an archaeological site without an authority from HNZPT. The HNZPT Act defines an archaeological site as any place in New Zealand (including structures or shipwrecks) that was associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods.
- 9.3. Developers should be made aware of the need for an authority before starting any activities that may affect archaeological sites, or demolition of any pre-1900 structures, whether or not they require resource consent.
- 9.4. The authority process sits outside the RMA, but many of the issues contained within a District Plan can have an impact on archaeological sites, such as earthworks and demolition of pre-1900 structures. Some archaeological sites may also be affected by the control of the use of land to avoid or mitigate natural hazards, such as climate change.
- 9.5. The archaeological authority process regulates the recovery of archaeological information when sites are

modified, and does not generally preserve archaeological sites. HNZPT recommends that the full cultural heritage values of sites be assessed and that significant sites be protected in RMA plans (see section 17 below).

10. DEFINITIONS

- 10.1. In HNZPT's experience, many heritage terms are used interchangeably, reducing the clarity of plan provisions. HNZPT suggests the following definitions, while recognising that some District Councils may be required to use alternative definitions (included in consent orders, for example) or may need bespoke definitions for their region or particular areas.⁷
 - **Accessibility upgrades** – means access and facilities for people with disabilities required to comply with section 112 (Alterations) or section 115 (Change of use) of the Building Act 2004.
 - **Adaptation** – means the process of modifying a place for a compatible use while retaining the heritage values for which it has been scheduled. Adaptation includes alteration, addition and adaptive re-use.
 - **Conservation** – means all the processes of caring for a place to safeguard the heritage values for which it has been scheduled.
 - **Demolition** – means the complete or partial destruction of sites and areas of significance to Māori and scheduled historic heritage.
 - **Fabric** – means all the physical material of a place, including subsurface material, structures, interior and exterior surfaces including the patina of age, and including fixtures and fittings, and gardens and plantings for which the place has been scheduled.
 - **Facade** – means the exterior face and roofline of a building or structure and includes the surface finish, as well as exterior seismic strengthening bracing and anchor plates on the face of a building, and interior seismic strengthening that is visible through windows.
 - **Fire protection** – means the fire protection required to comply with section 112 (Alterations) or section 115 (Change of use) of the Building Act 2004.
 - **Maintenance** – means regular and ongoing protective care of a place to prevent deterioration and maintain its heritage values.
 - **Relocation** – the removal of a heritage item from its position within the existing setting, to a new location either within the setting or to an off-site location.
 - **Repair** – means to make good decayed or damaged fabric using identical, closely similar or otherwise appropriate methods.

⁶ National Planning Standards Section 4. Regional Policy Statement Structure Standard: Mandatory Direction.

⁷ The National Planning Standards contain a list of standard definitions (such as earthworks) that must be used, but permit local authorities to define additional terms that are not included in the Mandatory Definitions List.

- **Restoration** – means to return a place to a known earlier form by reassembly or reinstatement and/or by the removal of elements that detract from the heritage values for which it has been scheduled.
- **Seismic strengthening** – means interior and exterior work undertaken to improve the seismic performance of a building or structure, including strengthening or replacing elevated features on a facade or roof.

11. AMENITY

- 11.1.** The term 'amenity' is often conflated with historic heritage, but they are not the same thing.
- 11.2.** Amenity values are matters that a territorial authority shall have particular regard to in developing District Plans (section 7). Unlike historic heritage they are not matters of national importance (section 6) that District Plans shall recognise and provide for.
- 11.3.** Historic heritage often has qualities that can also contribute to 'amenity values'. However, HNZPT recommends separating the two themes in the District Plan framework to avoid diluting protections for historic heritage as a matter of national importance.

12. OBJECTIVES AND POLICIES

- 12.1.** HNZPT recommends that District Plans include objectives, policies and methods that encourage and provide for appropriate management of sites and areas of significance to Māori and historic heritage, as set out below. The overarching objectives we recommend include:
- Māori are able to exercise kaitiakitanga over sites and areas of significance to them
 - sites and areas of significance to Māori and historic heritage that reflect the region's diverse history and contribute to its sense of identity are identified
 - sites and areas of significance to Māori and historic heritage are protected from, and not lost through, inappropriate use and development and they are enhanced where appropriate
 - sites and areas of interest to Māori and historic heritage are conserved and maintained
 - scheduled sites and areas of interest to Māori and historic heritage are appropriately managed to protect their heritage values
 - the effects of natural hazards, including climate change on sites and areas of significance to Māori and historic heritage, are mitigated.

