



HERITAGE NEW ZEALAND  
POUHERE TAONGA

# ADVOCATING FOR THE CONSERVATION OF HISTORICAL AND CULTURAL HERITAGE



## STATEMENT OF GENERAL POLICY

FOR HERITAGE NEW ZEALAND POUHERE TAONGA'S  
STATUTORY ROLE OF ADVOCACY

29 October 2015

## ABOUT HERITAGE NEW ZEALAND POUHERE TAONGA

Heritage New Zealand Pouhere Taonga (HNZPT) is an autonomous crown entity established by the Heritage New Zealand Pouhere Taonga Act 2014 (the HNZPTA). HNZPT's role, as defined by the HNZPTA, is 'to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand'. HNZPT is New Zealand's leading national historic heritage agency and is seen by the public as the guardian of this country's national historic heritage.

**HNZPT IS GOVERNED** by a Board that is responsible for the organisation's strategic direction, while taking into account government priorities and desired outcomes. The Māori Heritage Council has specific statutory functions under the Act relating to the promotion and conservation of many aspects of Māori heritage. The Council works closely with the Board and advises the Board on matters of interest to Māori and on undertaking its work in a culturally appropriate manner.

The national office in Wellington provides key service, support and policy functions, and a Māori Heritage team operates throughout the management and organisational structure. There are regional and area offices located in Auckland, Wellington, Christchurch, Kerikeri, Tauranga and Dunedin and the Heritage Destinations Team manages 48 historic properties around the country, 15 of which are staffed.

The work of HNZPT focuses on:

- Identifying and recording information on historical and cultural heritage, through assessments and entering significant heritage onto the New Zealand Heritage List/Rārangi Kōrero or identifying National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu.
- Promoting the conservation of significant historical and cultural heritage, through advice, capacity building, advocacy, regulation, ownership of selected properties, and providing targeted incentive funding.
- Engaging with the heritage owners, iwi and hapū, heritage professionals, the public, councils and government on heritage. ■

## STATEMENTS OF GENERAL POLICY

To provide leadership and direction in key areas of work, HNZPT has produced statements of general policy for five key activities, as required by section 17 of the HNZPTA.

This policy covers the statutory role of advocacy conferred on Heritage New Zealand Pouhere Taonga by section 13(1)(c) and on the Māori Heritage Council by section 27(1)(i) of the HNZPTA. [HNZPTA section 17(1)(b)(v)]

**THE OTHER STATEMENTS** of general policy cover:

- The administration of the archaeological provisions
- The management and use of historic places owned or controlled or vested in HNZPT
- The administration of the New Zealand Heritage List/Rārangi Kōrero
- The administration of the National Historic Landmarks List/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu.

The HNZPTA requires that HNZPT consult on the draft policies by making them publicly available and inviting public comments. The draft policies were publicly notified on 3 February 2015 and submissions closed on 17 April 2015. HNZPT has considered all submissions received on the draft policy. The final policy was approved by the Māori Heritage Council and the Heritage New Zealand Board on 29 October 2015. Each statement of general policy must be reviewed within 10 years of adoption. ■

## STATEMENT OF GENERAL POLICY FOR HERITAGE NEW ZEALAND POUHERE TAONGA'S STATUTORY ROLE OF ADVOCACY

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## BACKGROUND AND CONTEXT

### CONTEXT - WHO ARE WE AND WHAT DO WE DO?

**HERITAGE NEW ZEALAND** Pouhere Taonga (HNZPT) is the government's expert advisor on **historical and cultural heritage**. HNZPT is an autonomous crown entity established by the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA). The purpose of the Act is:

*...to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand [section 3].*

HNZPT focuses on heritage knowledge, conservation and engagement by:

- identifying and recording information on **historical and cultural heritage**, through heritage inventories and assessments
- entering significant heritage onto the New Zealand Heritage List/Rārangī Kōrero (or the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu (the Landmarks List)
- promoting the **conservation** of significant **historical and cultural heritage**, through advice, capacity building, advocacy, regulation, ownership of selected properties, and providing targeted incentive funding
- engaging with the public, heritage owners, iwi and hapū, heritage and other professionals, councils and government.

### WHAT DOES THE ADVOCACY POLICY COVER?

This policy covers the two advocacy functions of HNZPT set out in the HNZPTA:<sup>1</sup>

*to advocate the conservation and protection of historic places, historic areas, wāhi tūpuna, wāhi tapu and wāhi tapu areas [HNZPTA section 13(1)(c)]*

*to advocate the interests of Heritage New Zealand Pouhere Taonga and the [Māori Heritage] Council so far as they relate to matters of Māori heritage at any public or Māori forum [HNZPTA section 27(1)(i)].*

Section 13(1)(c) confers a very broad advocacy role. It is supported by specific sections of the HNZPTA such as the power under section 14(1)(a) to advocate HNZPT's interests at any public forum or in any statutory planning process. The policy also covers the Māori Heritage Council's function to make recommendations on any resource consent affecting a **wāhi tapu area** referred to it by HNZPT [HNZPTA section 27(1)(h)]. The policy also looks at the broader range of HNZPT's advocacy work listed below.

This statement of general policy contains:

- the overarching principles for advocating for the **conservation of historical and cultural heritage**
- the methods HNZPT will use
- objectives, setting out the outcomes HNZPT is seeking
- policies HNZPT will follow in achieving those objectives.

<sup>1</sup> Sections 16 and 17 of the HNZPTA requires HNZPT to produce a statement of general policy for "the statutory role of advocacy conferred on Heritage New Zealand Pouhere Taonga by section 13(1)(c) and on the Council by section 27(1)(i) [HNZPTA section 17(1)(b)(v)].

### WHAT IS HNZPT'S STATUTORY ROLE OF ADVOCACY?

The "statutory role of advocacy" refers to HNZPT's role in promoting the **conservation** and protection of **historical and cultural heritage**, as set out in the purpose of the HNZPTA [HNZPTA section 3]. "Advocacy" means to support or argue in favour of the **conservation** and protection of **historical and cultural heritage**. HNZPT's key advocacy role is giving advice on **conservation** that is, on preserving, maintaining, and restoring **historic places** and **historic areas** so as to safeguard their **historical and cultural value**.<sup>2</sup> HNZPT also takes an active role in plan development and consent processes under the Resource Management Act 1991 (RMA) that relate to **historical and cultural heritage**.

HNZPT advocates for **historical and cultural heritage** in a variety of ways including:

- engaging with owners and their advisors and providing advice on the **conservation** and protection of **historical and cultural heritage**, including Māori built heritage
- engaging and collaborating with iwi and hapū on the conservation of **historical and cultural heritage** of significance to Māori
- engaging with **local authorities** and participating in the development and modification of resource management policy statements and plans, annual plans and other relevant planning documents and guidelines
- advising applicants and **local authorities** on resource consent and building consent applications and notices of requirement for **historical and cultural heritage**, or that may affect **historical and cultural heritage**
- where necessary, becoming involved in the formal resource consent process
- collaborating in planning for emergencies and advising on **heritage values** in a civil defence emergency and post-emergency recovery
- promoting non-regulatory methods such as financial incentives for increasing the resilience of **historical and cultural heritage**
- engaging and collaborating with local communities, local heritage organisations, industry, business and professional groups, central government agencies, infrastructure and service providers, and the property, real estate and insurance sectors about the **conservation** and ongoing use of **historical and cultural heritage**
- informing and training a wide range of people involved with heritage about **conservation** principles and practices
- providing incentive funding and supporting applicants applying to other schemes for funding for heritage **conservation** work
- participating in the development of government policy that has implications for **historical and cultural heritage**
- owning and/or directly managing a portfolio of heritage properties. HNZPT's management of historic properties is covered by a separate policy statement.<sup>3</sup>

### WHY PUBLISH A POLICY?

Section 17 of the HNZPTA requires HNZPT to produce a statement of general policy on its statutory role of advocacy. The purpose of this policy is to set out:

- HNZPT's objectives for the sustainable management of New Zealand's most significant **historical and cultural heritage**
- how HNZPT will work with owners of **historical and cultural heritage**, the community, industry, business and professional groups and local and central government to achieve these objectives
- how HNZPT will target and prioritise its limited resources.

