



New Zealand  
**Historic Places Trust** *Pouhere Taonga*

# **SUSTAINABLE MANAGEMENT OF HISTORIC HERITAGE**

## **Guide No. 3**

### **DISTRICT PLANS**



**3 August 2007**

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# **Sustainable Management of Historic Heritage Guidelines**

## **Guide No.3**

### **District Plans**

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This guide was approved by the Board for public distribution on 3 August 2007.

While the NZHPT acknowledges the contribution of other agencies and organisations, the opinions and views expressed in this guide are those of the NZHPT only.

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Cover photo: Langford's Store, Bainham, July 2005. Photo, R McClean, NZHPT

ISSN 1178-2919 (Online)

ISSN 1178-2900 (Print)

ISBN 978-0-908577-58-3 (Online)

ISBN 978-0-908577-57-6 (Print)

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# 1. DISTRICT PLANS AND HISTORIC HERITAGE

Territorial authorities are required to establish, implement and review objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.<sup>1</sup> Historic heritage is a physical resource<sup>2</sup> and the primary document for achieving integrated management is the district plan.

Territorial authorities need to prepare and change district plans in accordance with the functions outlined in Part II, section 31, under any direction from the Minister under section 25A(2), and the duties to consider alternatives, benefits and costs under section 32.<sup>3</sup> Historic heritage matters can be considered relevant matters under section 31 and section 32.

Section 74(2)(b)(ia) provides additional requirements for territorial authorities to have regard to any relevant entry in the Historic Places Register to the extent that its content has a bearing on resource management issues of the district. Section 74(2)(b)(i) also requires consideration of other management plans and strategies prepared under other legislation.

In addition, the territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.<sup>4</sup> The district plan must give effect to the regional policy statement, including any historic heritage provisions in the regional policy statement.

District plans need to provide for the protection of historic heritage from inappropriate subdivision, use and development as a matter of national importance. To achieve this, the district plan needs to include objectives, policies and rules relating to historic heritage. The NZHPT considers that these matters should be contained within a separate chapter within the district plan for ease of reference.

The NZHPT also acknowledges that historic heritage issues traverse a range of general planning issues and have particular relevance to rural and urban planning/design, Maori environmental interests, subdivision, the coastal environment and natural landscapes. It is, therefore, important to ensure historic heritage matters are recognised in related sections.

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<sup>1</sup> Sec 31(1), RMA 1991

<sup>2</sup> *AA McFarlane Family Trust v Christchurch City Council*, EC, C46/99

<sup>3</sup> Sec 74(1) RMA 1991

<sup>4</sup> Sec 74(2A)(a), RMA 1991

District plans should ensure the identification, recognition and protection of historic heritage. In particular, the district plan should contain:

- A discussion of significant historic heritage issues pertaining to the district. (optional, but recommended)
- Objectives and policies for historic heritage.
- Appropriate rules for the protection of historic heritage, including a heritage schedule. The rules should incorporate standards for assessing resource consent applications involving historic heritage.
- Key definitions associated with historic heritage.
- Notification rules relating to historic heritage.
- Appropriate resource consent information requirements involving historic heritage.
- Maps showing the location of scheduled historic heritage.

The NZHPT suggests that objectives and policies should cover the range of historic heritage as defined in section 2 of the RMA. The following section set outs a conceptual framework for historic heritage places, that may be utilised in historic heritage identification, management and protection.

## 2. HISTORIC HERITAGE TERMINOLOGY FOR DISTRICT PLANS

The district plan should define key historic heritage terms and activities. These definitions must cover terms such as historic places (buildings and sites), historic areas and places/areas of significance to Maori and activities such as demolition, relocation, partial demolition, alterations, additions and repair and maintenance. These definitions should be also aligned with the Historic Places Act 1993.

### 2.1 Historic heritage framework

| <b>Suggested Historic Heritage Framework</b>                    |  |  |
|---|--|--|
| <b>Group</b>  | <b>Explanation</b>   | <b>Examples</b>  |
| <b>Historic (building) place</b>                                | A place that contributes to an understanding and appreciation of New Zealand's history and cultures. It may include any land, temporary or permanent movable or immovable building(s) or structure(s) and anything that is in or fixed to any land. The term may include any building registered as a Historic Place under the Historic Places Act 1993.   | Commercial, industrial, residential, and public buildings. Recreational structures (e.g. gazebos), infrastructure (e.g. bridges), memorials, retaining walls   |
| <b>Historic place (site)</b>                                    | A place that contributes to an understanding and appreciation of New Zealand's history and cultures. It may include land (and water) and vegetation without any temporary or permanent building or structure. The term may include any site registered as a Historic Place under the Historic Places Act 1993, and any recorded archaeological site that is not a place/area of significance to Maori, as defined below. | Battlefields, locations of important events whaling station site, historic roads, goldmining sites, boundary markers, coastal defences, heritage trees, parks and gardens, archaeological sites, historic sites of scientific value (e.g. palaeontological sites). |
| <b>Historic area</b>  | An area of land containing an inter-related group of historic places, buildings, structures and/or sites that contributes towards an understanding and appreciation of New Zealand's history and cultures. The term may include any registered Historic Area under the Historic Places Act 1993, or any heritage conservation area or precinct.  | Historic streets, historic towns, rural historic environments.   |
| <b>Place/area of significance to Maori, including wahi tapu</b> | A place or area of significance to Maori. It may include any wahi tapu or wahi tapu area registered under the Historic Places Act 1993, and recorded archaeological sites of significance to Maori.  | Tauranga waka, historic marae, maunga, awa, mahinga kai, pa, midden, Maori archaeological sites  |
| <b>Surroundings associated with any historic heritage</b>       | An area of land (including land covered by water) surrounding a place, site or area of heritage significance which is essential for retaining and interpreting the places' heritage significance.  | View shafts of a prominent historic building or site.<br><br>Designed landscapes and historic gardens surrounding a building.<br>Green space around a historic battle site.  |
| <b>Heritage Landscapes</b>                                      | Many places and areas comprise a range of heritage values including cultural, scientific, ecological and geological values. The full range of values of significant  | i.e. Auckland volcanic cones, New Plymouth's Sugar Loaf Islands,   |

|  |   |   |
|--|---|---|
|  | places and areas should be acknowledged and provided for in historic heritage frameworks. See Discussion Paper No. 3, Heritage Landscape Values | Wairarapa Moana, Tongariro World Heritage Area, Mana Island (Porirua), Lake Manapouri |
|--|---|---|

It is important to recognise that there may be statutory requirements under the Historic Places Act 1993 for work affecting archaeological sites, in any heritage group.

The term ‘building’ can be adopted to generally correspond to the term ‘buildings’ used under the Building Act 2004 which includes any temporary or permanent movable or immovable structure (see Glossary).

In most instances historic sites will possess tangible associations with the past, demonstrated by physical remnants of human activity such as ruined structures or memorials. Occasionally, places may be important for events that took place there, but there is no physical evidence. The significance of such places will be evident through the application of heritage criteria (refer Section below and Guide No. 1, this series), and appropriate protection can then be determined. It is important that these places are also protected to safeguard the options of future generations. Places associated with battles or religious events may increase in importance as time passes.

The plan may also highlight other places with scientific or amenity qualities such as significant geological areas and notable/heritage trees. Trees with historic associations are known as heritage trees and are part of the historic heritage resources of a district. Where there are no historic associations, notable trees should be considered under the natural heritage or ecological section of the plan. Places with scientific values associated with the historical development of a discipline may also be considered in the historic heritage section of the plan. Again, the use of heritage criteria (see below) will assist with determining any historic values and hence appropriate protection.

## 2.2 Historic heritage

**Historic heritage** as used in the district plan should have the same meaning as historic heritage defined in section 2 of the RMA.

**Heritage item** means any type of historic heritage place or area. It may include a historic building, historic site (including archaeological site), a place/area of significance to Maori, or heritage landscape. The term may also be adopted to describe historic heritage listed in the heritage schedule of the regional or district plan.