- 12.2.** Policies should cover at least the following:

- **Scheduling** – sites and areas of significance to Māori and historic heritage, including archaeological sites in District Plans
- **Conservation** – including maintenance and repair, noting the ability of Regional Plans to address any significant need or demand for the protection of any site, feature, place or area of regional significance; and any significant concerns of tangata whenua for their cultural heritage (see section 65(3))
- **Restoration** – noting the ability of Regional Plans to address the restoration or enhancement of any natural or physical resources in a deteriorated state or the avoidance or mitigation of any such deterioration (see section 65(3)(f))
- **Adaptation** – including adaptive re-use
- **Other factors** – seismic strengthening, fire protection and accessibility upgrades.

- 12.3.** Such policies recognise the direct relationship between social, cultural and economic well-being and the ability to maintain, repair, conserve, restore, adapt, seismically strengthen, protect against fire and upgrade the accessibility of historic heritage.

13. SCHEDULES – INFORMATION REQUIREMENTS

- 13.1.** Heritage should be itemised in schedules, supported by robust policies, objectives and rules.
- 13.2.** District Councils should undertake or commission a significance assessment to identify heritage values and describe what is being scheduled.
- 13.3.** The National Planning Standards set out the minimum information requirements for schedules (unique identifier, legal description, physical address, site name or description, map reference or link, site type and description of values). As recommended in the National Planning Standards guidance,⁸ it is necessary to also include the New Zealand Heritage List/Rāangi Kōrero list number and categories in schedules. This enables comparison between listed and scheduled sites (sometimes sites and buildings are known by different names), and it helps plan users to access additional information from the online New Zealand Heritage List/Rāangi Kōrero.⁹
- 13.4.** District Councils are required to have regard to relevant entries on the New Zealand Heritage List/Rāangi Kōrero (section 74(2)(b)(iia)).
- 13.5.** We encourage councils to work with iwi, hapū and hāpori/communities to identify additional places and sites that should be scheduled. Compilation of the New

⁸ environment.govt.nz/assets/Publications/Files/guidance-district-plan-structure-and-chapter-standards.pdf

⁹ www.heritage.org.nz/the-list

Zealand Heritage List/Rārangī Kōrero is an ongoing process and, inevitably, there will be historic heritage that is not yet entered on the List.

- 13.6.** Restricting schedules to entries on the New Zealand Heritage List/Rārangī Kōrero does not fulfil the RMA obligations to protect historic heritage from inappropriate subdivision, use and development (section 6(f)).
- 13.7.** What is being scheduled needs to be clearly stated in the description of values with links to the mapped extent, and potentially other documents. The description of what is being scheduled may include, for example, archaeological sites, external building envelopes, street facades, interior elements, structures, infrastructure, a defined setting within the land parcel, the entire land parcel and any total or partial exclusions.

14. SCHEDULES – CONTENT

- 14.1.** There are three components of a district's heritage that need to be considered in developing District Plan schedules:
- sites and areas of significance to Māori
 - historic heritage and heritage areas
 - archaeological sites.
- 14.2.** These components are inter-related, sometimes reflecting layers of settlement. The three schedules can be included separately, or combined, as long as the type of entry (site/area of significance to Māori, historic heritage/heritage area or archaeological site) and the rules that apply to each entry are clear.

15. SCHEDULING HISTORIC HERITAGE

- 15.1.** Historic heritage may include sites, structures, places and areas, archaeological sites, sites of significance to Māori, including wāhi tapu and the surroundings associated with the natural and physical resources (see the definition of historic heritage, RMA, section 2).
- 15.2.** HNZPT suggests, as a minimum, the following criteria for identifying and assessing historic heritage. These are based on the definition of historic heritage in the RMA (section 2) and reflect the HNZPT Act (section 66(1)) criteria for listing historic places and areas:
- archaeological values
 - architectural values
 - cultural values – including Māori heritage values identified in accordance with tikanga Māori, traditional, spiritual, social and aesthetic values
 - historic values
 - scientific values

- technological values
- surroundings – the setting or context.