### INTERPRETATION

This policy is subservient to the HNZPTA.

In this policy the term "HNZPT" refers to the organisation Heritage New Zealand Pouhere Taonga generally and includes the Heritage New Zealand Pouhere Taonga Board and the Māori Heritage Council. The Board and the Council are identified specifically where relevant.

The term "**historical and cultural heritage**" is used in the HNZPTA and is used in this policy to describe the wide variety of historic, cultural and archaeological places, areas and sites that HNZPT advocates for. When directly quoting the Resource Management Act 1991 (RMA) the term "**historic heritage**" is used because this term used in the RMA [section 6]. For the purposes of this policy, these terms are synonymous.

In this document "iwi and hapū" is considered to include reference, with respect to the Chatham Islands to "imi" - the tribal grouping of Moriori.

The term "**territorial authority**" is used when referring to **local authorities** in their role of preparing district plans under the RMA, and as the regulator under the Building Act 2004. "Local authority" or "local government" has a wider meaning, and includes regional councils and unitary authorities as defined in the Local Government Act 2002.

A Glossary can be found at the back of this policy. Terms in bold text have the meaning as set out in the Glossary. In this policy statement the numbering and order of objectives and policies is solely for convenience and does not indicate relative importance.

<sup>2</sup> Section 6 of the HNZPTA. Note that the definition of "historic place" and "historic area" in the HNZPTA is very broad and includes archaeological sites and sites of significance to Māori. See the Glossary.

<sup>3</sup> Heritage New Zealand Pouhere Taonga, Statement of General Policy: Management and Use of Historic Places Owned, Controlled or Vested in Heritage New Zealand Pouhere Taonga, Wellington, HNZPT 2015.

## INTRODUCTION

### WHAT IS HISTORICAL AND CULTURAL HERITAGE?

**THE NATURAL** and physical resources classed as **historical and cultural heritage** include historic places, and areas, sites, structures, and **archaeological sites**. Sites of significance to Māori are specifically provided for under the HNZPTA, including New Zealand Heritage List/Rārangi Kōrero categories for **wāhi tapu**, **wāhi tūpuna**, **wāhi tapu areas**, and **historic places** and **areas** of interest to Māori. The RMA definition of **historic heritage** also includes the surroundings or **setting** associated with these natural and physical resources.

**Historical and cultural heritage** contributes to an understanding and appreciation of New Zealand's history and cultures. The heritage values exhibited by **historical and cultural heritage** include:

- aesthetic
- archaeological
- architectural
- cultural, including intangible values
- historical
- scientific
- social
- technological
- traditional values

### WHY CONSERVE HISTORICAL AND CULTURAL HERITAGE?

**Historical and cultural heritage** is a non-renewable legacy that we safeguard for present and future generations. **Historical and cultural heritage** tells the story of our past. The knowledge we get from an understanding of **historical and cultural heritage** establishes and enhances our sense of place and national identity.

New Zealand has a distinctive range of **historical and cultural heritage** including visible, tangible places, such as buildings, and archaeological sites beneath the land or sea. **Archaeological sites** have a special heritage character as they represent our history written in the land. **Historical and cultural heritage** also includes sites where important events occurred, whether or not tangible evidence remains.

HNZPT has a special relationship with iwi and hapū, as kaitiaki of their heritage. Māori heritage places are integral to the identity, mana and cultural wellbeing of iwi, hapū and whānau. Māori heritage relates not only to the physical places, but also the knowledge and stories of those places held by people today. HNZPT's Māori Heritage Council<sup>4</sup> uses the term "tapuwae" to symbolise the Māori heritage "footprints" in the landscape.<sup>4</sup> Tapuwae means sacred footprint, and also communicates the idea that we can look back to where we have been as we move forward, taking more steps.<sup>5</sup>

### WHAT ARE THE CHALLENGES IN CONSERVING HISTORICAL AND CULTURAL HERITAGE?

**Historical and cultural heritage** is a finite resource: once destroyed, it cannot be replaced. The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management involves managing the "use, development and protection" of the resource while maintaining the community's ability "to provide for their social, economic, and cultural well-being and for their health and safety" [RMA, section 5]. The RMA specifically identifies **historic heritage** as a matter of national importance [RMA, section 6(f)]. When balancing sustainable management objectives and the matters in Part 2, decision-makers under the RMA must take into account the weight given by section 6 to the protection of **historic heritage** from inappropriate subdivision, use and development.

Our **historical and cultural heritage** is at risk from natural and human-induced hazards and inappropriate development.

<sup>4</sup> The Māori Heritage Council is established under the HNZPTA with the functions listed in section 27 of that Act.

<sup>5</sup> Heritage New Zealand Pouhere Taonga, Tapuwae, The Māori Heritage Council Statement on Māori Heritage: A Vision for Places of Māori Heritage, Wellington: HNZPT, 2014, p. 3. <http://www.heritage.org.nz/resources/tapuwae> Accessed 25 August 2015.

Events such as the Canterbury earthquakes of 2010-12 can have a devastating and ongoing effect on our heritage buildings, structures and assets. Other natural hazards such as storms, flooding and high winds can damage **historical and cultural heritage**. Fire is an ongoing risk to heritage buildings, and vandalism can result in significant damage. In some areas, the pressure of development drives demolition of heritage buildings, whereas in others the lack of growth precipitates demolition through neglect. Structurally unsound or poorly maintained heritage buildings may also pose a risk to public safety.

A key component of HNZPT's advocacy work involves advising and supporting owners and **local authorities** to increase the resilience of **historical and cultural heritage** to these threats. HNZPT achieves this through education and guidance, providing **conservation** advice and encouraging incentive schemes. HNZPT also promotes reducing regulatory barriers to activities that improve the survival of historic places, such as earthquake strengthening and installing fire protection.

**Historical and cultural heritage** that is valued is more likely to be protected and conserved. **Historic places** that are in use are more likely to be well maintained and the risks managed. This is particularly true of commercial heritage buildings, where generating an economic return is important to enable owners to care for the building. The owners of buildings such as churches or private dwellings may not have a financial return from the use of the property and maintaining these structures may pose challenges.

Around two-thirds of heritage entered on the New Zealand Heritage List/Rārangī Kōrero is in private ownership. A key part of HNZPT's advisory role is working with private owners as the guardians of most of our heritage. HNZPT recognises that the requirements for **conservation of historical and cultural heritage** may place restrictions on owners' property rights and may be perceived as reducing the commercial value of heritage properties. Formal acknowledgement of the heritage status of privately owned structures can impose requirements when owners want to undertake work on their properties.

HNZPT's advice to owners and councils is generally well-regarded. However, there are occasions where owners perceive the special considerations required for managing and maintaining **historical and cultural heritage** to be an unwanted and potentially costly burden. While HNZPT's preferred approach is to work with owners to achieve mutually beneficial outcomes there are occasions when it is unable to support an owner's proposal that damages **historical and cultural heritage**, particularly where there are reasonable alternatives.

On the other hand, well-maintained heritage buildings can often attract tenants and purchasers willing to pay a premium for being located in a heritage building. In recognition of the privately incurred costs of ownership and benefits to the public from conserving **historical and cultural heritage**, owners of **historical and cultural heritage** have access to local and national funding sources that are not available to owners of non-heritage properties.

Around a third of the heritage entered on the New Zealand Heritage List/Rārangī Kōrero is publicly owned and is managed according to the government policy on managing **historic heritage**.<sup>6</sup> Public ownership or management of selected **historical and cultural heritage** sites can provide an opportunity to engage the public with heritage.