**Historic places (buildings)** are buildings that contribute to an understanding and appreciation of New Zealand’s history and cultures. They may include any land, temporary or permanent movable or immovable structure or structures and anything that is in or fixed to any land.<sup>5</sup> The term may include any building registered as a historic place under the Historic Places Act 1993.<sup>6</sup>

<sup>5</sup> See definition of building, sec 8, Building Act 2004

<sup>6</sup> Under the Historic Places Act 1993, historic place (a) means – (i) Any land (including an archaeological site); or (ii) Any building or structure (including part of a building or structure); or (iii) Any combination of land and a building or structure; (iv) Any combination of land, buildings or structures, and associated buildings or structures (including any part of those buildings or structures, or associated buildings or structures) that forms part of the historical and cultural heritage of New Zealand and lies within the territorial limits of New Zealand; and (b) Includes anything that is in or fixed to such land. The definition of

**Historic places (sites)** are places that contribute to an understanding and appreciation of New Zealand's history and cultures. They may include land (and water) without any temporary or permanent building or structure. The term may include any site registered as a historic place under the Historic Places Act 1993. Historic sites may include historic sites of scientific value. For example sites of geological and palaeontological value. Historic sites include **archaeological sites**. For the purposes of the RMA, an archaeological site may mean any place in New Zealand that either was associated with historic human activity; or is the site of historic wreck of any vessel; and is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.<sup>7</sup>

**Historic areas** are areas of land containing an inter-related group of historic places, buildings, and sites that contributes towards an understanding and appreciation of New Zealand's history and cultures. The term may include any registered historic area under the Historic Places Act 1993.<sup>8</sup>

**Non-contributory buildings** are buildings that are within the setting of historic buildings or within historic areas that have been assessed to have minimal heritage value or are intrusive. Generally, non-contributory buildings do not make a positive contribution towards the historic place or historic area. Non-contributory buildings are also known as non-heritage buildings.

A large historic area may also encompass a heritage landscape in the rural environment or a heritage streetscape or townscape in the urban environment. **Heritage landscapes** are large areas of land and/or water that are particularly valued because of their heritage significance to people, including tangata whenua, communities and the nation (See Discussion Paper No.3 Heritage Landscapes Values).

**Places or areas of significance to Maori** means places and areas of significance to Maori, including iwi, hapu and whanau, including any wahi tapu or wahi tapu area registered under the Historic Places Act 1993.<sup>9</sup> It may include any archaeological site of significance to Maori.

The '**surroundings associated with the natural and physical resources**' means an area of land (including land covered by water) surrounding a place, site or area of heritage significance which is essential for retaining and interpreting its heritage

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'historic place' under the Historic Places Act may include anything that is in or fixed to the land, but does not exclude an historic building or structure that is not affixed to the land. Shifting a historic building (from its site in the route of a proposed motorway) and reaffixing it to the land as close as possible to the original site appeared to be covered by the definition. See paras 203-204, *Te Aro Heritage Trust v New Zealand Historic Places Trust (Pouhere Taonga)* W052/03, 8 NZED 763.

<sup>7</sup> Under the Historic Places Act 1993, archaeological site means any place in New Zealand that –  
(a) Either – (i) Was associated with human activity that occurred before 1900; or (ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and (b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.

<sup>8</sup> Under the Historic Places Act 1993, historic area means an area of land that – contains an inter-related group of historic places; and forms part of the historical and cultural heritage of New Zealand; and lies within the territorial limits of New Zealand.

<sup>9</sup> Under the Historic Places Act 1993, wahi tapu means a place sacred to Maori in the traditional, spiritual, religious, ritual, or mythological sense. Wahi tapu area means an area of land that contains one or more wahi tapu. For a discussion on the definition of wahi tapu and wahi tapu areas under the Historic Places Act and wahi tapu under section 6(e) of the RMA, see paras 24-39, *Te Runanga At Awa ki Whakarongotai v Kapiti Coast DC* W023/02, 7, NZED 698



significance. It can apply either to land which is integral to the heritage significance of items or an area which includes buildings, sites, trees, and place/area of significance to Maori.<sup>10</sup> The term surroundings is adopted to include curtilage and setting.

## 2.3 Activities

**Repair of a historic place (building)** means the restoration to good or sound condition of any existing building (or any part of an existing building) for the purpose of its maintenance.<sup>11</sup> **Maintenance** means the protective care of a place.<sup>12</sup> Repair and maintenance work will meet the following standards:

- The work involves stabilisation, preservation and conservation as defined in the ICOMOS NZ Charter for the Conservation of Places of Cultural Heritage Value, 1993 (the ICOMOS Charter).
- The work does not involve alterations, additions (including restoration and reconstruction as defined in the ICOMOS Charter), relocation, partial demolition and demolition (otherwise other standards apply).
- The work involves the restoration to good or sound condition of any existing building or any part of an existing building.
- The work involves the patching, restoration or minor replacement of materials, elements, components, equipment and fixtures for the purposes of maintaining such materials, elements, components, equipment and fixtures in good or sound condition.
- Any redecoration work involves the renewal, restoration or new application of surface finishes, decorative elements, minor fittings and fixtures and floor coverings which does not destroy, compromise, damage or impair the appreciation of the heritage values of the element being redecorated.
- The work carried out on the building shall generally match the original in terms of quality, materials and detailing.
- Repair of material or of a site should generally be with original or similar materials. However, repair of technically higher standard than the original workmanship or materials may be justified where the life expectancy of the site or material is increased, the new material is compatible with the old and any heritage value is not diminished.
- The work is for the purposes of keeping the building in good condition.
- The work does not result in any increase in the area of land occupied by the building.

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<sup>10</sup> Adapted from definition of heritage curtilage provided in: Heritage Office, *Heritage Curtilages*, Department of Urban Affairs and Planning, 1996, p 3. For a discussion on surroundings, see *Oriental Parade (Clyde Quay) Planning Society v Wellington City Council*, W 63/2005, EC and *Canterbury Museum Trust Board v Christchurch City Council*, C59/2006, EC.

<sup>11</sup> International Code Council, *International Existing Building Code*, January 2006

<sup>12</sup> ICOMOS NZ Charter

- The work does not change the character, scale and intensity of any effects of the building on the environment (except to reduce any adverse effects or increase any positive effects) but does not include upgrading.
- No painting is to be applied to any previously unpainted surface or render to previously unplastered wall surfaces. New paint should not adopt brash or extreme colours and the adoption of 'corporate colours' should be discouraged.
- Repair work should be carried out by a tradesperson with experience in working with heritage buildings.

**Maintenance of a place or area of significance to Maori or a historic place (site)** means the protective care of a place.<sup>13</sup> Maintenance work will comply with the following standards:

- Keeping the place in good condition by controlling noxious weeds, cutting grass and light stock grazing.
- Existing land uses and work that do not involve any land disturbance or destruction to a site, place or area.
- Land disturbed by cultivation that does not extend beyond the area or depth previously disturbed.
- Maintenance and minor upgrading of existing buildings (compatible with standards for repair and maintenance of historic places, buildings, listed above).
- Maintenance and upgrading of paved roads, modified berms and paths provided that the land disturbance does not extend beyond the area or depth previously disturbed.
- Land disturbance by fencing that does not extend beyond the area or depth previously disturbed.
- Maintenance work will be supported by the written approval of the relevant tangata whenua if it is a place or area of significance to Maori.
- Maintenance work involves preservation and conservation as defined in the ICOMOS NZ Charter.
- Maintenance work, if relevant, that is authorised by an archaeological authority issued under the Historic Places Act 1993.

**Alteration** means any changes to the fabric or characteristics of a building involving (but not limited to) the removal and replacement of walls, windows, ceilings, floors or roofs, either internally or externally.<sup>14</sup> It does not include repair or maintenance.

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<sup>13</sup> ICOMOS NZ Charter

<sup>14</sup>International Code Council, *International Existing Building Code*, January 2006. Note: The Building Act 2004 definition of 'alter' means 'to rebuild, re-erect, repair, enlarge, and extend the building.'

**Addition** means an extension or increase in floor area, number of stories, or height of a building or structure.<sup>15</sup> It includes the construction of new floors, walls, ceilings, and roofs.

**Land disturbance in relation to a place or area of significance to Maori or historic site** means the disturbance and damage of land by any means including earthworks; blading, trenching, side-cutting, surface excavation, overburden and spoil disposal, reclamation, drainage, ground leveling, works associated with the construction or removal of buildings, earth dams, and the construction, maintenance, realignment or widening of roads or tracks. Land disturbance includes:

- Any new fencing, tree planting or tree removal.
- Repair of any place or area of significance to Maori and any historic site.
- Maintenance work that does not comply with the standards outlined above.

**Land disturbance in relation to works within the setting of a listed historic place or area** means works that will cause the removal of or damage to major and identified heritage landscape elements and features of historic value including buildings, trees, paths, fences and gardens within an identified setting of a listed place or area.

**New building** means the construction of a new building on a property containing a listed heritage item or within the boundaries of an identified setting of a listed item or within the boundaries of a listed historic area.

The **addition to a non-listed building** means the construction of a new addition to an existing non-listed building or non-contributory building within a defined setting of a listed heritage item.

