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## ARCHAEOLOGY IN NEW ZEALAND



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# **HISTORIC HERITAGE MANAGEMENT REVIEW A DISCUSSION PAPER FOR PUBLIC COMMENT**

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Historic Heritage Management Review  
Department of Conservation  
PO Box 10 420  
Wellington

## **PRINCIPLES TO GUIDE THE REVIEW**

- (1) The Government has agreed to the following principles to guide the review:
- i the system should produce better outcomes for the protection and management of historic heritage and deliver enhanced performance
  - ii the system should produce improved protection and management of Maori historic heritage (see paragraph 3 below)
  - iii the system for the regulation of historic heritage should be streamlined and any overlapping regulatory provisions between statutes should be examined
  - iv recognising the complementarity of regulatory and non-regulatory approaches to protection, there should be an increased emphasis on voluntary protection and the use of incentives, rewards, co-operation and education
  - v the duties and functions of central and local government in historic heritage protection and management should be clearly defined
  - vi there should be an increased emphasis on aligning decision-making processes as closely as possible to the affected communities of interest and maximising local community consultation and involvement, within a national policy framework ensuring clear national direction and consistency of standards and implementation
  - vii the system should provide for Maori to participate and be represented effectively in the protection and management of Maori historic

heritage, consistent with the obligations of the Crown under the principles of the Treaty of Waitangi (see paragraph 3 below)

viii the system should be efficient and effective, balance private property rights with the public good, deliver certainty and fairness, minimise compliance costs and give value for money

ix the future role and structure of the New Zealand Historic Places Trust and its relationship to Government should be clearly identified.

(2) Government has also agreed that:

the cost to Government of new arrangements should be sustainable over time in the light of the objectives and fiscal constraints of the government of the day.

(3) With reference to Treaty of Waitangi considerations, Government has agreed that:

the Crown, in partnership with Maori, has duties derived from the Treaty of Waitangi to take reasonable action to protect sites of significance to Maori.

(4) With respect to the duties referred to in paragraph (3) above, Government has noted:

i that the point referred to in paragraph (3) above is constrained because the Crown's obligation to Maori heritage is not absolute or unqualified (in the opinion of the Privy Council, the Crown is not required to go beyond what is reasonable in prevailing circumstances) and that the Crown's other responsibilities, as the Government of New Zealand, is a factor to be taken into account when determining what is reasonable

ii that objectives for the protection of sites of importance to Maori may, in some circumstances, be achieved through methods implemented by iwi/hapu authorities, local authorities and the private sector.

### **Review Process and Scope**

Purpose of this paper

This paper sets out issues, options and questions and seeks ideas and proposals for establishing a more effective system for historic heritage management in New Zealand. Its purpose is to stimulate public debate and written responses.

### **REVIEW PROCESS**

The process for the review is as follows:

public discussion paper released - February 1998

period for public consultation and submissions - February to 24 April 1998

consideration of public submissions - May-June 1998

proposals considered by Government - July-August 1998

legislation introduced - late 1998.

A Ministerial Advisory Committee has been set up as part of the review, appointed and chaired by the Minister of Conservation. It will report to Ministers on its views, conclusions and recommendations.

### **Background to the review**

In 1995-96 the Parliamentary Commissioner for the Environment (PCE) investigated the system of heritage management. It was concluded that the system as a whole was performing poorly and that there was a particular need for more effective protection of Maori heritage (Historic and Cultural Heritage Management in New Zealand, 1996; see Appendix for Summary Report).

New Zealand is a signatory to the Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention). Article 5a states that parties to the Convention shall endeavour, in so far as possible and appropriate:

to adopt a general policy which aims to give the cultural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes.

The Coalition Agreement contains a key initiative to clarify and strengthen legislation protecting heritage sites, buildings and objects, including improved documentation of important Maori sites. The settlement of the Ngai Tahu Treaty claim also includes an undertaking to review the Historic Places Act and associated heritage legislation. Cabinet has therefore decided that the Minister of Conservation should carry out a comprehensive review of historic heritage management.

### **Scope of the review**

The review will consider policy and legislation relating to land-based historic and cultural heritage as defined by the Historic Places Act (referred to in this paper as historic heritage). This includes historic buildings, places and areas, archaeological sites including shipwrecks, wahi tapu, wahi tapu areas and sites of significance to Maori.