The best outcomes for heritage places, and their owners, are achieved when places are valued and used. When change is needed, the best results are achieved by early engagement and advice, before plans are finalised, saving the owner time and money. This enables heritage **conservation** practice to be incorporated into any proposals that affect the **heritage values** of a place, and applies equally to small projects such as remodelling a room and to major projects such as seismic upgrade of a multi-storey building. Education, engaging the public with **historical and cultural heritage**, and providing sound **conservation** advice and incentives to owners needs to be underpinned with good regulation. ■

<sup>6</sup> Ministry for Culture and Heritage, Policy for Government departments' management of historic heritage 2004, Wellington, MCH, 2004. <http://www.mch.govt.nz/research-publications/our-research-reports/policy-government-departments-management-historic-heritag>, accessed 25 August 2015.



## METHODS OF PROMOTING THE CONSERVATION OF HISTORICAL AND CULTURAL HERITAGE

### OVERVIEW

**HNZPT PROMOTES** the identification, protection, preservation and **conservation of historical and cultural heritage** through a variety of statutory mechanisms as well as providing advice and working with others. The HNZPTA regulates the **modification** or destruction of **archaeological sites** and establishes a process of formally recognising significant **historical and cultural heritage**. However, entering **historical and cultural heritage** onto the New Zealand Heritage List/Rārangī Kōrero does not provide protection, rather, it is a source of information for the purposes of the RMA.

The RMA provides the key protection mechanism for heritage through recognition of **historical and cultural heritage** in plans and regional policy statements and protection with appropriate rules. Formal protection of **historical and cultural heritage** can also be achieved under the HNZPTA through a heritage covenant negotiated with the owner. Heritage orders under the RMA, issued by a heritage protection authority, are used in rare cases to protect heritage from damage from human activity.

### HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014

The purpose of the HNZPTA is:

*...to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand [section 3].*

The HNZPTA provides for the identification, management, protection and ownership of **historical and cultural heritage**, and advocacy for its **conservation**:

- identifying heritage through entry onto the New Zealand Heritage List/Rārangī Kōrero or the National Landmarks List/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu [sections 65-84]. These functions are covered by separate policies.<sup>7</sup>

- regulating the **modification of archaeological sites** via the **archaeological authority** process [sections 42-64]. This function is covered by a separate policy.
- entering into heritage covenants by agreement with the owner of the property on how the property will be managed and protected [sections 39-41].
- advocating for **historical and cultural heritage**, including specific provisions for the Māori Heritage Council to advocate for sites of interest to Māori [section 27(1)(i)].
- owning, administering or controlling **historic places** [section 13(1)(f)]. This function is covered by a separate policy.<sup>9</sup>
- a defined role for HNZPT in the event of a national or local emergency, to provide advice on heritage matters [section 13(1)(g)].
- requiring **local authorities** to have particular regard to advice from HNZPT for the protection and **conservation of historic areas** and **wāhi tapu areas** entered on the New Zealand Heritage List/Rārangī Kōrero [section 74].

### PROTECTING HISTORIC HERITAGE UNDER THE RMA

HNZPT works collaboratively with **local authorities** to ensure that local planning provisions take account of the sustainable management of **historical and cultural heritage** and recognises its status as a matter of national importance, to be protected from inappropriate subdivision, use and development [RMA section 6(f)]. Under the RMA **local authorities** take account of **historic heritage values** in their planning and decision-making role. The RMA provides for the development of regional policy statements and regional and district plans as a consultative process. The RMA also has specific requirements for **local authorities** to have regard to entries on the New Zealand Heritage List/Rārangī

<sup>7</sup> Heritage New Zealand Pouhere Taonga, Statement of General Policy: The Administration of the New Zealand Heritage List/ Rārangī Kōrero Wellington, HNZPT, 2015; Heritage New Zealand Pouhere Taonga, Statement of General Policy: the Administration of the National Landmarks List/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu, Wellington, HNZPT, 2015.

<sup>8</sup> Heritage New Zealand Pouhere Taonga, Statement of General Policy: The Administration of the Archaeological Provisions under the Heritage New Zealand Pouhere Taonga Act 2014, Wellington, HNZPT, 2015.

<sup>9</sup> Heritage New Zealand Pouhere Taonga, Statement of General Policy: Management and Use of Historic Places Owned, Controlled or Vested in Heritage New Zealand Pouhere Taonga, Wellington, HNZPT, 2015.

Kōrero. HNZPT advocates for all entries on the List to be protected through scheduling on district plans where appropriate, and actively works to ensure all Category 1 **historic places** have the highest level of protection afforded by a district plan.

**Local authorities** also may consider HNZPT to be an affected party when a resource consent application is received that may affect **historical and cultural heritage** [RMA section 95E]. This enables HNZPT to be involved at an early stage of policy development and later to submit on:

- objectives and policies in regional policy statements, regional and district plans recognising and establishing a framework for protecting **historical and cultural heritage**
- items for inclusion on plan schedules
- methods and rules in district and regional plans for protecting **historical and cultural heritage**
- resource consents and notices of requirements for proposals affecting heritage, with the opportunity for HNZPT to provide advice at an early stage or submit on the proposal
- heritage orders (via the issuing of a notice of requirement by a heritage protection authority).

The RMA mechanisms for recognising and protecting historical and cultural heritage are discussed further in the section on 'Working with local government'.

## THE BUILDING ACT 2004

Heritage owners must apply for consent under the Building Act for any change of use or additions/alterations to a structure. The principles of the Building Act include a requirement to take account of "the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value".<sup>10</sup> Under section 39 of the Building Act, **territorial authorities** must advise HNZPT of any building consent application affecting an item entered on the New Zealand Heritage List/Rārangi Kōrero. This provides an opportunity for HNZPT to advise applicants for building consents on heritage **conservation**. It also enables HNZPT to provide comments to the **territorial authority** on consent applications that may affect **historical and cultural heritage**, particularly where earthworks may disturb **archaeological sites**. The Building Act also requires **local authorities** to publish policies on earthquake prone buildings including provisions for heritage buildings.

## OTHER LEGISLATION

The Local Government Act requires **local authorities** to produce annual plans and long term plans, and these provide an opportunity for dialogue on non-regulatory incentives.

Disasters such as earthquakes, fire or flood have a substantial impact on heritage building survival and often require specific HNZPT responses. HNZPT's advisory role on heritage matters in the event of a national or local emergency has been formalised by section 13(1)(g) of the HNZPTA. The Civil Defence and Emergency Management Act 2002 (CDEMA) addresses the sustainable management of hazards, identifying and managing risk, and preparing for emergencies, including response and recovery. Territorial authorities have a role in planning and implementing programmes through consulting on and publishing civil defence emergency management group plans. HNZPT has the opportunity to have input into these group plans.

The advocacy approach outlined in this policy may be modified in national civil defence emergency, post-disaster building evaluation and post-disaster recovery situations. Following a major disaster such as the Canterbury earthquakes of 2010-12, special legislation may be in place to facilitate recovery.

## OTHER POLICIES

ICOMOS New Zealand publishes guidelines on cultural heritage **conservation** (the ICOMOS New Zealand Charter).<sup>11</sup> The ICOMOS New Zealand Charter is widely used in the New Zealand heritage sector and forms a recognised benchmark for **conservation** standards and practice. It is used by central government ministries and departments, local bodies in district plans and heritage management, and heritage practitioners as guiding principles.

The Ministry for Culture and Heritage publishes a government policy to guide the public sector in managing **historic heritage**. The policy sets out the rationale for managing **historic heritage**, operational constraints, and key principles and policies.<sup>12</sup> ■

<sup>10</sup> Section 4(2)(l) of the Building Act.

<sup>11</sup> ICOMOS NZ. ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value, Wellington, ICOMOS, 2010. <http://www.icomos.org.nz/nzcharters.htm>, accessed 25 August 2015.