**Partial demolition** means to demolish a substantial part of any building or structure. Partial demolition includes façade retention which normally involves the demolition of the rear or a substantial part of a building or structure and the retention of the front or main façade and the construction of a new building or structure behind the preserved façade.

**Relocation** means to physically shift the location of a building within a property or to another property. Relocation may include raising a building or structure.

**Demolition** means to damage and demolish a building or structure.<sup>16</sup>

**Destruction** means to cause substantial harm or injury to a place or area of significance to Maori or an historic site (including archaeological sites). It may be caused by activities such as earthworks, tunnelling, disposal, cutting, construction works, induced vibration, removal of structures, reclamation or drainage, subsidence, gravel, water or soil extraction, dredging, diverting, taking or damming water and discharge of contaminants.

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<sup>15</sup> International Code Council, *International Existing Building Code*, January 2006

<sup>16</sup> For a discussion on demolition under the RMA, see *Entwisle v Dunedin City Council*, C105/94, p 9; *AA McFarlane Family Trust v Christchurch CC*, C46/99 p 55

### 3. HISTORIC HERITAGE SCHEDULES

Heritage schedules are an important method of providing a list of significant historic heritage in the district plan. The central purpose of a heritage schedule is to provide information about specific places that are protected by the rules in the district plan. It is often the case that the public expects 'listed' places to be protected. The NZHPT discourages the use of schedules that are lists for 'information purposes only' and enjoy no protection under the district plan.

Section 74(2)(b)(ia) of the RMA contains an explicit requirement to have regard to any relevant entry in the Historic Places Register. The Register contains four categories: historic places, historic areas, wahi tapu and wahi tapu areas. The NZHPT may enter any historic place or historic area in the Register if the place or area possesses aesthetic, archaeological, architectural, cultural, historical, scientific, social, spiritual, technological or traditional significance or value.<sup>17</sup> These values have close alignment to the definition of historic heritage under the RMA.

Under section 32D of the Historic Places Act 1993, territorial authorities and regional councils must have particular regard to any NZHPT recommendation to assist in the conservation and protection of a registered historic area. The Maori Heritage Council of the NZHPT can also issue recommendations in respect to any registered wahi tapu area. The listing of a historic area or wahi tapu area may be an appropriate response to give effect to any NZHPT recommendation.

Local authorities are responsible for heritage schedules in their plans. They need to carefully assess all items proposed for listing in the schedules and ensure all owners and affected parties are consulted. The NZHPT should be contacted about registered places under the Historic Places Act 1993. If local authorities consider that some registered historic places should not be listed in the district plan, this matter should be discussed directly with the NZHPT.

Schedules in district plans should remain simple and without unnecessary or complex ranking systems. As stated in the NZHPT's *Heritage Management Guidelines for Resource Management Practitioners*:

If ranking is used it should be transparent. Ranking must be done carefully to ensure it is legally defensible, as it will undoubtedly be put to the test if it gives rise to variable degrees of control being imposed. Any ranking system must balance robustness against ease of application and comprehension.<sup>18</sup>

While historic heritage is recognised in the RMA as a matter of national importance, it can be difficult to categorise historic heritage into geographic-based levels of significance, such as national, regional or district. Discussion Paper No. 1 of this series, *Historic*

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<sup>17</sup> Sec 23(1) Historic Places Act 1993

<sup>18</sup> NZHPT, *Heritage Management Guidelines for Resource Management Practitioners*, 2004, p 66

Heritage Principles and Issues, provides an overview of issues relating to the identification, recognition and protection of historic heritage. These issues may be relevant at a national, regional, or district level. Local significance may mean that a place has important value for the local community, as opposed to being at the bottom of a three level hierarchy. The NZHPT sees little value in schedules and rules that have the consequence of providing inadequate protection for lesser ranked items.

With regard to registered historic places, a simple statutory ranking system is provided in the Historic Places Act 1993. This ranking system divides registered historic places into Category I and Category II. Category I historic places are those of special or outstanding historical or cultural heritage significance or value. Category II historic places are of historical or cultural heritage significance or value.

The NZHPT considers that the heritage schedule (excluding place/area of significance to Maori and historic areas) can be divided in two categories that reflect the statutory categorisation under the Historic Places Act 1993 in terms of registered Category I and Category II historic places. This practice would enable places of special or outstanding historical and value to have greater recognition and protection, and also enable appropriate protection for other heritage items.

The NZHPT suggests that the term 'Group A and Group B' is adopted by local authorities rather than terms such as 'Class I and Class II' to avoid confusion with registration categories under the Historic Places Act. We also recommend using the terms 'heritage schedule' and/or 'listing' are adopted in district plans to avoid confusion with the NZHPT's Register.

The Group A sub-category heritage schedule in the district plan could list those places considered to be of national significance, including registered Category I historic places. These places are of special or outstanding value (the extent to which heritage is of exceptional interest, importance, significance or value) or representative (the extent to which heritage exemplifies the diversity of heritage or represents particular types of heritage).<sup>19</sup> The loss of these items would be a matter of national significance and be of interest to the national community.

The Group B sub-category of the heritage schedule in the district plan could list those places of historical or cultural heritage significance or value. It would include all registered Category II historic places and other places of heritage significance and value. The loss of these items would be a significant matter, at least in respect of a district and regional community of interest.

In summary, the NZHPT considers that district plans include a historic heritage schedule and this schedule should contain a list of:

Historic heritage: Group A

- Historic places – buildings

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<sup>19</sup> NZHPT *Strategic Plan Mahere Rautaki*, 2005-2010, p 38

- Historic places - sites
- Historic heritage: Group B
- Historic places – buildings
  - Historic places - sites
- Places/areas of significance to Maori.
- Historic areas.
- Heritage landscapes.

The heritage schedule should also include surroundings associated with historic heritage.

| <b>Suggested Structure of Historic Heritage Schedule in Regional and District Plans</b>   |                     |   |   |
|---|---------------------|---|---|
| <b>Historic heritage</b>  | <b>Sub-Category</b> | <b>Content</b>  | <b>Example</b>  |
| <b>Historic Places (buildings)</b>  | Group A             | Places registered as Category I historic places and other nationally significant historic places.   | ANZAC and Kiwi Halls, Featherston (registered Category I historic place)          |
|   | Group B             | Places registered as Category II historic places and other non-registered places of heritage value and significance.  | Natusch House, Masterton (registered Category II historic place)                  |
| <b>Historic Places (Sites)</b>  | Group A             | Sites (including archaeological sites) registered Category I historic places and other nationally significant historic sites  | Rabbit Fence – ‘Omahu Farm’, Stronvar Road (registered Category I historic place) |
|   | Group B             | Sites (including archaeological sites) registered Category II historic places and other non-registered sites of heritage value and significance   | Zukeika Grave, Palliser Bay (not registered)                                      |
| <b>Historic Areas</b>   |                     | Registered historic areas and other non-registered historic areas of heritage value and significance  | Rimutaka Incline Rail Trail (registered historic area)                            |
| <b>Places and areas of Significance to Maori</b>  |                     | Registered wahi tapu and wahi tapu areas and other non-registered but significant places and areas of significance to Maori. May include recorded archaeological sites of significance to Maori | Te Maipi, Masterton (registered wahi tapu area)                                   |
| <b>Heritage Landscapes</b> (See Discussion Paper No.3)  |                     |   |   |
| Notes: The surroundings associated with each type of historic heritage should be identified.<br>The term ‘building’ includes any temporary movable or immovable structure that is fixed to the land |                     |   |   |

Registered historic places must be entered into the most relevant heritage schedule. Registered historic places contain a diverse range of historic heritage including heritage buildings, places and areas of significance to Maori and archaeological sites. The nature of the registered historic place should be assessed and listed in the appropriate schedule. For example, it would be appropriate that a church, registered as a historic place, is listed

in the historic places (buildings) schedule. Consequently, archaeological sites, registered as historic places, should be listed in either the Historic places – Sites schedule or the Places of significance to Maori schedule, depending on the nature of the site.