- 15.3.** While an historic place or area must meet only one criterion, it will usually satisfy multiple criteria. HNZPT has produced *Significance Assessment Guidelines* that give further advice on criteria and their application.¹⁰
- 15.4.** Scheduled historic heritage will often have a range of heritage values, including archaeological values. Where these have been identified, they should be included in a list of identified heritage values.
- 15.5.** Many District Plans include a hierarchy of categories for scheduling historic heritage. The New Zealand Heritage List/Rārangī Kōrero is based on categories that can inform the structure of the District Plan schedule:
- Category 1: places of special or outstanding historical or cultural heritage significance or value
 - Category 2: places of historical or cultural heritage significance or value
 - historic areas
 - wāhi tūpuna, wāhi tapu and wāhi tapu areas.
- 15.6.** HNZPT suggests councils use alpha characters for District Plan categories to avoid potential confusion with the New Zealand Heritage List/Rārangī Kōrero categories.

16. SCHEDULING SITES AND AREAS OF SIGNIFICANCE TO MĀORI

- 16.1.** Sites and areas of significance to Māori include marae buildings, ancestral landscapes, such as maunga, awa, urupā, waka landing sites and coastal defences. They are best scheduled by local authorities and iwi and hapū working in partnership. Iwi Management Plans may provide the foundation for this mahi.
- 16.2.** The scheduling process involves considering sites and areas of significance to rūnunga, iwi and hapū, and discussion of how such protection is best provided, while recognising that knowledge about some Māori sites and areas may be culturally sensitive and the exact locations will not be disclosed.
- 16.3.** Criteria for scheduling is often set out in the Regional Policy Statement. This should also be developed by a partnership of relevant councils, iwi and hapū. Examples may include: mauri, wāhi tapu of special, cultural, historic, metaphysical and/or spiritual importance; historical and cultural significance; customary resources; and cultural and spiritual, amenity, architectural and educational significance.

¹⁰ *Significance Assessment Guidelines, Guidelines for Assessing Historic Places and Historic Areas for the New Zealand List/Rārangī Kōrero*, Rebecca O'Brien with Joanna Barnes-Wylie, March 2019, <http://bit.ly/AHSGuide>

- 16.4.** HNZPT has a statutory role, through its Māori Heritage Council, to enter on the New Zealand Heritage List/Rārangi Kōrero any wāhi tūpuna, wāhi tapu or wāhi tapu area (HNZPT Act, section 66(5)). The List entry process includes consultation with iwi/hapū. As noted, District Councils are required to have regard to relevant entries on the New Zealand Heritage List/Rārangi Kōrero but should not restrict their schedules to entries on it.
- 16.5.** Many sites and areas of significance to Māori coincide with parts of scheduled landscapes and/or historic heritage. A high proportion of known archaeological sites are Māori heritage, and it is important that District Councils work with iwi and hapū to develop appropriate provisions for this taonga.

17. SCHEDULING ARCHAEOLOGICAL SITES

- 17.1.** Depending on their significance and values, archaeological sites can be included in a schedule of sites and areas of significance to Māori, a schedule of historic heritage, in a specific schedule of archaeological sites, or in all three.
- 17.2.** To be included, a site will need to be assessed as having values that justify scheduling under appropriate criteria (see criteria in sections 15 and 16). If appropriate, a buffer can be included in the scheduled extent of archaeological sites.
- 17.3.** District Councils may also wish to include ArchSite, the online version of the New Zealand Archaeological Association's Site Recording Scheme, as a non-statutory information layer within a GIS system. This will help users to assess when an archaeological authority may be required from HNZPT, although not all sites will be identified on it. Further, we do not expect all the archaeological sites on this layer to be included, particularly if they have not been geographically mapped or 'groundtruthed'. Contact the New Zealand Archaeological Association about this directly.
- 17.4.** Including the New Zealand Archaeological Association's ArchSite unique site number in schedules is helpful for confirmed archaeological sites.

18. TYPES OF RULES

- 18.1.** Rules applying sites and areas of interest to Māori and historic heritage take immediate effect when a plan is publicly notified, even before submissions and hearings have taken place (RMA, section 86B). A rule which has legal effect must be complied with.
- 18.2.** Plan rules can address the effects of activities on heritage by either directly controlling an activity undertaken on the heritage place (such as relocating a heritage structure), or by controlling general activities that can

affect heritage sites (such as earthworks).