<sup>12</sup> Ministry for Culture and Heritage. Policy for Government departments' management of historic heritage 2004, Wellington, MCH, 2004. <http://www.mch.govt.nz/research-publications/our-research-reports/policy-government-departments-management-historic-heritag>, accessed 25 August 2015.

## PRINCIPLES FOR SUSTAINABLE MANAGEMENT OF HISTORIC HERITAGE

The principles set out below are based on the principles in the HNZPTA and take into account the ICOMOS New Zealand Charter.<sup>13</sup> The principles also take into account the Ministry for Culture and Heritage Policy for Government departments' management of historic heritage.<sup>14</sup>

### PRINCIPLE 1: VALUING HISTORICAL AND CULTURAL HERITAGE

**Historical and cultural heritage** has lasting value in its own right and provides evidence of the origins of New Zealand's distinct society. People value heritage: it establishes and enhances our sense of place and national identity.

### PRINCIPLE 2: SAFEGUARDING HISTORICAL AND CULTURAL HERITAGE

**Historical and cultural heritage** is a finite, non-renewable resource that should be safeguarded for present and future generations.

### PRINCIPLE 3: ENHANCING RESILIENCE

Advocacy for the **conservation** of **historical and cultural heritage** takes account of the repair, maintenance and adaptation needed for the ongoing use of buildings and structures, enhancing public safety and reducing the risks to **historical and cultural heritage** from natural hazards and other hazards such as fire.

### PRINCIPLE 4: ADDRESSING THE MOST IMPORTANT ISSUES

As a national agency, HNZPT focuses the limited resources available for advocacy on the **conservation**, protection and preservation of our most significant **historical and cultural heritage**.

### PRINCIPLE 5: BEST PRACTICE AND SOUND INFORMATION BASE

Advocacy and advice on the protection and **conservation** of **historical and cultural heritage** is based on a sound understanding of the **heritage values** of a place. It is also based on best practice principles and balancing solutions that achieve sustainable outcomes for heritage places, while maximising the retention of **historical and cultural heritage values** and fabric.

### PRINCIPLE 6: MĀORI HERITAGE

In all aspects of its work, HNZPT recognises the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, **wāhi tūpuna**, **wāhi tapu** and other taonga:

- Māori heritage places are safeguarded for their own intrinsic worth and mana and for the cultural benefit and well-being of today's and future generations of Māori
- traditional and customary associations of whānau, hapū and iwi with their heritage places are acknowledged and kaitiakitanga of these places is exercised accordingly [by whānau, hapū and iwi]
- Māori heritage places are recognised and valued by all and regarded as central to New Zealand's heritage [from Tapuwae- The Māori Heritage Council's Statement on Māori Heritage].<sup>15</sup>

<sup>13</sup> ICOMOS NZ. ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value, Wellington, ICOMOS, 2010. <http://www.icomos.org.nz/nzcharters.htm>, accessed 25 August 2015.

<sup>14</sup> Ministry for Culture and Heritage, Policy for Government departments' management of historic heritage 2004, Wellington, MCH, 2004. <http://www.mch.govt.nz/research-publications/our-research-reports/policy-government-departments-management-historic-heritag>, accessed 25 August 2015.

<sup>15</sup> Heritage New Zealand Pouhere Taonga, Tapuwae, The Māori Heritage Council Statement on Māori Heritage: A Vision for Places of Māori Heritage, Wellington: HNZPT, 2014, p. 3. <http://www.heritage.org.nz/resources/tapuwae>, Accessed 25 August 2015.

### PRINCIPLE 7: RECOGNISING THE INTERESTS OF OWNERS

The **conservation** of **historical and cultural heritage** is reliant on public and private owners as custodians of heritage, recognising their objectives for the place and their role in maintaining the values associated with it, while accepting that change may be required to maintain viable use.

### PRINCIPLE 8: WORKING COLLABORATIVELY

The most effective way of promoting the **conservation**, protection and preservation of **historical and cultural heritage** is through working collaboratively with heritage owners, professionals, central government and **local authorities**, iwi and hapū, businesses, sector interest groups, community groups and individuals.

### PRINCIPLE 9: ENGAGEMENT

**Historical and cultural heritage conservation** relies on engaging the public with **historical and cultural heritage** places, sites, and areas and the stories associated with this heritage, to foster an understanding of why **historical and cultural heritage** is important. ■

### OBJECTIVES AND POLICIES: HOW HNZPT ADVOCATES TO CONSERVE HISTORICAL AND CULTURAL HERITAGE

The objectives and policies in this section set out how HNZPT works to advocate for the **conservation of historical and cultural heritage**. They should be read in conjunction with the objectives and policies relating to who HNZPT works with set out in the next section.

### PROMOTING THE CONSERVATION OF HISTORICAL AND CULTURAL HERITAGE

**HNZPT'S ADVOCACY** function is governed by the purpose and principles of the HNZPTA. The purpose of the Act provides a broad mandate:

*...to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand [section 3].*

#### OBJECTIVE 1: Principles of valuing and conserving historical and cultural heritage

HNZPT's promotion of the **conservation** and sustainable management of **historical and cultural heritage** takes account of the principles of the HNZPTA and other guiding policy documents.

#### POLICIES:

- 1.1 HNZPT recognises that the identification, protection, preservation and **conservation** of New Zealand's **historical and cultural heritage** should:
- take account of all relevant cultural values, knowledge and disciplines [HNZPTA section 4(b)(i)]
  - take account of material of cultural **heritage value** and involve the least possible alteration or loss of it [HNZPTA section 4(b)(ii)]
  - recognise the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, **wāhi tūpuna**, **wāhi tapu** and other taonga [HNZPTA section 4(d)]
  - take account of the need to protect public safety and acknowledge the risks that may be posed by heritage structures
  - be based on a good understanding of the **heritage values** and the risks to those **heritage values**
  - recognise that heritage in use is more likely to be cared for and maintained
  - take account of the cumulative effects of a series of incremental changes to places and areas
  - take account of the contribution of the **setting** to **historical and cultural heritage values**
  - safeguard the options of present and future generations [HNZPTA section 4(b)(iii)]
  - recognise the interests of owners [HNZPTA section 13(2)]
  - be fully researched, documented and recorded, where culturally appropriate [HNZPTA section 4(b)(iv)]
  - recognise the purpose and principles of the ICOMOS New Zealand Charter<sup>16</sup>
  - take into account relevant government policy.

<sup>16</sup> ICOMOS NZ. ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value, Wellington, ICOMOS, 2010. <http://www.icomos.org.nz/nzcharters.htm>, accessed 25 August 2015.

## ADDRESSING THE MOST IMPORTANT ISSUES

AS THE government's expert advisor on **historical and cultural heritage**, the focus of HNZPT's work is on the most significant **historical and cultural heritage**. This priority-setting recognises that HNZPT is unable to participate in every policy or consent issue under the RMA or Building Act. There will always be more **historic heritage** than publicly-funded national agencies can advocate for. Objectives 2 and 9 address the expectations that local communities and local heritage organisations will advocate for locally significant heritage.

The criteria set out in section 66 of the HNZPTA in relation to assigning a status to items entered onto the New Zealand Heritage List/Rārangī Kōrero will be used to determine the significance of **historical and cultural heritage**. The List category is a primary indication of the **heritage significance** of a place. However, a recent detailed heritage assessment based on new information, or taking account of changing circumstances, may result in prioritising advocacy for some **historic places**.

It is more effective to devote resources to informal methods such as early advice [see Objective 4] and input into the development of plans [see Objective 13]. The majority of HNZPT's advocacy work focuses on providing information and advice. HNZPT also makes formal submissions on district plan reviews to improve the regulatory basis for heritage **conservation** and to ensure the assessment of resource consent applications takes account of **historical and cultural heritage values**. Adversarial methods such as submitting against consent applications and appealing decisions are resource intensive and should be a last resort for significant heritage where non-adversarial methods have not produced a satisfactory heritage outcome.