The groups in the framework are exclusive, that is, a heritage item can be a member of only one group, and subject only to the rules for that group. Archaeological sites should be assigned to the most appropriate group, with input from Maori sought to determine which group is most appropriate for sites of Maori origin.

| <b>Example: Listing of registered historic places, areas, wahi tapu and wahi tapu areas under Historic Places Act 1993 in district plan historic heritage schedules</b> |                     |                               |  |
|---|---------------------|-------------------------------|--|
| <b>Example of registered place, area, wahi tapu (Porirua City)</b>  | <b>Register No.</b> | <b>Registered category</b>    | <b>Appropriate district plan historic heritage schedule</b>  |
| Papakowhai Homestead  | 2890                | Category I<br>Historic Place  | Historic places (buildings) schedule – Group A   |
| Blackies Woolshed   | 2883                | Category II<br>Historic Place | Historic places (buildings) schedule – Group B   |
| Whaling Station   | 6162                | Category II<br>Historic Place | Historic places (sites) schedule – Group B   |
| Pa site   | 6152                | Category II<br>Historic Place | Historic places (sites) schedule – Group B <b>or</b> Place/area of significance to Maori <sup>20</sup> |
| Pits/Terraces   | 6141                | Category II<br>Historic Place | Historic places (sites) schedule – Group B <b>or</b> Place/area of significance to Maori <sup>21</sup> |
| Te Mana o Kupe (Mana Island)  | 7674                | Wahi Tapu Area                | Place/area of significance to Maori  |
| Pauatahanui Historic Area   | 7029                | Historic Area                 | Historic areas schedule  |

All listed items should be identified clearly on the planning maps with the use of GPS and GIS.

<sup>20</sup> Archaeological sites of Maori origin may be included in the Historic sites list, or in the Place of significance to Maori list. The appropriate category should be determined by Maori.

<sup>21</sup> *ibid*



**Old Coach Road, Johnsonville, April 2007.  
Photo, R McClean, NZHPT**



### 3.1 Identification and Criteria for Heritage Schedule Listing

The identification of historic heritage by the use of survey, assessment and an inventory is an important process to achieve listing and protection. Detailed information about each historic item and the assessment of heritage values using robust criteria is contained in a heritage inventory. The heritage inventory is a non-statutory document and can cover a range of geographical levels (entire district or small town) or a range of heritage types or themes. Basically, the heritage inventory should explain, in brief terms, what is significant about the item in terms of its heritage values. Copies of the heritage inventory should be made available to the public and be available by download from the Council's website. The NZHPT 2004 *Heritage Management Guidelines for Resource Management Practitioners* provides further guidance on identification, assessment and preparing a heritage inventory.

The assessment of heritage values, as outlined in the heritage inventory, should inform the inclusion (and exclusion and removal) of listed items in the regional and district plan heritage schedule. It is important that regional and district plans indicate the criteria or assessment standards that were adopted to decide what places were entered into the heritage schedule.

Any heritage schedule criteria should be based, but not limited to, the definition of historic heritage under the RMA. The table below provides a summary of recommended criteria for assessing historic heritage values. These criteria are provided in Appendix A and discussed in more detail in Discussion Paper No. 1 of this series.

| <b>Summary of Suggested Criteria for Assessing Historic Heritage Values</b> |                       |
|---|-----------------------|
| <b>Category</b>   | <b>Heritage Value</b> |
| Physical  | Archaeological        |
|   | Architecture          |
|   | Technology            |
|   | Scientific            |
|   | Rarity                |
|   | Representativeness    |
|   | Integrity             |
|   | Vulnerability         |
|   | Context or group      |
| Historic  | People                |
|   | Events                |
|   | Patterns              |
| Cultural  | Identity              |
|   | Public esteem         |
|   | Commemorative         |
|   | Education             |
|   | Tangata whenua        |

|  |                       |
|--|-----------------------|
|  | Statutory recognition |
|--|-----------------------|

It should be noted that the criteria are not mutually exclusive. Some heritage places possess a range of values that overlap with each other. For example, the archaeological and historical values of a place both relate to information about the past and may be closely intertwined. Other heritage places may be strongly associated with just one particular value.

The NZHPT does not promote the use of numeric scoring in relation to criteria for listing in heritage schedules unless this method is accompanied by a robust quantitative identification and research process. Without robust assessment, numeric scoring processes can tend to favour particular historic heritage places over other types. Often, for example, archaeological sites or buildings that have little architectural merit but may have other important values, will not score highly and will be excluded. The very nature of an archaeological site means they are often largely buried and their values obscured.

### **3.2 Heritage schedule information requirements**

The district plan heritage schedule should provide basic details about the item including its ID, name, number, address, location, legal description and a reference to the plan map number. It is good practice to obtain GPS coordinates for listed items and the storage of locational information on GIS.

It is good practice to include a column in the schedule that identifies the listed item as being registered under the Historic Places Act 1993 and its register number.

It is particularly important that interiors of listed buildings are noted as being an inclusive part of the listing. Many district plans need to provide greater clarification concerning the application of heritage rules to interior work.

The heritage schedule may be supported by a non-statutory heritage inventory which provides the detailed heritage information, including the assessment of heritage values for any particular place. This means that local authorities should be able to provide a statement of significance from the heritage inventory about any particular item listed in the heritage schedule.

The heritage schedule should provide a reference to relevant criteria for assessing the historic heritage values in the district or the heritage inventory. This will provide a quick reference system to explain on what basis the particular item has been scheduled. This may be achieved by including an indication of the relevant criteria as an abbreviation in the schedule.

It is also good practice to provide guidance in the list to indicate any features on the property associated with the scheduled item that are not protected by rules in the district plan. In some cases, parts of the property may be deemed to have little or no heritage value and therefore the exclusion of these parts should be explicitly stated in the listing.

For example, a historic property may include a modern garage of no heritage significance. The information in the heritage schedule should indicate that the garage is excluded and is a non-contributory building. The identification of non-contributory buildings within historic areas is particularly important.

In relation to historic buildings, the extent of the listed item should generally include the whole legal property and the entire building.<sup>22</sup> In addition, the need to protect any setting or surroundings should be identified. The extent of the setting will need to be defined on a case by case basis as a result of detailed research and evaluation. Protection of surroundings can be achieved by the development of landscape or area rules which regulate activities such as the construction of tall buildings and the protection of view catchments.<sup>23</sup>

To protect many surroundings, it is particularly important to define the extent of the listed item on the district plan's maps. With regard to recent NZHPT registrations, the extent of registration information provided by the NZHPT should inform the boundary of the setting to be listed in the district plan.

**Example of Heritage Schedule (Historic Places - Buildings) Column Headings**

| <b>Historic Heritage Schedule: Historic Places (Buildings)</b> |               |      |         |                 |     |                      |                          |                                 |                         |              |
|--|---------------|------|---------|-----------------|-----|----------------------|--------------------------|---------------------------------|-------------------------|--------------|
| ID   | NZHPT Reg No. | Name | Address | Legal Descript' | GPS | Interior Explanation | Surroundings Explanation | Assessment Criteria Explanation | Heritage Inventory Ref' | Plan ref no. |
|  |               |      |         |                 |     |                      |                          |                                 |                         |              |

<sup>22</sup> For guidance on the implications of listing, see *Serious about Heritage Society Incorporated v WCC*, High Court, CIV2003-485-841

<sup>23</sup> For a discussion on surroundings, see *Oriental Parade (Clyde Quay) Planning Society v Wellington City Council*, W 63/2005

## **4. HISTORIC HERITAGE AND DISTRICT PLAN RULES**

All existing district plans contain rules relating to historic heritage. The rules in the various district plans, however, vary widely in approaches. For example, some district plans rules mean that demolition of a listed heritage item is a prohibited activity. In a few district plans, however, demolition may be only controlled or even permitted. There is a need for greater national consistency in the way local authorities protect historic heritage noting also the need for protection measures to take account of local circumstances and context.

On an international level there are developing standards for regulations relating to listed or registered historic heritage and many countries have such regulation stated in legislation. For example, the Victorian Heritage Act 1995 makes it a prohibited activity for any person to remove, demolish, damage, despoil, develop, alter, or excavate all or any part of a registered place (registered on the Victorian Heritage Register). Since New Zealand does not have any similar statutory protection for registered places in legislation, it is critically important for district plan rules to achieve effective protection of its historic heritage.

This guidance has been prepared to promote best practice while noting the range of existing rules in district plans around New Zealand. The best practice guidance has also been informed by evolving heritage legislation and law in other overseas jurisdictions such as Australia and Europe.

The following section of this guide provides a summary of best practice guidance for historic heritage rules for use in regional and district plans. They provide a basic standard that the NZHPT seeks to be included in all regional and district plans. Careful consideration has been given to ensuring such rules are not too onerous for owners, but are still effective in providing the necessary protection.

With regard to heritage buildings, the basic district plan rule protection must cover repairs and maintenance, alterations and additions, relocation, partial demolition, and demolition. These terms are defined in the definitions section of this guide and the issues pertaining to these activities are outlined in Guide No. 1 of this series. Nearly all existing district plans include rules relating to these activities.