- 18.3.** General rules might state, for example, that earthworks to a certain volume are permitted provided they are not within x metres of a scheduled site and state a default activity status if this condition is not met. Other rules may control a general activity, but with 'effects on historic heritage' as a matter to be considered.
- 18.4.** It is important to cross-reference these rules in the sites and areas of significance to Māori and/or historic heritage sections of the plan so that users are aware of the full range of rules applying to heritage.
- 18.5.** Some plans use alert layers to protect sites of significance to Māori, with requirements to consider effects on sites for specified activities within layers, such as earthworks. Cross-referencing and clear criteria for assessing effects are critical for this approach to succeed.

19. PROVISIONS TO PROTECT, WHERE APPROPRIATE, AND MANAGE EFFECTS

- 19.1.** To follow are the general provisions HNZPT recommends in District Plans. We suggest *minimum* levels of control/activity status for each activity. In some instances, local authorities may wish to consider varying the level of control to reflect the level of significance of scheduled historic heritage (exercising greater control over Category 1 historic places than Category 2 historic places, for example). Even so, the levels of control should not be less than those recommended below.
- 19.2.** It should be clear which rules relate to which heritage schedule, or which type of item in a combined schedule. For example, rules that are appropriate for built heritage will not necessarily be appropriate for sites of significance to Māori.

20. MAINTENANCE AND REPAIR

- 20.1.** HNZPT recommends permitted activity status for the maintenance and repair of sites and areas of significance to Māori and historic heritage. The permitted activity status should be bound by criteria (such as undertaking the work to ensure the conservation of the place, using like or similar materials and techniques, minimising effects on heritage values, and the factors in paragraph 21.4 below). A default activity status should be stated if the criteria are not met..
- 20.2.** Maintenance and repair are part of the conservation process, that is, caring for a place to safeguard the values for which it has been scheduled guided by specialist advice where needed.
- 20.3.** Maintenance is the ongoing protective care of a place to prevent deterioration and maintain its values. It includes

painting and redecoration and all the normal work required to maintain historic heritage, including garden and landscape features.

- 20.4.** Repair is the work required to make good decayed or damaged fabric using identical or similar and compatible materials to the same profiles and finishes. It includes refurbishing deteriorated stone, brick and timberwork, plaster and metal cladding. It also includes replacing corroded or deteriorated roofing material, spouting and downpipes. Any materials removed to carry out the repairs must be limited to the minimum necessary to carry out the works.

21. ALTERATIONS AND ADDITIONS

- 21.1.** HNZPT recommends that alterations and additions are restricted discretionary activities, with discretion restricted to the protection and maintenance of identified heritage values.
- 21.2.** Non-intrusive work, such as the installation of insulation, should not ordinarily need a consent. However, most alterations and additions affect heritage values.
- 21.3.** HNZPT supports alterations and additions to scheduled historic heritage if heritage values are appropriately protected and maintained, and recognises that they may be required to adapt historic heritage to new uses. Alterations and additions required for adaptive re-use can be the catalyst for urban renewal, provided the heritage values are appropriately protected and maintained. Alterations (such as insulation and thermal upgrading) will also help to achieve reduced energy use, lower operational cost and contribute to meeting carbon targets.
- 21.4.** Discretion should be restricted to the protection and maintenance of identified heritage values, having regard to the:
- compatibility of the design and materials with the form, proportions and materials of the historic heritage
 - relationship to open space, setting and surrounds
 - maintenance of significant public views
 - extent to which any adverse effects are necessary to enable long-term use
 - extent to which changes are reversible
 - content of any conservation plan.
- 21.5.** Connection of network utilities to existing buildings and structures should be considered as alterations and additions, as these activities can adversely affect heritage values. Other network utility activities, infrastructure or new buildings or structures need to be addressed as set out below under 'New structures' and 'Earthworks'.

22. RESTORATION

- 22.1.** Given the potential scale of restoration and effects on heritage values, HNZPT recommends controlled activity status for alterations and additions intended to restore protected parts of buildings and structures.
- 22.2.** Restoration goes beyond repair and maintenance. It is an attempt to return a place to an earlier form, by reassembly or reinstatement and/or by the removal of elements that detract from the values for which the place has been scheduled. The matters of control should include:
- whether the materials and design respect the heritage values
 - in cases where non-original unprotected elements are removed, whether reinstatement is to a known earlier form using components that are the same or closely similar to the original.