### OBJECTIVE 2: Prioritising involvement

HNZPT prioritises its work by focussing on promoting the protection and **conservation** of significant **historical and cultural heritage**.

### POLICIES:

- 2.1** HNZPT focuses advocacy resources on the protection, preservation and **conservation** of significant **historical and cultural heritage** according to the following criteria:
- Significance: the significance of the place in terms of its ability to illustrate an association with some aspect of our heritage, culture and identity.
  - Risk: the degree of risk of loss of significant **heritage values** and the risk to public safety.
  - Impact: the extent to which the activity may positively enhance heritage outcomes across the wider community.
  - Efficiency: the ratio between the amount of work and the size of the impact on the identification, **conservation** or appreciation of heritage.
  - Alignment: the extent to which the activity is aligned to HNZPT outcomes and strategic priorities.
- 2.2** HNZPT's advocacy for significant **historical and cultural heritage** takes account of **heritage significance** and whether there is community and owner support for retention of heritage in forming a view about the appropriate level of intervention.
- 2.3** Assessing the significance of **historical and cultural heritage** is based on the criteria used to determine significance when entering items onto the New Zealand Heritage List/Rārangī Kōrero.<sup>17</sup>

<sup>17</sup> Section 66 of the HNZPTA

- 2.4 HNZPT monitors the effectiveness of advocacy for **historical and cultural heritage** through monitoring the success of input to RMA plans and resource consent applications, and the adequacy of RMA plan provisions for identifying and protecting **historical and cultural heritage**.
- 2.5 HNZPT works with local heritage organisations to ensure that they are able to be involved in the **conservation** of local heritage [see also Objective 9].

### OBJECTIVE 3: Targeting protection mechanisms

HNZPT promotes the use of the most appropriate protection mechanism to achieve the best outcome for **cultural and historical heritage**.

#### POLICIES:

- 3.1 HNZPT encourages **local authorities** to provide incentives for heritage protection, including but not limited to rates relief, loans and grants, fee waivers, and relaxation of planning provisions to facilitate adaptive reuse where such a relaxation would lead to a better heritage outcome.
- 3.2 HNZPT supports owners of **historical and cultural heritage** in their applications for funding for heritage protection work that will result in positive outcomes for heritage.
- 3.3 HNZPT investigates suitable protection mechanisms for protecting identified **historical and cultural heritage**, including seeking an addition to a plan schedule, agreeing a covenant with the owner, negotiating a memorandum of understanding, issuing a notice of requirement for a heritage order, or other mechanism.
- 3.4 HNZPT provides incentive funding for **conservation** work on privately owned Category 1 historic places and areas and Māori heritage sites in accordance with the National Heritage Preservation Incentive Fund policy.<sup>18</sup>

### OBJECTIVE 4: Early input

HNZPT achieves better outcomes for all parties by being involved in the process of identification, protection and **conservation** of **historical and cultural heritage** at the earliest possible stage, before decisions affecting **historical and cultural heritage** are made.

#### POLICIES:

- 4.1 HNZPT encourages owners contemplating changes to **historical and cultural heritage** to seek advice at an early stage before proposals are fully developed.
- 4.2 HNZPT encourages **local authorities** to seek heritage input at the early draft stages of revising policy statements, plans, and other policy documents.

<sup>18</sup> refer to <http://www.heritage.org.nz/protecting-heritage/national-heritage-preservation-incentive-fund> for further information on the National Heritage Preservation Incentive Fund. Accessed 25 August 2015.

## INFORMATION BASE FOR ADVOCACY

### OBJECTIVE 5: Sound information base

HNZPT's advice is based on sound heritage information and **conservation** principles.

### POLICIES:

- 5.1 HNZPT ensures that information it obtains through heritage assessments, including assessments for proposals for entry onto the New Zealand Heritage List/Rārangi Kōrero, is available to owners and decisionmakers in order to promote the identification, protection, preservation, and **conservation of historical and cultural heritage**.
- 5.2 HNZPT identifies gaps in the information needed to assess risks to **historical and cultural heritage** and methods of improving the management of this risk.
- 5.3 HNZPT utilises all readily available information in carrying out its advocacy functions.
- 5.4 Advocacy and advice is based on the conservation principles of the ICOMOS New Zealand Charter and takes account of international advances in practices and technology to conserve and increase the resilience of **historical and cultural heritage**.



### OBJECTIVES AND POLICIES: WHO HNZPT WORKS WITH IN ADVOCATING FOR HISTORICAL AND CULTURAL HERITAGE

The objectives and policies in this section set out who HNZPT works with in promoting the **conservation of historical and cultural heritage**. They should be read in conjunction with the objectives and policies on how HNZPT works set out in the previous section.

### WORKING WITH IWI AND HAPŪ

**SECTION 7** of the HNZPTA sets out how the Act gives effect to the Treaty of Waitangi (Te Tiriti o Waitangi). To recognise and respect the Crown's responsibility to give effect to the Treaty of Waitangi, the Act contains specific provisions relating to the functions, powers and delegations of the Māori Heritage Council and processes relating to advocacy. These powers include making recommendations on applications affecting **wāhi tapu areas**, and entering into heritage covenants for **wāhi tūpuna, wāhi tapu** and **wāhi tapu areas**. In particular, the Māori Heritage Council advocacy provisions of sections 27 and 74 give effect to the Treaty.

HNZPT acknowledges the role of iwi and hapū as kaitiaki of their ancestral lands, water, **wāhi tūpuna, wāhi tapu**, and other taonga. HNZPT works with iwi and hapū to enable them to carry out their role as kaitiaki of Māori heritage. HNZPT recognises the importance of iwi management plans, and works with councils to recognise these plans as part of their planning processes [as required by RMA sections 61(2A)(a), 66(2A)(a) and 74(2A)].

#### OBJECTIVE 6: Recognising Māori values

In all advocacy work HNZPT recognises the relationship of Māori and their culture and traditions with and their role as kaitiaki of their ancestral lands, water, sites, **wāhi tūpuna, wāhi tapu**, and other taonga.

#### POLICIES:

- 6.1** HNZPT promotes recognition of the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, **wāhi tūpuna, wāhi tapu**, and other taonga in carrying out its advocacy functions.
- 6.2** HNZPT recognises the role of iwi and hapū as kaitiaki of their ancestral lands, water, sites, **wāhi tūpuna, wāhi tapu**, and other taonga.
- 6.3** HNZPT acknowledges and recognises the policies and provisions in iwi management plans relating to physical and intangible cultural heritage [see also Objective 13].
- 6.4** HNZPT encourages applicants for resource consents and building consents that may affect cultural heritage to take account of relevant iwi management plans and any policies and provisions included in those plans for the historic heritage of the iwi or hapū [see also Objective 13].

**OBJECTIVE 7: Conserving Māori heritage**

HNZPT works collaboratively with iwi and hapū to assist with the **conservation** of their **historical and cultural heritage** sites.

**POLICIES:**

- 7.1** HNZPT works with iwi and hapū to identify Māori built heritage that is at risk and provides **conservation** advice, assistance and training to ensure that the sites can be developed and used, while protecting Māori **heritage values**.
- 7.2** HNZPT works with iwi and hapū to enable them to be able to identify, record and protect their sites of **heritage significance**.
- 7.3** HNZPT works with iwi and hapū when advising councils on providing for cultural and **archaeological sites** in resource management plans and other documents.
- 7.4** The Māori Heritage Council provides input on any resource consent applications HNZPT is notified about that may affect **wāhi tapu areas** [HNZPTA, section 75].
- 7.5** The Māori Heritage Council makes recommendations to **local authorities** on appropriate measures to assist in the **conservation** and protection of **wāhi tapu areas** [HNZPTA, section 74].
- 7.6** HNZPT works with **local authorities** to ensure they are aware of their responsibility to take account of any recommendations of the Māori Heritage Council on proposals that may affect **wāhi tapu areas** [HNZPTA, section 74].