The NZHPT recommends that rules are designed to acknowledge the varied status of historic heritage with regard to historic places and wahi tapu. The NZHPT advocates for comprehensive protection for registered Category I historic places and registered wahi tapu and wahi tapu areas. The NZHPT also advocates for protection for all other significant historic heritage including registered Category II historic places.

In urban areas, it is becoming important to also protect heritage buildings from the construction of adjacent new buildings (within the same section or adjacent property of a listed item), major additions to non-listed buildings within a heritage setting, and major

earthworks. Land disturbance rules for historic buildings and areas should be limited to those works that remove significant heritage landscape items within the setting of a heritage item such as historic roadways, gardens, fences, trees, and footpaths. These items will need to be researched and identified in the heritage schedule. These rules require the demarcation of a setting around a heritage item that is displayed in the district plan planning maps and heritage schedule.<sup>24</sup> Archaeological expertise is required, for example, to determine whether there are surviving remnants of archaeological sites, the surface features of which may have been destroyed. This is best done on a case by case basis. The application of heritage criteria will assist with developing appropriate management options.

Historic places and areas are particularly vulnerable to land use changes within the wider area and a range of district and regional planning issues. For example, the growth of urban sprawl or changes in transportation routes may undermine the traditional historic central business district. Further, in-fill medium density housing may impact on historic residential areas. Other off-site activities may also affect historic places and areas. For example noise and noxious smells from adjacent activities may affect the enjoyment of a historic place. These issues highlight the need to consider heritage over the entire breath of the district plan and develop appropriate zoning provisions. For example, in Hastings, a Large Format Retail zone has been developed in the district plan to manage the effects of recent trends in retailing with regard to the historic Art Deco central business district. Effects such as noise and noxious smells should be controlled as part of the permitted activity standards in each district plan zone or overlay.

Rules relating to historic sites and places/areas of significance to Maori need to be carefully designed with regard to the specific type of sites requiring protection. Generally maintenance should be encouraged providing that maintenance work does not result in land disturbance that damages the site. Repair work should be carefully assessed and planned as part of a consent application as often repair works on historic sites will involve land disturbance. A 'one-size fits all' approach to the rules may not be appropriate in all circumstances. Many historic sites may be marked by a plaque or memorial that recalls a historical event. It is often the case, however, that the surroundings associated with the plaque or memorial are important and the plan rules should not be limited to protecting the plaque or memorial. For example, the protection of a historic battleground will require research to define the extent of the battleground and promote appropriate land uses that should occur on the site.

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<sup>24</sup> For a discussion on rules relating to new buildings, alterations to existing non-listed buildings and earthworks see Christchurch City Council, *Issues and Options Paper: City Plan Provisions*, December 2005, pp 43-48

## **4.1 Archaeological Sites**

The Historic Places Act 1993 is the primary legislation for the management of archaeological sites. All pre-1900 archaeological sites are protected under the Act. The district plan, however, has an important role in managing the surroundings associated with archaeological sites as part of the wider historic heritage setting. District plans can also provide an additional layer of protection for significant and post-1900 archaeological sites, and ensure applicants and the public are informed about the archaeological authority process.

There is no formal relationship between the consenting processes in the RMA and the Historic Places Act 1993.

An applicant may seek an archaeological authority at any time during the resource consent process. The NZHPT does, however, strongly recommend that archaeological issues are considered as soon as possible during project planning, to ensure a compatible outcome between the processes. Consultation with the NZHPT about a resource consent application lies outside the archaeological authority process.

Generally all archaeological sites should be assessed for inclusion in district plan heritage schedules in the same manner as historic buildings, areas, and places of significance to Maori. This approach is signalled in the definition of historic heritage under section 2 of the RMA which includes archaeological sites. Many NZHPT registered historic places, areas, wahi tapu and wahi tapu areas also include archaeological sites.

It is important that local authorities engage a professional archaeologist and consult with the New Zealand Archaeological Association (NZAA) and NZHPT to advise on the listing of archaeological sites in regional and district plans. The NZAA is a professional body that represents the interests of archaeology in New Zealand. The NZAA manage the National Archaeological Site Recording Scheme and a network of regional file keepers (see [www.nzarchaeology.org.nz](http://www.nzarchaeology.org.nz)).

Information about other recorded archaeological sites that are not included in the district plan heritage schedule should be made available to the public by Council. For example, at Tasman District Council maps are made available over the Council's planning desk showing the location of all recorded archaeological sites in the district. This practice alerts a potential applicant of the need to seek further information from the NZAA file keeper or the NZHPT.

The NZAA is in the process of improving information about recorded archaeological sites and providing online access for local authorities as part of the Site Recording Scheme Upgrade Project.

The following is a checklist to approach the listing of archaeological sites in the district plan.

- Participate in the NZAA Site Recording Scheme Upgrade Project to obtain base data and gain online web access to ensure the most current information is held by Council and provided to Council staff on GIS format.
- Obtain specialist archaeological advice to determine the extent of significant archaeological sites, where possible.
- Assess the significance of all archaeological sites using assessment criteria for listing in the heritage schedule. Local authorities should obtain the assistance of professional archaeologists to assess archaeological significance.
- List all significant archaeological sites in the heritage schedule.
- Ensure that the district plan contains objectives, policies and rules for listed archaeological sites. It may be appropriate to establish buffer areas around archaeological sites.
- It is critically important that any archaeological sites listed in the heritage schedule are protected by the rules of the district plan.
- In many districts which contain high numbers of archaeological sites, it is important that general rules for subdivision and earthworks include consideration of recorded archaeological sites. The applicant should demonstrate that the proposal will not affect the site by reference to information derived either from the NZAA Site Recording Scheme or, if necessary, an archaeological assessment. If the proposal will affect a site, the applicant needs to provide an archaeological assessment as part of an AEE and demonstrate consideration of alternatives that will reduce effects on the site.

In addition to district plan rules, Council can develop non-regulatory methods such as:

- Providing incentives, such as a heritage fund for fencing or obtaining archaeological advice.
- Incorporating updated archaeological site information from NZAA in Council's GIS. This information should enable:
  - LIMs and PIMs to include archaeological site information.
  - Resource consent processes better tailored to address archaeological site issues.
  - Council's internal processes to take account of archaeological site issues, such as reserve maintenance works.
  - Close integration with the NZHPT so as to avoid regulatory duplication.

- Ensuring procedures have been developed with NZHPT to ensure any proposal affecting archaeological sites, both listed and non-listed, is notified to NZHPT. This process should be developed with dialogue with NZHPT. The following advice notices can be adopted for district plans and resource consent procedures:

**Archaeological advice for use in regional and district plans and resource consent processes**

**Advice note where archaeological sites will be affected by consent activity:**

This proposal will affect recorded archaeological site(s). Work affecting archaeological sites is subject to a consenting process under the Historic Places Act 1993. An authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. It is an offence to modify, damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage. The applicant is advised to contact the New Zealand Historic Places Trust for further information.

**Advice notes where archaeological sites may be affected by consent activity:**

There are recorded archaeological sites in the vicinity of the proposed work. The applicant is advised to contact the New Zealand Historic Places Trust for further information. Work affecting archaeological sites is subject to a consenting process under the Historic Places Act 1993. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. It is an offence to modify, damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage

**Advice notes where unrecorded archaeological sites are possible:**

It is possible that archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. The applicant is advised to contact the New Zealand Historic Places Trust if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consenting process under the Historic Places Act 1993. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work to proceed lawfully. The Historic Places Act 1993 contains penalties for unauthorised site damage.



## 4.2 Positive Regulatory Methods

A number of district plans include 'positive' regulatory provisions for historic heritage. These provisions normally provide dispensations or flexibility for the need to comply with other district plan standards in order to achieve historic heritage objectives. For example, Christchurch City Plan contains three positive regulatory provisions which involve:

- A plot ratio bonus for developments retaining heritage items within the Central City zone. This clause enables the floor area of any retained heritage buildings to be excluded from the permitted plot ration for the site up to a stated maximum for developments in certain zones.
- Exemption from the need to comply with car parking and loading standards in the central city zones.
- Allowance for non-residential use of heritage buildings in residential zones.<sup>25</sup>

Auckland City Council is the only local authority in New Zealand that operates a transferable development rights scheme in the CBD. This scheme means that, rights of development that are foregone as a result of retaining a heritage building, can be used elsewhere in the CBD.