23. SEISMIC STRENGTHENING, FIRE PROTECTION AND ACCESSIBILITY UPGRADES

- 23.1.** HNZPT recommends at least controlled activity status for seismic strengthening, fire protection and accessibility upgrades to protected parts of a heritage building and structure and/or its setting. An approach taken in several recent plans is a hierarchy of rules, from permitted for non-intrusive strengthening work, to restricted discretionary for work on higher-value heritage buildings that will destroy heritage fabric or be highly visible. This approach has the advantage of aligning the level of control with the amount of potential damage to heritage fabric and values.
- 23.2.** These activities are intended to preserve the life of heritage buildings and structures, increase usability, mitigate risks and are often required by other legislation. Fire protection and accessibility upgrades, for example, are required to comply with section 112 (Alterations) or section 115 (Change of use) of the Building Act 2004.
- 23.3.** Upgrade of access for persons with mobility impairment does not necessarily address their safety, but it may enable unassisted egress in the event of an earthquake or fire. It needs to be considered separately when assessing controls on modifications to heritage buildings and structures.
- 23.4.** The overall objective is to allow only such modifications or additions that do not affect the heritage values of sites, heritage buildings and structures, as far as is practical. We recommend the matters of control be restricted to ensuring:
- architectural or design features and details that contribute to the heritage values are protected as far as practicable

- the original fabric of the place is protected as far as practicable
- the existing (current) form is retained or reinstated to a known earlier form
- whether the work is reversible
- the visual impacts of the additions are minimised.

24. NEW STRUCTURES

- 24.1.** HNZPT recommends restricted discretionary activities status for new structures within scheduled sites. The matters of discretion should be restricted to the effects on heritage values and can include:
- how values of significance to iwi, hapū and hapori may be incorporated
 - practical mechanisms to maintain or enhance the ability of iwi and hapū to access and use the site or area of significance for karakia, monitoring, customary activities and ahi-kā-roa
 - maintenance of significant public views of the historic heritage
 - the impacts on the setting
 - protection of open space from inappropriate new buildings
 - compatibility with the materials, form and proportions of the site, area and existing structures, including the architectural style, character and scale of the heritage structures
 - any loss of heritage values.

25. RELOCATION

- 25.1.** Relocation should only be considered when all other alternatives to protect and maintain identified heritage values have been considered. Relocation within the existing setting should usually be preferred over relocation off-site. However, even relocating within the site reduces understanding of site development and can damage other heritage values. The importance of the earlier position of a structure and its relationship with other heritage features should be respected.
- 25.2.** HNZPT recommends restricted discretionary activity status for the relocation of scheduled structures that are at risk from natural hazards within sites and areas of significance to Māori and historic heritage where the historic heritage:
- is at risk, and
 - is located within a relevant natural hazard area identified in the District Plan.

- 25.3.** Matters of discretion should be restricted to:
- the effects on heritage values

- whether the historic heritage is located within a relevant natural hazard area identified in a plan and is at risk.

- 25.4.** Where historic heritage is not at risk from natural hazards, HNZPT recommends discretionary activity status, or non-complying for higher-ranked items relocated beyond the heritage setting. Inappropriate relocation of heritage structures within the setting of scheduled sites and areas of significance to Māori must be avoided. Relocation beyond the heritage setting significantly erodes heritage values and should only be considered in extraordinary circumstances where:
- any other alternatives to relocation have been explored
 - development post-relocation will be completed within a reasonable timeframe.

26. DEMOLITION AND DESTRUCTION

- 26.1.** Demolition is the complete or partial destruction of scheduled sites and areas of significance to Māori and historic heritage. This includes destruction of archaeological evidence, sites and areas, heritage buildings and structures.
- 26.2.** Where it is demonstrated that an element in a cultural landscape, or a component of a heritage building or structure, detracts from the identified heritage values (an unsympathetic addition or alteration, for example), removal is part of the process of restoration and ought not to be defined as demolition.
- 26.3.** Demolition or full destruction of a protected part of scheduled historic heritage should have at least non-complying status for the most significant heritage and discretionary activity status for other heritage. It should only be considered where all the following circumstances apply:
- other reasonable alternatives to retain the historic heritage have been explored, including adaptation, seismic strengthening, relocation, or stabilising the item for future repair
 - the site or area is in a serious state of disrepair that is a serious risk to safety, and/or the heritage building or structure is a serious risk to safety and interim protection measures would not remove the threat
 - the demolition or destruction is required to allow for significant public benefit that could not otherwise be achieved, and this benefit outweighs the adverse effects of loss of the historic heritage
 - sufficient work has been undertaken to ensure the heritage values have been recorded and, where possible, retained for example by keeping key architectural features and archaeological evidence