## WORKING WITH OWNERS

**WHEN PERFORMING** its advocacy role, HNZPT must recognise the interests of an owner, as far as those are known, in a particular **historic place, historic area, wāhi tūpuna, wāhi tapu** and **wāhi tapu area** [HNZPTA, sections 13(2), 14(2), 27(2) and 74(4)].

**Historical and cultural heritage** needs owners who are motivated to ensure its **conservation**. Heritage that is in use is more likely to be cared for and maintained. HNZPT specialists encourage owners to contact them for guidance and support, and in giving advice we are respectful of the interests of the owners and their plans for the property.

### OBJECTIVE 8: Working with owners

HNZPT works collaboratively with owners to achieve mutually beneficial heritage outcomes.

### POLICIES:

- 8.1 HNZPT works proactively with owners, provides **conservation** and planning advice and assists owners to evaluate options for the protection, preservation and **conservation of historical and cultural heritage** that take account of the need to maintain and enhance the usability of the place.
- 8.2 HNZPT encourages owners of significant heritage to prepare conservation plans, including details for managing risks.
- 8.3 HNZPT seeks to engage early with owners where possible in the consent application process and works with owners to develop proposals that protect, avoid or mitigate damage to heritage fabric or values. [see also Objective 4].
- 8.4 HNZPT recognises the cost of heritage preservation and support opportunities for adaptation of heritage structures to ensure their ongoing viability and resilience.
- 8.5 HNZPT supports resource consent applications that seek to improve the resilience of **historical and cultural heritage** or where the outcome of the proposal is demonstrably beneficial for heritage or has no adverse effects.
- 8.6 HNZPT recognises the interests of owners by consulting with and advising owners when it proposes to advocate for inclusion of a property on a plan schedule or if it submits that plan rules be made more stringent for scheduled heritage items.
- 8.7 HNZPT encourages owners to develop relationships with iwi and hapū to further develop understanding and collaboration around **historical and cultural heritage** of interest to Māori [see also Objective 7].

## ENGAGING WITH THE COMMUNITY AND LOCAL HERITAGE ORGANISATIONS

**THE NEW HERITAGE** legislation enacted in 2014 disestablished the local branch committees of the former New Zealand Historic Places Trust. The intention was that the streamlined national organisation HNZPT would focus on nationally significant **historic heritage** and issues of national importance. The former local committees now have the flexibility to focus on issues of local and regional significance that HNZPT may not have the resources to address. They also have a wealth of local heritage knowledge. However, local heritage organisations do not have any standing as affected parties under the RMA and are not notified of resource consent applications that may affect local heritage. This reliance on local advocacy groups to advocate for local heritage means that HNZPT regional staff need to work collaboratively with local groups to ensure that no issues are overlooked. A two-way information flow and collaboration between the national organisation and local groups will ensure that the most important issues, both locally and nationally, are addressed.

### OBJECTIVE 9: Community and local heritage organisation involvement

Local communities and local heritage organisations understand the value of their local **historical and cultural heritage** and have the skills and information to actively participate in decisionmaking on how that heritage is managed.

#### POLICIES:

- 9.1 HNZPT makes the information it holds on local **historical and cultural heritage** available to local communities.
- 9.2 HNZPT provides information on the legislative processes available for protecting **historical and cultural heritage**, and guidance on best practice in heritage **conservation**.
- 9.3 HNZPT supports local heritage organisations to advocate for locally significant **historical and cultural heritage**.

### OBJECTIVE 10: Promoting engagement with historical and cultural heritage

New Zealanders engage with, value and use **historical and cultural heritage**.

#### POLICIES:

- 10.1 HNZPT organises activities at its own properties and other heritage places and sites to engage with the public and provide interpretation about the history of the place or site.
- 10.2 HNZPT produces and disseminates material to assist the public to understand and appreciate the value of **historical and cultural heritage** and the stories associated with heritage places and sites.
- 10.3 Interpretative material is important where physical evidence of a heritage place or site has been irretrievably lost, but is not a substitute for retaining and conserving **historical and cultural heritage**.

## WORKING WITH INDUSTRY, BUSINESS AND PROFESSIONAL GROUPS

**THERE ARE** opportunities for achieving good heritage outcomes through collaboration with a wide range of industry, business and professional organisations. This provides an opportunity to extend overall understanding of heritage, and to work together on heritage guidance. Groups it would be advantageous to collaborate with include:

- the construction industry and construction professionals
- infrastructure, and utility service providers (for example transport, energy, telecommunications)
- property management, property development, real estate and insurance organisations
- professional and specialist organisations (for example The Institute of Professional Engineers of New Zealand, New Zealand Institute of Architects, ICOMOS, New Zealand Archaeological Association, New Zealand Planning Institute)
- civil defence organisations
- owners of multiple heritage properties with specific operational requirements.

### OBJECTIVE 11: Working with industry, business and professional groups

HNZPT works collaboratively with a wide range of industry, business and professional groups to achieve mutually beneficial outcomes that are positive for heritage.

### POLICIES:

- 11.1** HNZPT works proactively with relevant industry, business and professional groups to provide advice and determine mutually beneficial processes for activities to ensure that efficiencies are realised and **historical and cultural heritage values** are maintained.
- 11.2** HNZPT recognises the need for national consistency when dealing with industry, business and professional groups and ensures that the degree of variability in advice is limited to addressing region-specific matters.
- 11.3** HNZPT recognises that as the use of heritage buildings evolves there will be a demand for changes including connections to new technology and services.
- 11.4** HNZPT works with industry, business and professional groups to develop best practice documents to provide operational flexibility, while ensuring that **historical and cultural values** are protected.
- 11.5** HNZPT collaborates with the relevant industry, business and professional groups to ensure that information and advice provided to heritage owners includes the requirements for future-proofing, therefore avoiding the potential for **historic and cultural heritage** features to be affected at a later date.

## WORKING WITH LOCAL GOVERNMENT

**THE PRINCIPLES** of the HNZPTA require recognising the value in central government agencies, local authorities, corporations, societies, tangata whenua and individuals working collaboratively in respect of New Zealand’s historical and cultural heritage. [HNZPTA, section 4(c)].

The RMA and Local Government Act provide opportunities for the public and others to be involved in the development of policies and plans on a wide range of issues including **historical and cultural heritage**. The HNZPTA provides HNZPT with the power to “advocate its interests at any public forum or in any planning process in which it has standing under an Act” [HNZPTA, section 14(1)(a)] provided the interests of any owner are recognised [HNZPTA, section 14(2)].

The RMA identifies **historic heritage** as a matter of national importance, to be protected from inappropriate subdivision, use and development. [RMA, Part 2, sections 6(f)].

### Local authorities:

- must have regard to relevant entries on the New Zealand Heritage List/Rārangī Kōrero when preparing or changing a regional policy statement, regional plan, or district plan [RMA, sections 61, 66, 74]
- must have regard to the recommendations of HNZPT with respect to **historic areas** and **wāhi tapu areas** entered on the New Zealand Heritage List/Rārangī Kōrero [HNZPTA, section 74]
- may consider HNZPT to be an affected party when a resource consent application is received that may affect **historical and cultural heritage** [RMA, section 95E].

### OBJECTIVE 12: Working with local government

HNZPT works collaboratively with **local authorities** to ensure that local planning processes provide for the identification, **conservation** and protection of **historical and cultural heritage**.

### POLICIES:

- 12.1** HNZPT works with **local authorities** to facilitate early consultation on the heritage components of resource management plans at the pre-planning consultation stage.
- 12.2** HNZPT advises local authorities on the **heritage values** and relative **heritage significance** or otherwise of heritage places and sites.
- 12.3** HNZPT works proactively with local and national civil defence organisations to ensure that information is available and systems in place for providing heritage advice in the event of a local or national civil defence emergency.
- 12.4** In the event of a national or local emergency, HNZPT will work collaboratively with other agencies to provide timely advice based on good information on **heritage values** and risks posed to and by heritage places or sites.