Some local authorities also have positive regulatory methods in relation to subdivision. Hastings District Plan contains provisions to create a conservation lot on sites containing a heritage item. This provision allows subdivision that does not meet some of the subdivision standards of the plan, but ensures conservation by the use of a covenant.

The NZHPT supports the use of positive regulatory methods with regard to historic heritage. These methods are important ways to gain support from owners and the public. All methods should be carefully assessed for their effectiveness and the range of costs/benefits be considered in terms of the unique context of each particular region or district. As summarised in the Christchurch City Council's *Issues and Option Paper, City Plan Provisions*:

'Positive' regulatory methods such as exemptions from certain standards and bonuses for others have considerable merit in situations where the benefits of the retention and reuse of heritage items significantly outweighs the potential adverse effects that may arise from these standards being exceeded.<sup>26</sup>

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<sup>25</sup> Christchurch City Council, *Issues and Option Paper, City Plan Provisions*, December 2005, p 63

<sup>26</sup> *ibid*, p 65



Cardrona Community Hall, Cardrona, October 2006. Photo, R McClean, NZHPT

## **5. BEST PRACTICE (MODEL) DISTRICT PLAN PROVISIONS RELATING TO HISTORIC HERITAGE**

The following section provides a range of basic heritage-related objectives, policies, methods and rules that may be adapted by local authorities for use in district plans. The suggested provisions are limited to historic places (buildings and sites), historic areas and places/areas of significance to Maori. While the provisions are suggestions only, the NZHPT considers the suggested rules to form part of a 'national standard' for all heritage rules in district plans and will inform the NZHPT's position it takes on proposed district plans and plan changes around New Zealand. In addition, that while the suggested rules should be adapted to apply to local circumstances, they should not be unduly 'watered down'. They should also be adapted for specific heritage-related issues. A discussion of the issues pertaining to historic heritage is outlined in Discussion Paper No.1 of this series. For definitions, see Section 2 this guide.

### **5.1 Objectives, policies and methods**

#### **Issue**

Development and land-use can damage and destroy historic heritage of significance in the district.

#### **Objective 1**

To protect significant historic heritage in the district from adverse effects of land-use and development

#### **Policies**

Policy 1.1: The district council shall identify and include significant historic heritage in the district plan heritage schedule. The assessment of heritage values in the district for listing will be guided by appendix A.

Policy 1.2: The district council shall promote public awareness and support for the conservation of historic heritage in the district.

Policy 1.3: Methods and rules in the district plan shall protect significant historic heritage listed in the heritage schedule from adverse effects of land-use and development. The assessment of adverse effects of subdivision, use and development will be guided by Appendix B.

Policy 1.4: Methods and rules in the district plan shall protect places of national significance from adverse effects of land-use and development. These are places of special or outstanding heritage value which include registered Category I historic places, wahi tapu and wahi tapu areas under the Historic Places Act 1993. The assessment of adverse effects of subdivision, use and development will be guided by Appendix B.

Policy 1.5: The district council shall have regard to the NZHPT Register of historic places, historic areas, wahi tapu and wahi tapu areas and recognise the NZHPT as a consenting authority for all pre-1900 archaeological sites.

Policy 1.6: Development and land-use associated with any previously unidentified historic heritage shall be managed in a way that avoids damage or destruction until its significance is assessed and adverse effects can be appropriately avoided or mitigated.

## **Methods**

Method 1.1: The district council will identify nationally significant and other significant historic heritage for protection by the inclusion of a heritage schedule in the district plan. The assessment of heritage values in the district for listing will be guided by Appendix A.

Method 1.2: The district council will promote a range of non-statutory methods to promote the conservation of historic heritage including the preparation of a heritage inventory, development of educational programme, financial incentives, assistance and information. These and other beneficial projects may be provided for in the Long Term Council Community Plan prepared under the Local Government Act 2002.

Method 1.3: The district plan contains a range of rules designed to protect historic heritage from adverse effects. The rules will manage repair and maintenance, alterations and additions, new buildings, signage, subdivision, relocation, partial demolition, demolition, land disturbance, and destruction in relation to listed heritage places and areas.

Method 1.4: The district plan contains a set of criteria to assist in assessing the adverse effects of subdivision, use and development (Appendix B). The district council will take into account these criteria in making decisions about the effects of subdivision, use and development on historic heritage.

Method 1.5: The district council will promote close cooperation with the New Zealand Historic Places Trust in relation to the archaeological authority process under the Historic Places Act 1993. The district council will adopt the archaeological advice notices outlined in Appendix D in resource consent processes.

Method 1.6: The district council will promote the preparation of a heritage assessment (including an archaeological assessment) in situations where development may adversely affect historic heritage that is not listed in district plan heritage schedule.

Method 1.7: The district council may consider the use of a heritage order to protect historic heritage of national significance.

Method 1.8: The district council will monitor the state of historic heritage in the district as part of the district monitoring strategy and reporting framework.

## **5.2 Designations**

Designation provisions should include policies to protect and conserve the district's historic heritage. A suggested policy could read:

The District Council shall ensure that the designation of land over or adjacent to any heritage item listed in the heritage schedule does not provide for any public work, project or other work that compromises the protection, condition, integrity, or public appreciation of historic heritage.

### **Suggested Methods**

Method 1.1: Requiring authorities will be encouraged to seek essential designations outside of, and sufficiently distant from, heritage items listed in the heritage schedule.

Method 1.2: In cases where designations are sought near, or over, heritage items listed in the heritage schedule, other options for authorising the activity will be encouraged.

Method 1.3: Where land must be designated over, or near, heritage items listed in the heritage schedule; particular attention will be paid to the extent of area involved, specific location, and nature of activity involved, so that adverse impacts on historic heritage are minimised to the greatest practical extent.

Method 1.4: Outline plans prepared in relation to designations will provide for historic heritage values where appropriate.

Method 1.5: Requiring authorities will be encouraged to surrender designations over and remove facilities from land no longer required for the public work, project or other work.

## 5.3 Heritage Rules

### Historic Places (Buildings)

**Repair and maintenance** of a listed historic building (Group A & B) is a **permitted activity**, provided the following standards listed in Appendix C are complied with. If the activity does not comply with the above performance standards, the activity is to be treated as a **restricted discretionary activity**. (refer Appendix B this guide).

**Alterations and additions** to listed historic buildings (Group A & B) are a **restricted discretionary activity**. The Council shall restrict its discretion to those matters outlined in Appendix B (refer Appendix B this guide).

The construction of a **new building** within a defined setting of a listed historic building (Group A & B) is a **restricted discretionary activity**. The Council shall restrict its discretion to those matters outlined in Appendix B (refer Appendix B this guide).

The construction of a **new addition to an existing building and/or non-contributory building** located within a defined setting of a listed historic building (Group A & B) is a **restricted discretionary activity**. The Council shall restrict its discretion to those matters outlined in Appendix B (refer Appendix B this guide).

**Land disturbance** within a defined setting of listed historic building (Group A & B) is a **restricted discretionary activity**. The Council shall restrict its discretion to those matters outlined in Appendix B (refer Appendix B this guide).

The erection of a **new sign** that is attached to, or obstructing, or within the setting of, a listed historic building (Group A & B) is a **restricted discretionary activity**.

The **subdivision of land** containing or affecting any listed historic building (Group A & B) is a **discretionary activity**.

The **relocation** of a Group A listed historic building to another location within the property or to another property is a **non-complying activity**.

The **relocation** of a Group B listed historic building to another location within the property or to another property is a **discretionary activity**.

The **partial demolition** of a Group A listed historic building is a **non-complying activity**.

The **partial demolition** of a Group B listed historic building is a **discretionary activity**.

The **demolition** of a Group A listed historic building is a **prohibited activity [or non-complying]**. If prohibited, rule to state that 'consent cannot be granted by Council for this activity'.