- *for a contributory structure within a site of significance to Māori or heritage area*, the conditions that will be imposed give reasonable certainty that development following demolition will be completed within a reasonable timeframe and will maintain or enhance the heritage values
- *for scheduled archaeological sites or areas*, the demolition or destruction could not be avoided by an alternative site, location or design.

27. EARTHWORKS

- 27.1.** Earthworks within scheduled historic heritage and sites and areas of significance to Māori have the potential to modify and destroy significant historic heritage, including archaeological evidence, and can vary significantly in scale. See section 9 on the requirements to apply for an archaeological authority from HNZPT.
- 27.2.** HNZPT recommends permitted activity status for earthworks that are limited to post-1900 trench lines and excavations, or are associated with the maintenance and upgrading of household-scale service connections, rainwater tanks or effluent disposal systems. Other earthworks within scheduled historic heritage and sites and areas of significance to Māori should be restricted discretionary or discretionary. The exception is earthworks that are regulated in a National Environmental Standard (consult the relevant standard).
- 27.3.** Provisions relevant to land disturbance and earthworks are needed for the installation of telecommunications, including fibre installation. The maintenance and upgrading of *existing* electricity transmission lines in areas scheduled for historic heritage are regulated in the National Environmental Standards for Electricity Transmission Activities.

28. SUBDIVISION

- 28.1.** Given the significant impacts of subdivision on sites and areas of significance to Māori and historic heritage, HNZPT recommends discretionary or non-complying activity status. The objectives should be to ensure:
- heritage values are maintained
 - sufficient land is provided within the same lot to provide a setting that maintains heritage values
 - measures are in place to maintain public views of historic heritage.

29. SIGNS

- 29.1.** The scale, design and location of signs should be sympathetic to heritage values. We recommend that they be treated much like other alterations and additions, with a restricted discretionary status and

with discretion being restricted to the matters listed in section 21 (alterations and additions).

30. HERITAGE ORDERS

- 30.1.** A heritage order is a provision in a District Plan to protect the heritage qualities of a particular place or structure. It acts like a designation by incorporating the protection of features and places into District Plans and Combined Plans.
- 30.2.** The National Planning Standards require heritage orders to be scheduled and mapped in plans and set out the minimum information requirements. HNZPT suggests that the conditions of the heritage order be included in the relevant heritage schedule.
- 30.3.** The effect of a heritage order is that, regardless of the provisions in a District Plan, Combined Plan, resource consent or building consent, no person may, without the prior written consent of the relevant heritage protection authority, do anything that would wholly or partly nullify the heritage order. This includes subdividing land and changing the character, intensity or scale or use of the land.
- 30.4.** As soon as a heritage protection authority gives notice of a requirement for a heritage order, it has interim effect as if it were a heritage order.

WHERE CAN I GET FURTHER ASSISTANCE?

Heritage New Zealand Pouhere Taonga has planners in regional and area offices who can provide advice on drafting District Plan heritage provisions. Contact details are on the back page of this guide.

APPENDIX 1: HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014 (HNZPT ACT)

The purpose, principles, functions and duties set out in the HNZPTA in relation to historic heritage and the Resource Management Act 1991 (RMA) are:

- To promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand (HNZPT Act, s3), and
- Working collaboratively with central government agencies, local authorities, corporations, societies, tangata whenua and individuals (HNZPT Act, s4(c)), and
- Using its powers to effectively advocate its interest in RMA processes and providing information (HNZPT Act, s14).

NEW ZEALAND HERITAGE LIST/RĀRANGI KŌRERO

The New Zealand Heritage List/Rārangi Kōrero (the List) includes historic heritage in all regions and districts of New Zealand including the Coastal Marine Area. The purpose of the List in relation to the RMA is to be a source of information for the purposes of the RMA (HNZPT Act, s65(3)).