**OBJECTIVE 13: Promoting heritage protection in planning processes**

HNZPT achieves the identification, protection, preservation, and **conservation** of **historical and cultural heritage** through participation in appropriate RMA and Local Government Act planning processes or equivalent processes under other legislation.

**POLICIES:**

- 13.1** HNZPT advocates for appropriate, nationally consistent provisions in resource management planning documents including:
- Objectives, policies and assessment criteria in regional policy statements, regional plans and district or unitary plans that recognise the value of heritage and establish a policy framework for identifying, preserving and conserving **historical and cultural heritage** or support activities that are beneficial for heritage **conservation**.
  - **Historical and cultural heritage** entered on the New Zealand Heritage List/Rārangī Kōrero are included on relevant regional and district plan heritage schedules where appropriate.
  - HNZPT actively works to ensure all Category 1 **historic places** have the highest level of protection afforded by a regional or district plan.
  - Scheduled heritage is protected with appropriate rules governing activities undertaken on or adjacent to **historical and cultural heritage**, including subdivision, earthworks, signage, additions and alterations, relocation, demolition, and discharges of contaminants.
  - Rules concerning **historical and cultural heritage** take account of the need for repair, maintenance and reasonable alterations providing for ongoing use, including work to improve the resilience of **historical and cultural heritage**, such as earthquake strengthening and fire protection.
  - Rules concerning notification of consent applications make adequate provision for HNZPT to be considered an affected party where **historical and cultural heritage** may be affected.
- 13.2** HNZPT specifically advocates for the recognition and protection of cultural heritage and sites, in consultation with iwi and hapū, in the objectives, policies, and methods in RMA plans, including encouraging the development of schedules and appropriate rules to protect cultural heritage [see also Objectives 6 and 7].
- 13.3** HNZPT encourages **local authorities** to work with iwi and hapū in relation to resource management plans at the pre-planning consultation stage [see also Objectives 6 and 7].
- 13.4** HNZPT makes recommendations to **local authorities** for adequate provisions in plans to protect **historic areas** and **wāhi tapu areas** (while recognising the interests of owners, to the extent that they are known) [HNZPTA, section 74] [see also Objectives 6 and 7].
- 13.5** HNZPT promotes policies and rules that encourage owners of heritage to undertake work to reduce the vulnerability of **historical and cultural heritage** and manage the risk from natural hazards, fire and neglect and allow those who occupy heritage structures to be safe in and around them.
- 13.6** HNZPT publishes guidance on appropriate objectives, policies, methods and rules to protect **historical and cultural heritage**, in consultation with **local authorities**, to encourage consistency between **local authorities**.
- 13.7** HNZPT advocates for provisions in **local authority** annual plans and long term community plans that promote the preservation and **conservation** of heritage, including establishing local heritage incentive funding schemes [see also Objective 3].
- 13.8** Where an owner objects to a heritage place that is included in the New Zealand Heritage List/Rārangī Kōrero being identified in a plan schedule, HNZPT will work with the owner to examine alternative means of protection, such as a heritage covenant or memorandum of understanding agreed between the owner and HNZPT.

**OBJECTIVE 14: Promoting heritage protection in consenting processes**

HNZPT achieves the preservation, and **conservation** of **historical and cultural heritage** through participation in appropriate RMA and Building Act consenting processes.

**POLICIES:**

- 14.1** HNZPT works with local authorities to promote the identification, protection, preservation and **conservation** of **historical and cultural heritage** through:
- encouraging early notification to HNZPT by **local authorities** of consent applications and notices of requirement for designations that may affect **historical and cultural heritage**, particularly those entered on the New Zealand Heritage List/Rārangi Kōrero [see also Objective 4]
  - advocating for appropriate conditions on resource consents and designations that provide for the protection, preservation and **conservation** of **historical and cultural heritage** including preservation of heritage fabric
  - supporting consent applications and notices of requirement that provide for reducing the vulnerability of **historical and cultural heritage** to natural hazards
  - supporting consent applications and notices of requirement that provide for adaptive reuse of heritage structures that are sensitive to **heritage values** (in accordance with ICOMOS New Zealand Charter principles).
- 14.2** HNZPT may submit in opposition to resource consent applications that result in the destruction of significant **historical and cultural heritage** places, sites or features, where it is likely that there are reasonable alternatives.
- 14.3** HNZPT provides advice to territorial authorities and applicants on building consent applications that may affect **historical and cultural heritage**.
- 14.4** HNZPT encourages all applicants for resource consents and building consents to take all practical measures to avoid the **modification** or destruction of **archaeological sites**, or parts of sites, as a result of proposed activities.
- 14.5** Where approvals for activities are processed under legislation that does not provide for public consultation, HNZPT works with the agency or **local authority** concerned to provide early advice on the heritage impacts of any proposals so that impacts can be avoided by sensitive design.
- 14.6** HNZPT recognises the role of iwi and hapū in advocating for heritage protection in consenting processes.



## COORDINATING THE REGULATION OF EFFECTS ON ARCHEOLOGICAL SITES

**THE RMA** and the HNZPTA both address the protection of **archaeological sites**. The HNZPTA regulates the modification or destruction of **archaeological sites**, whereas the RMA has a wider range of mechanisms to protect **archaeological sites** from inappropriate subdivision, use and development. The RMA can regulate aspects not covered under the HNZPTA, such as the relocation of a building constructed before 1900. In this instance a resource consent may be required for the relocation, but an **archaeological authority** would only be required for disturbing the remaining in-ground archaeology. Plan provisions for **archaeological sites** can also provide the opportunity for public input, both at the stage of producing the plan and if a resource consent application is publicly notified. Therefore HNZPT encourages **local authorities** to include **archaeological sites** of high significance in district plan schedules and protected with appropriate rules.

Regulation of modification and destruction of **archaeological sites** under the HNZPTA is covered by a separate policy. This objective and associated policies should be read in conjunction with the statement of policy on archaeological provisions.<sup>19</sup>

### OBJECTIVE 15: Promoting awareness of archaeological authority requirements

HNZPT advocates for the protection, preservation and **conservation of historical and cultural heritage** through raising public awareness of the requirements of the HNZPTA to obtain an **archaeological authority to modify or destroy an archaeological site**.

### POLICIES:

- 15.1** HNZPT provides advice to **local authorities** and applicants for resource consents or building consents on the requirements of the HNZPTA to obtain an **archaeological authority** where an **archaeological site** may be **modified** or destroyed by the proposed building work, earthworks or disturbance of the foreshore and seabed.
- 15.2** HNZPT advocates for the inclusion of significant **archaeological sites**, in RMA plan schedules, but only where there is sufficient information to accurately identify the site and demonstrate its significance and where additional protection is necessary.
- 15.3** Where **archaeological sites** may be affected, HNZPT encourages applicants to undertake an archaeological assessment, in consultation with iwi and hapū, and to plan any development to avoid sites, where possible.
- 15.4** Where there are no recorded **archaeological sites** directly affected by the proposal but there is the potential for **archaeological sites** to be present, HNZPT advocates for information in plans to be provided to consent holders advising of the requirements to obtain an **archaeological authority**.
- 15.5** Where there is no likelihood of **archaeological sites** in the vicinity, HNZPT advocates for information in plans to be provided to consent holders advising of the procedures to be followed in the event of an accidental discovery of an **archaeological site**, for example by inclusion of an accidental discovery protocol as an advice note.
- 15.6** HNZPT advises **local authorities** on the need to avoid overlap between the specific archaeological provisions of the HNZPTA and the more general provisions of the RMA. In particular, we advise against plan rules that require resource consent for the sole reason that earthworks have or may disturb an **archaeological site**.