The **demolition** of a Group B listed historic building is a **non-complying activity**.

| <b>NZHPT Best Practice Guidance - Rules for Regional<sup>27</sup> and District Plans Listed Historic Places (Buildings)</b>             |  |   |
|---|--|---|
| <b>Activity</b>   | <b>Consent Status</b>                                  | <b>Consent Status</b>                                     |
|   | <b>Group A: Nationally significant historic places</b> | <b>Group B: Places of heritage value and significance</b> |
| <b>Repair and Maintenance</b>   | Permitted with performance standards (or controlled)   | Permitted with performance standards (or controlled)      |
| <b>Alterations</b>  | Restricted discretionary                               | Restricted discretionary                                  |
| <b>Additions</b>  | Restricted discretionary                               | Restricted discretionary                                  |
| <b>Construction of a new building</b> within the setting of a listed historic building  | Restricted discretionary                               | Restricted discretionary                                  |
| <b>Additions to a non-listed building</b> and/or <b>non-contributory building</b> within the setting of a listed historic building      | Restricted discretionary                               | Restricted discretionary                                  |
| <b>Land disturbance</b> within the setting of a listed historic building  | Restricted discretionary                               | Restricted discretionary                                  |
| <b>Erection of a new sign</b> attached to or obstructing a listed historic building or within the setting of a listed historic building | Restricted discretionary                               | Restricted discretionary                                  |
| <b>Subdivision</b> of land containing or affecting a listed historic building   | Discretionary  | Discretionary   |
| <b>Relocation</b> of a listed building within or beyond the setting or property boundaries of a listed historic building                | Non-complying  | Discretionary   |
| <b>Partial demolition</b>   | Non-complying  | Discretionary   |
| <b>Demolition</b>   | Non-complying/Prohibited                               | Non-complying   |

<sup>27</sup> For model rules relating to the coastal environment, see Guide No. 2, *Regional Plans*

### **Historic Places (Sites)**

**Maintenance** of a listed historic site (Group A & B) is a **permitted activity**, provided the following standards listed in Appendix C are complied with. If the activity does not comply with the above performance standards, the activity is to be treated as a **restricted discretionary activity**. (refer Appendix B this guide).

The erection of a **new sign** that is obstructing, or within the setting of, a listed historic site (Group A & B) is a **restricted discretionary activity**.

The **subdivision of land** containing or affecting any listed historic sites (Group A & B) is a **discretionary activity**.

Any **land disturbance** (including repair work) within the setting (at least 20 metres) of a Group B listed historic site is a **discretionary activity**, unless an archaeologist has inspected the site and advised in writing that it will not be affected.

Any **land disturbance** (including repair work) within the setting (at least 20 metres) of a Group A listed historic site is a **non-complying activity**, unless an archaeologist has inspected the site and advised in writing that it will not be affected.

The **destruction** of a Group B listed historic site is a **non-complying activity**.

The **destruction** of a Group A listed historic site is a **prohibited [or non-complying] activity**. If prohibited, rule to state that 'consent cannot be granted by Council for this activity'.

| <b>NZHPT Best Practice Guidance - Rules for Regional<sup>28</sup> and District Plans Listed Historic Places (Sites)</b> |  |   |
|---|--|---|
| <b>Activity</b>   | <b>Consent Status</b>                                  | <b>Consent Status</b>                                     |
|   | <b>Group A: Nationally significant historic places</b> | <b>Group B: Places of heritage value and significance</b> |
| <b>Maintenance</b>  | Permitted with performance standards (or controlled)   | Permitted with performance standards (or controlled)      |
| <b>Erection of a new sign</b> obstructing a listed historic site or within the setting of a listed historic site        | Restricted discretionary                               | Restricted discretionary                                  |
| <b>Subdivision</b> of land containing or affecting a listed historic site   | Discretionary  | Discretionary   |
| <b>Land disturbance</b> within the setting of a historic site   | Non-complying  | Discretionary   |
| <b>Damage/destruction</b> of a historic site  | Non-complying-prohibited                               | Non-complying   |

Rules for protecting historic sites (including archaeological sites)

<sup>28</sup> For model rules relating to the coastal environment, see Guide No. 2, *Regional Plans*



The effectiveness of rules for historic sites depends on the quality of location information in the plan. As with all heritage places and areas listed in the regional or district plans, the setting of historic sites should be defined. This setting should incorporate a buffer area to safeguard the site from adjacent inappropriate development. Establishing a setting will require consideration of each site and its geographical and geological features on a case-by-case basis.

Best practice rules relating to archaeological sites outlined in this guide are based on the assumption that small archaeological sites are located on planning maps to within 15 metres and large sites or areas are displayed as an area with at least a 10 metre buffer zone. To obtain this level of accuracy, it will have been necessary for the local authority to have obtained up to date information from the New Zealand Archaeological Association Upgrade Project and further specialist professional advice about site extent, and for this information to be incorporated in plan maps.

If archaeological sites can only be assumed to be located to within about 100 metres, the rule should be modified accordingly to state that land disturbance should not take place within 100 metres of any archaeological site recorded by the New Zealand Archaeological Association, unless an archaeologist has inspected the site and advised that it will not be affected.

### **Historic Areas**

**Repair and maintenance** of historic buildings within a listed historic area is a **permitted activity**, provided the following standards listed in Appendix C are complied with. If the activity does not comply with the above performance standards, the activity is to be treated as a **discretionary activity**.

**Alterations and additions** to buildings within a listed historic area is a **restricted discretionary activity**. The Council shall restrict its discretion to those matters outlined in Appendix B.

The construction of **new buildings** within a listed historic area is a **discretionary activity**.

**Additions to non-contributory buildings** within a listed historic area is a **discretionary activity**.

**Land disturbance** within a listed historic area is a **discretionary activity**.

The erection of a **new sign** within a listed historic area is a **restricted discretionary activity**.

The **subdivision** of land within a listed historic area is a **discretionary activity**.

The **relocation** of buildings, within or beyond, a listed historic area is a **discretionary activity**.

Partial demolition and relocation within a listed historic area are **discretionary activities**.

Demolition within a listed historic area is a **non-complying activity**.

| <b>NZHPT Best Practice Guidance - Rules for Regional<sup>29</sup> and District Plans Listed Historic Areas</b>  |  |
|---|--|
| <b>Activity</b>   | <b>Consent Status</b>                                |
| <b>Repair and Maintenance</b> of historic buildings within a historic area  | Permitted with performance standards (or controlled) |
| <b>Alterations and additions</b> to historic buildings within a historic area   | Restricted discretionary                             |
| <b>Construction of a new building</b> within a historic area  | Restricted discretionary                             |
| <b>Additions to a non-contributory buildings</b> within a historic area   | Restricted discretionary                             |
| <b>Land disturbance</b> within a historic area  | Restricted discretionary                             |
| <b>Erection of new sign</b> within a historic area  | Restricted discretionary                             |
| <b>Subdivision</b> of land within a historic area   | Discretionary  |
| <b>Relocation</b> of a historic buildings within or beyond a historic area  | Discretionary  |
| <b>Partial demolition</b> of historic buildings within a historic area  | Discretionary  |
| <b>Demolition</b> of historic buildings within a historic area  | Non-complying  |
| <b>Note: Non-contributory</b> buildings are buildings within a historic area that have been assessed to have minimal heritage value or are intrusive. If non-contributory buildings have been identified, the demolition or relocation of these buildings may be permitted or controlled. |  |

<sup>29</sup> For model rules relating to the coastal environment, see Guide No. 2, *Regional Plans*

### Places/Areas of Significance to Maori

**Maintenance** of a listed place/area of significance to Maori is a **permitted activity**, provided the following standards listed in Appendix C are complied with. If the activity does not comply with the above performance standards, the activity is to be treated as a **restricted discretionary activity**. (refer Appendix B this guide).

The erection of a **new sign** that is obstructing, or within the setting of, a listed place/area of significance to Maori is a **restricted discretionary activity**.

The **subdivision of land** containing or affecting any listed place/area of significance to Maori is a **discretionary activity**.

**Land disturbance**, including repair work, of a listed place/area of significance to Maori, including wahi tapu is a **non-complying activity**.

The **destruction** of a listed place/area of significance to Maori, including wahi tapu is a **prohibited [or non-complying] activity**. If prohibited, rule to state that 'consent cannot be granted by Council for this activity'.

| <b>NZHPT Best Practice Guidance - Rules for Regional<sup>30</sup> and District Plans<br/>Places and Areas of Significance to Maori</b>                             |  |
|--|--|
| <b>Activity</b>  | <b>Consent Status</b>                                |
| <b>Maintenance</b>   | Permitted with performance standards (or controlled) |
| <b>Erection of a new sign</b> obstructing a listed place or area of significance to Maori or within the setting of a listed place or area of significance to Maori | Restricted discretionary                             |
| <b>Subdivision</b> of land containing or affecting a listed place or area of significance to Maori   | Discretionary  |
| <b>Land disturbance</b> within the setting of a place or area of significance to Maori   | Non-complying  |
| <b>Destruction</b> of a place or area of significance to Maori   | Non-complying-prohibited                             |
| Note: if the place or area of significance to Maori pertains to, or includes, a building, the listed historic places (buildings rules) apply                       |  |

<sup>30</sup> For model rules relating to the coastal environment, see Guide No. 2, *Regional Plans*

## **Appendix A: Criteria for Assessing Historic Heritage Values in the District**

### **Assessment criteria to assist in the identification of Historic Heritage Values**

The following best practice criteria are promoted by the NZHPT for use by local authorities and communities to encourage a systematic and transparent approach to identification and assessment of historic heritage.