Heritage New Zealand Pouhere Taonga may enter any historic place or historic area in the List if it is satisfied that the place or area has aesthetic, archaeological, architectural, cultural, historical, scientific, social, spiritual, technological, or traditional significance or value (HNZPT Act, s66(1)).

The Māori Heritage Council may enter any wāhi tūpuna on the List if it is satisfied that the wāhi tūpuna:

- has strong traditional associations with one or more ancestors significant to an iwi or a hapū, and
- is integral to the identity or cultural well-being of the iwi or hapū, and
- is a distinct and cohesive place or area (HNZPT Act, s66(5)).

Wāhi tapu or wāhi tapu areas may also be entered on the List, and the HNZPTA definitions of wāhi tapu and wāhi tapu area are:

- a wāhi tapu: place sacred to Māori in the traditional, spiritual, religious, ritual, or mythological sense, and
- a wāhi tapu area: land that contains one or more wāhi tapu.

The List must separately identify historic places as:

- Category 1: places of special or outstanding historical or cultural heritage significance or value
- Category 2: places of historical or cultural heritage significance or value
- historic areas
- wāhi tūpuna
- wāhi tapu
- wāhi tapu areas.

Given that historic heritage is a matter of national importance, any relevant entry on the List should have a bearing on resource management issues of the region.

ARCHAEOLOGICAL AUTHORITIES

Unless an archaeological authority is granted, no person may modify or destroy, or cause to be modified or destroyed, the whole or any part of that site if a person knows, or ought to have reasonably suspected, that the site is an archaeological site. Note: An archaeological authority is not required to permit work on a building that is an archaeological site unless the work will result in the demolition of the whole of a building (HNZPT Act, s42).

An archaeological site means any place or building or structure (or part of a building or structure) that:

- was associated with human activity that occurred before 1900, or

- is the site of the wreck of any vessel that occurred before 1900, and
- provides or may provide through investigation by archaeological methods evidence relating to the history of New Zealand, and
- includes a site declared by Heritage New Zealand/Pouhere Taonga to be an archaeological site (HNZPT Act, s6).

A building means a structure that is temporary or permanent, whether movable or not, and which is fixed to land and intended for occupation by any person, animal, machinery, or chattel (HNZPT Act, s6).

When Heritage New Zealand Pouhere Taonga determines an application for an archaeological authority, it will have regard to any matter it considers appropriate, including:

- the historical and cultural heritage value of the archaeological site and any other factors justifying the protection of the site
- the purpose and principles of the HNZPT Act
- the extent to which protection of the archaeological site prevents or restricts the existing or reasonable future use of the site for any lawful purpose
- the interests of any person directly affected by the decision of Heritage New Zealand Pouhere Taonga
- a statutory acknowledgement that relates to the archaeological site or sites concerned, and
- the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tūpuna, wāhi tapu and other taonga (HNZPTA, s49).

The authority may include any conditions (HNZPT Act, s52).

APPENDIX 2: THE VALUE OF HERITAGE

The distinctive heritage of a district is integral to its identity and important for economic, social and cultural well-being for a wide range of reasons. New Zealand's historic heritage is the whenua and places that define who we are as New Zealanders, our iwi, hapū and hāpori (communities). It is finite and irreplaceable taonga that is valued for many reasons:

HERITAGE IS CENTRAL TO NEW ZEALANDERS' WELL-BEING AND IDENTITY

- Cultural landscapes, maunga and awa, are the heart of iwi, hapū and hāpori identity, mātauranga Māori and well-being.
- Heritage places and their stories help to build understanding between people, contributing to strong communities and social cohesion. As a bicultural country (reflecting Te Tiriti) and a multicultural country (with an immigrant background) issues of connection to place and identity are fundamental to New Zealand society and to New Zealanders' wellbeing.¹

HERITAGE IMPROVES EDUCATIONAL OUTCOMES

- Heritage is a focus for community and voluntary effort, bringing people together to preserve our heritage and our communities.
- Heritage is an invaluable educational resource at all stages of life – it is important for the new history curriculum in schools, and for life-long learning.