<sup>19</sup> HNZPT, General Policy on the Administration of the Archaeological Provisions under the Heritage New Zealand Pouhere Taonga Act 2014, Wellington, HNZPT, 2015.

- 15.7** HNZPT aims to ensure close alignment between the HNZPTA and the RMA consenting requirements to reduce excessive costs and delays for owners and other stakeholders. Where both a resource consent and an **archaeological authority** are required, HNZPT works with **local authorities** to coordinate the two processes and avoid unnecessary overlap in information requirements.
- 15.8** HNZPT ensures that input into resource consent applications is consistent with the consideration of any application for an **archaeological authority** where they cover the same issues.

## WORKING WITH CENTRAL GOVERNMENT

**HNZPT'S STATUTORY** advocacy takes account of other legislation and government priorities and policies. These include policy and associated legislation to increase the supply of affordable housing, (for example, the Housing Accords and Special Housing Areas Act 2013). The government's policy on managing **historical and cultural heritage** also provides guidance on its expectations for government departments managing **historical and cultural heritage**.<sup>20</sup>

### OBJECTIVE 16: Representing historical and cultural heritage values in the development of government policy

HNZPT assists the government to develop policy proposals that provide for the protection, preservation and **conservation** of **historical and cultural heritage** and works to ensure that no unanticipated adverse effects on heritage result from policy initiatives.

#### POLICIES:

- 16.1** HNZPT promotes the recognition of **heritage values** and the need for sustainable management of **historical and cultural heritage** in its input into government policy development.
- 16.2** HNZPT provides information on **historical and cultural heritage**, risks to heritage and protection mechanisms as input to government policy development, where possible.
- 16.3** HNZPT works with other agencies to identify and rectify gaps in the information on **historical and cultural heritage** needed to develop evidence-based policy [see also Objective 5].
- 16.4** HNZPT encourages the public sector to set an example in the sustainable management of its **historic heritage** by following the *Policy for Government departments' management of historic heritage*.<sup>21</sup>
- 16.5** HNZPT participates in the implementation of other government policies and responses, such as provisions for civil defence and emergency management [see also Objective 11].
- 16.6** HNZPT supports government policy initiatives that promote national consistency in the identification, **conservation** and protection of **historical and cultural heritage**.

<sup>20</sup> Ministry for Culture and Heritage, *Policy for Government departments' management of historic heritage 2004*, Wellington: MCH, 2004 (August 2004). <http://www.mch.govt.nz/research-publications/our-research-reports/policy-government-departments-management-historic-heritag>, accessed 25 August 2015.

<sup>21</sup> *ibid*

## GLOSSARY

Where the definition is derived from a statute, the relevant section in HNZPTA or other Act is given in brackets. Users are advised to check the most recent versions of these definitions in the relevant legislation in case there have been any amendments since the publication of this policy.

<b>Archaeological authority</b>	An <b>archaeological authority</b> is a legal document, made under the HNZPTA, to enable any activity affecting an <b>archaeological site</b> to be undertaken.
<b>Archaeological site</b>	<p><b>Archaeological site</b> means (a) any place in New Zealand, including any building or structure (or part of a building or structure), that</p> <ul style="list-style-type: none"> <li>(i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and</li> <li>(ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and:</li> </ul> <p>(b) includes a site for which a declaration is made under section 43 (1) [HNZPTA, section 6].</p>
<b>Conservation</b>	<b>Conservation</b> includes the processes of preserving, maintaining, and restoring historic places and historic areas so as to safeguard their historical and cultural values [HNZPTA, section 6].
<b>Heritage values/significance or historical and cultural heritage values/significance</b>	<b>Heritage values or significance</b> includes aesthetic, archaeological, architectural, cultural, historical, scientific, social, spiritual, technological and traditional values [HNZPTA, section 66(1)].

**Historic heritage****Historic heritage** means:

- (a) those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:
    - (i) archaeological
    - (ii) architectural
    - (iii) cultural
    - (iv) historic
    - (v) scientific
    - (vi) technological; and
  - (b) includes—
    - (i) historic sites, structures, places, and areas; and
    - (ii) archaeological sites; and
    - (iii) sites of significance to Māori, including **wāhi tapu**, **wāhi tūpuna** and **wāhi tapu areas**; and
    - (iv) surroundings associated with the natural and physical resources.
- [RMA, Part 1(2)].

**Historical and cultural heritage**

**Historical and cultural heritage** is the term used in the HNZPTA and for the purposes of this policy and the term is synonymous with the term '**historic heritage**' used and defined in the RMA.

**Historic place**A **historic place** –

- (a) Means any of the following that forms part of the historical and cultural heritage of New Zealand and that lies within the territorial limits of New Zealand:
  - (i) a land including an **archaeological site** or part of an **archaeological site**;
  - (ii) a building or structure (or part of a building or structure); or
  - (iii) any combination of land, buildings, structures, or associated buildings or structures (or parts of buildings, structures, or associated buildings or structures), and
- (b) includes anything that is in or fixed to land described in paragraph (a) [HNZPTA, section 6].

**Historic area**A **historic area** is an area of land that—

- (a) contains an inter-related group of historic places; and
- (b) forms part of the historical and cultural heritage of New Zealand; and
- (c) lies within the territorial limits of New Zealand [HNZPTA, section 6].

**Local authority**

**Local authority** means a regional council or territorial authority [Local Government Act section 5].

<b>Modification of an archaeological site</b>	<p><b>Modification of an archaeological site</b> means any disturbance that will come into contact with any part of the <b>archaeological site</b> and cause changes to its form, arrangement or composition and includes damage.</p> <p>Modification could include:</p> <ul style="list-style-type: none"> <li>■ alteration to the ground contour caused by the addition or removal of material.</li> <li>■ underwater activities such as dredging, or deposition of material</li> <li>■ earthworks</li> <li>■ trenching</li> <li>■ road and track construction</li> <li>■ quarrying.</li> </ul>
<b>Recorded archaeological site</b>	<p><b>Recorded</b>, in relation to an <b>archaeological site</b>, means an <b>archaeological site</b> whose location is recorded on a database identified by Heritage New Zealand Pouhere Taonga as the national inventory of <b>archaeological sites</b> [HNZPTA, section 6].</p>
<b>Setting</b>	<p><b>Setting</b> means the immediate or extended environment of a historic place that is part of or contributes to its <b>heritage value</b> or distinctive character and/or provides sufficient space to protect the <b>historic place</b> from the adverse effects of any adjacent activities, uses and encroachments.<sup>22</sup></p>
<b>Sustainable management</b>	<p><b>Sustainable management</b> means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:</p> <ol style="list-style-type: none"> <li>(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and</li> <li>(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and</li> <li>(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment. [RMA, section 5(2)].</li> </ol>
<b>Territorial authority</b>	<p><b>Territorial authority</b> means a city council or a district council named in Part 2 of Schedule 2 of the Local Government Act 2002.</p>
<b>Wāhi tapu</b>	<p><b>Wāhi tapu</b> means a place sacred to Māori in the traditional, spiritual, religious, ritual, or mythological sense [HNZPTA, section 6].</p>
<b>Wāhi tapu area</b>	<p><b>Wāhi tapu area</b> means land that contains one or more <b>wāhi tapu</b> [HNZPTA, section 6].</p>
<b>Wāhi tūpuna</b>	<p>Wāhi tūpuna means a place important to Māori for its ancestral significance and associated cultural and traditional values, and a reference to wāhi tūpuna includes a reference, as the context requires, to-</p> <ol style="list-style-type: none"> <li>(a) wāhi tūpuna</li> <li>(b) wāhi tūpuna</li> <li>(c) wāhi tūpuna [HNZPTA, section 6].</li> </ol>

<sup>22</sup> ICOMOS Xi'an Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas (2005). <http://www.international.icomos.org/charters/xian-declaration.pdf> Accessed 25 August 2015.

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