#### **Physical values**

**Archaeological information:** Does the place or area have the potential to contribute information about the human history of the region, or to current archaeological research questions, through investigation using archaeological methods?

**Architecture:** Is the place significant because of its design, form, scale, materials, ornamentation, style, period, craftsmanship or other architectural element?

**Technology:** Does the place demonstrate innovative or important methods of construction or design, does it contain unusual construction materials, is it an early example of the use of a particular construction technique or does it have the potential to contribute information about technological history?

**Scientific:** Does the area or place have the potential to provide scientific information about the history of the region?

**Rarity:** Is the place or area, or are features within it, unique, unusual, uncommon or rare at a district, regional or national level or in relation to particular historical themes?

**Representativeness:** Is the place or area a good example of its class, for example, in terms of design, type, features, use, technology or time period?

**Integrity:** Does the place have integrity, retaining significant features from its time of construction, or later periods when important modifications or additions were carried out?

**Vulnerability:** Is the place vulnerable to deterioration or destruction or is threatened by land use activities.

**Context or Group:** Is the place or area part of a group of heritage places, a landscape, a townscape or setting which when considered as a whole amplify the heritage values of the place and group/ landscape or extend its significance?

#### **Historic values**

**People:** Is the place associated with the life or works of a well-known or important individual, group or organisation?

**Events:** Is the place associated with an important event in local, regional or national history?

**Patterns:** Is the place associated with important aspects, processes, themes or patterns of local, regional or national history?

### **Cultural values**

**Identity:** Is the place or area a focus of community, regional or national identity or sense of place, and does it provide evidence of cultural or historical continuity?

**Public esteem:** Is the place held in high public esteem for its heritage or aesthetic values or as a focus of spiritual, political, national or other cultural sentiment?

**Commemorative:** Does the place have symbolic or commemorative significance to people who use or have used it, or to the descendants of such people, as a result of its special interest, character, landmark, amenity or visual appeal?

**Education:** Could the place contribute, through public education, to people's awareness, understanding and appreciation of New Zealand's history and cultures?

**Tangata whenua:** Is the place important to tangata whenua for traditional, spiritual, cultural or historical reasons?

**Statutory recognition:** Does the place or area have recognition in New Zealand legislation or international law including: World Heritage Listing under the World Heritage Convention 1972; registration under the Historic Places Act 1993; is it an archaeological site as defined by the Historic Places Act 1993; is it a statutory acknowledgement under claim settlement legislation; or is it recognised by special legislation?

## **Appendix B: Criteria for Assessing Adverse Effects of Subdivision, Use and Development on Historic Heritage Values**

### **Respect values**

Recognising the lasting values of the place or area and evidence of the origins and development of New Zealand's distinct peoples and society.

### **Diversity and Community Resources**

Recognising the diverse cultures of New Zealand and the diverse social and physical environments and communities. There is a need to take into account the needs, abilities and resources of particular communities, including owners of historic heritage and stakeholders.

### **Sustainability**

Recognising the finite nature of historic heritage and the need to take a precautionary approach in order to safeguard the options for present and future generations. Promoting sustainability may include encouraging regular maintenance and finding compatible uses for places, including original and new adaptive uses.

### **Maori heritage**

Recognising and providing for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga following the spirit and intent of the Treaty of Waitangi (Te Tiriti o Waitangi).

### **Research and documentation**

Ensuring interventions are informed by sufficient research, documentation and recording, where culturally appropriate. All changes should be fully documented in drawings and photographs.

### **Respect for physical material**

The degree to which interventions involve the least possible loss of heritage significance and the least loss of material of heritage value, including any irreversible or cumulative effects. This may be achieved by promoting repair (rather than replacement), repairing in compatible materials, respecting the patina of age, and making new work reversible.

### **Understanding significance**

Whether the values of the place are clearly understood before decisions are taken that may result in change. Decision making, where change is being contemplated, should take into account all relevant values, cultural knowledge and disciplines. Understanding significance should be assisted by methods such as the preparation of heritage assessments and conservation plans.

**Respect for contents, curtilage and setting**

The extent to which interventions respect the contents and surroundings associated with the place. This may be achieved by ensuring, for example, that any alterations and additions to buildings, and new adjacent buildings, are compatible in terms of design, proportions, scale and materials.

[Further guidance on assessing affects of subdivision, use and development on heritage values is available in Discussion Paper No.2 and information sheets of this series. This information provides more detailed assessment criteria in relation to activities such as alterations and additions, relocation, demolition, etc. Local authorities may wish to add these more detailed assessment criteria into district plans].



## **Appendix C: Standards for Permitted Activities – Historic Heritage**

The following standards will guide the Council in assessing any proposed **repair and maintenance of any historic place (building)** as relevant:

- The work involves stabilisation, preservation and conservation as defined in the ICOMOS NZ Charter for the Conservation of Places of Cultural Heritage Value, 1993 (the ICOMOS Charter).
- The work does not involve alterations, additions (including restoration and reconstruction as defined in the ICOMOS Charter), relocation, partial demolition and demolition (otherwise other standards apply).
- The work involves the restoration to good or sound condition of any existing building or any part of an existing building.
- The work involves the patching, restoration or minor replacement of materials, elements, components, equipment and fixtures for the purposes of maintaining such materials, elements, components, equipment and fixtures in good or sound condition.
- Any redecoration work involves the renewal, restoration or new application of surface finishes, decorative elements, minor fittings and fixtures and floor coverings which does not destroy, compromise, damage or impair the appreciation of the heritage values of the element being redecorated.
- The work carried out on the building shall generally match the original in terms of quality, materials and detailing.
- Repair of material or of a site should generally be with original or similar materials. However, repair of technically higher standard than the original workmanship or materials may be justified where the life expectancy of the site or material is increased, the new material is compatible with the old and any heritage value is not diminished.
- The work is for the purposes of keeping the building in good condition.
- The work does not result in any increase in the area of land occupied by the building.
- The work does not change the character, scale and intensity of any effects of the building on the environment (except to reduce any adverse effects or increase any positive effects) but does not include upgrading.
- No painting is to be applied to any previously unpainted surface or render to previously unplastered wall surfaces. New paint should not adopt brash or extreme colours and the adoption of ‘corporate colours’ should be discouraged.
- Repair work should be carried out by a tradesperson with experience in working with heritage buildings.

The following standards will guide the Council in assessing any proposed **maintenance of any historic place (site) and place and area of significance to Maori** as relevant:

- The work will not involve any land disturbance or repair works (as defined in section 2 of this Guide).
- The work involves keeping the place in good condition by controlling noxious weeds, cutting grass and light stock grazing.
- The work is an existing land use that does not involve any land disturbance or destruction to a site, place or area.
- The disturbance of land by cultivation that does not extend beyond the area or depth previously disturbed.
- The work involves maintenance and minor upgrading of existing buildings that is compatible with standards for repair and maintenance of historic places, buildings, listed above.
- The work involves maintenance and upgrading of paved roads, modified berms and paths provided that the land disturbance does not extend beyond the area or depth previously disturbed.
- The disturbance of land by fencing that does not extend beyond the area or depth previously disturbed.
- Any maintenance work is supported by the written approval of the relevant tangata whenua if it is a place or area of significance to Maori.
- The work involves preservation and conservation as defined in the ICOMOS NZ Charter.
- The work, if relevant, is authorised by an archaeological authority issued under the Historic Places Act 1993.

## **Appendix D: Archaeological advice for use in resource consent processes**

### **Advice note where archaeological sites will be affected by consent activity:**

This proposal will affect recorded archaeological site(s). Work affecting archaeological sites is subject to a consenting process under the Historic Places Act 1993. An authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. It is an offence to modify, damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage. The applicant is advised to contact the New Zealand Historic Places Trust for further information.

### **Advice notes where archaeological sites may be affected by consent activity:**

There are recorded archaeological sites in the vicinity of the proposed work. The applicant is advised to contact the New Zealand Historic Places Trust for further information. Work affecting archaeological sites is subject to a consenting process under the Historic Places Act 1993. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. It is an offence to modify, damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage

### **Advice notes where unrecorded archaeological sites are possible:**

It is possible that archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. The applicant is advised to contact the New Zealand Historic Places Trust if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consenting process under the Historic Places Act 1993. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work to proceed lawfully. The Historic Places Act 1993 contains penalties for unauthorised site damage.