HERITAGE CONTRIBUTES TO NEW ZEALAND'S ECONOMIC GROWTH

- Heritage is the anchor for urban development and economic activity that encourages new growth and tourism embedded in a distinctive, vibrant sense of place.
- Heritage differentiates towns, cities and neighbourhoods, and is the

foundation for promotional and tourism marketing (e.g. Art Deco Napier and Victorian Ōamaru). The economic viability of towns and businesses can be dependent on heritage. See 'Saving the Town': www.heritage.org.nz/resources/saving-the-town

- Heritage is the foundation of many SMEs (small or medium-sized enterprises), a mainstay of the New Zealand economy.
- Heritage is a 'pull' factor in deciding on business locations. A market premium is attached to heritage premises; increasingly more businesses and public sector agencies are occupying listed heritage buildings.
- The economic benefits of heritage expand beyond monetary income to include the value derived from knowing that a heritage place (e.g. Te Pitowhenua/Waitangi Treaty Grounds) is available for others' current use ('existence value') or for future generations ('bequest value'). See: <https://mch.govt.nz/value-and-culture-economic-framework-august-2013>

HERITAGE CREATES JOBS AND A MORE HIGHLY SKILLED WORKFORCE

- Heritage conservation creates jobs – and more jobs than standard construction projects because conservation of traditional crafts and construction is more labour-intensive.
- The development of technical conservation skills benefits the wider construction activity.

HERITAGE CONTRIBUTES TO OUR CLIMATE CHANGE RESPONSE

- Conserving and re-using heritage buildings retains their fabric, and the human effort expended in their construction ('embodied energy').

- Retaining buildings limits emissions and the adverse environmental effects of disposing of demolition waste.
- Construction of replacement buildings consumes further materials and energy, increasing our carbon footprint.

HERITAGE PROVIDES INTERGENERATIONAL CONNECTION

- Heritage conservation creates the conditions for ensuring our contributions inspire future generations to care for them, providing purpose, identity, connectedness and emotional wellbeing – something that is evidenced, sadly, by reports into the impact on communities when heritage is lost.

AND, FINALLY, HERITAGE IS IMPORTANT TO THE LIVES OF NEW ZEALANDERS

- A 2019 Auckland survey, for example, found that 91% of respondents thought that heritage was either important or very important.

1 As pointed out by Conal Smith in: www.treasury.govt.nz/sites/default/files/2018-06/smith-living-standards-dashboards-jun18.pdf

Te Whare o Antrim
Pouaka Poutāpeta 2629,
Te Whanganui-a-Tara 6140
Waea 04 472 4341

Antrim House
63 Boulcott Street, Wellington
PO Box 2629, Wellington 6140
Phone 04 472 4341
information@heritage.org.nz

Te Tari Takiwā o Te Tai Tokerau
Pouaka Poutāpeta 836,
Kerikeri 0245
Waea 09 407 0470

Northland Area Office
PO Box 836, Kerikeri 0245
Phone 09 407 0470
infonorthland@heritage.org.nz

Te Tari Takiwā o Te Raki
Pouaka Poutāpeta 105-291,
Tāmakimakaurau 1143
Waea 09 307 9920

Northern Regional Office
PO Box 105-291, Auckland 1143
Phone 09 307 9920
infonorthern@heritage.org.nz

Te Tari Takiwā o Te Raki Taha Whakararo
Pouaka Poutāpeta 13339,
Tauranga 3141
Waea 07 577 4530

Lower Northern Area Office
PO Box 13339, Tauranga 3141
Phone 07 577 4530
infolowernorthern@heritage.org.nz

Te Tari Takiwā o Te Pūtahi a Māui
Pouaka Poutāpeta 2629,
Te Whanga-nui-a-Tara 6140
Waea 04 494 8320

Central Regional Office
PO Box 2629, Wellington 6140
Phone 04 494 8320
infocentral@heritage.org.nz

Te Tari Takiwā o Te Tonga
Pouaka Poutāpeta 4403,
Ōtautahi 8140
Waea 03 363 1880

Southern Regional Office
PO Box 4403, Christchurch 8140
Phone 03 363 1880
infosouthern@heritage.org.nz

Te Tari Takiwā o Ōtago me Murihiku
Pouaka Poutāpeta 5467,
Ōtepoti 9058
Waea 03 477 9871

Otago/Southland Area Office
PO Box 5467, Dunedin 9058
Phone 03 477 9871
infodeepsouth@heritage.org.nz

FREephone 0800 HERITAGE

WWW.HERITAGE.ORG.NZ

ISSN 1178-2919 (ONLINE)
ISBN 978-1-877563-52-2 (ONLINE)