The review does not address intellectual property issues or historic land claims under the Treaty of Waitangi. It excludes movable cultural property and matters relating to the Antiquities Act. These matters are being addressed through separate processes. The linkages to these areas are acknowledged.

### **Terms of Reference**

#### **Purpose**

To review the legislation and the system of management for historic heritage,

having regard to:

the Coalition Agreement initiative to clarify and strengthen legislation protecting heritage sites and buildings;

the major issues and problems identified by the Parliamentary Commissioner for the Environment in the report, *Historic and Cultural Heritage Management in New Zealand*;

the need for more effective protection of Maori heritage, with proper recognition of Treaty obligations;

the undertakings made by the Crown in the Ngai Tahu Deed of Settlement;

the particular emphasis in Strategic Result Areas for the Public Sector on developing new policy frameworks to improve the protection and management of New Zealand's historic heritage;

the particular emphasis in Strategic Result Areas for the Public Sector on developing policy frameworks and effective programmes which stimulate and affirm New Zealand's evolving identity and cultural heritage.

#### **Definition**

For the purposes of this review, historic heritage means the land-based historic and cultural heritage as defined by the HPA 1993 within the territorial limits of New Zealand, including the sub Antarctic Islands and the Ross Dependency. In the case of the Ross Dependency the review must take account of and be consistent with any international obligations. Historic and cultural heritage includes historic buildings, places and areas, archaeological sites and wahi tapu.

The review covers Maori land-based historic and cultural heritage issues but not historic land claims under the Treaty of Waitangi. It excludes movable heritage objects and matters relating to the Antiquities Act. The linkages to these areas are acknowledged.

#### **Objectives**

To review the desired outcomes for heritage protection and management generally, with a view to maximising its net contribution to the welfare and cultural identity of New Zealand in the long term.

To identify the most efficient and effective means of achieving the desired outcomes, with regard to the costs and benefits and considering the need to:

- (i) ensure certainty and fairness
- (ii) ensure clear separation of central and local government roles and separation of advocacy and regulatory roles
- (iii) give value for public expenditure

(iv) minimise compliance costs.

To consider strategic issues including:

(i) the most effective balance between regulatory and voluntary approaches

(ii) the most effective balance between the roles and responsibilities of central and local government, including the fair allocation of costs

(iii) the roles and responsibilities of other agencies such as the New Zealand Historic Places Trust, iwi authorities and the private sector.

To identify the most efficient and effective policies and processes to improve the protection and management of Maori heritage, considering the need to support:

(i) the Crown's duties derived from the Treaty of Waitangi to take reasonable action to protect sites of significance to Maori

(ii) the principles of the Treaty of Waitangi generally

(iii) a better appreciation and understanding of the Maori dimension of New Zealand's cultural heritage.

To improve the design, access to, delivery and monitoring of policies and programmes for the protection and management of Maori heritage and to improve the participation and representation of Maori in relevant processes.

To produce with respect to heritage protection and management:

(i) well defined objectives and targets

(ii) a methodology for prioritising actions.

To identify priorities for action, including whether any legislative changes are necessary and to identify options for change.

### **Issues**

How voluntary protection and management of historic heritage by private owners might be encouraged, through economic incentives.

The most effective arrangements for heritage identification, assessment, information, databases and research, and their provision by the public and private sectors.

The most workable and consistent methods of regulatory protection, including:

(i) the role and potential role of the Resource Management Act in heritage protection, including the use of heritage orders and other mechanisms such as plans and rules and the need to promote good practice in the management of heritage

(ii) the future of the register of historic places, historic areas, wahi tapu

and wahi tapu areas under the Historic Places Act, including whether local authorities should have a role in registering heritage

(iii) the future of the regulatory provisions of the Historic Places Act relating to archaeological sites.

The most effective system for the protection and management of Maori heritage and the involvement of iwi Maori in relevant processes including:

(i) methods to enable Maori to exercise kaitiakitanga consistent with the principles of the Treaty of Waitangi

(ii) national organisational arrangements.

The most effective national organisational arrangements for:

(i) delivering strong heritage leadership, advocacy and public education

(ii) delivering policy advice to Government

(iii) the acquisition, ownership and management of publicly-owned historic heritage.

The future role, structure and resourcing of the New Zealand Historic Places Trust and its relationship to Government.

The most effective arrangements for general public consultation and involvement.

Government's purchase requirements for heritage management.

Co-ordination with the Lottery Grants Board and other funders.

### **Summary of the Present System**

The principal legislation governing the protection and management of historic heritage is the Resource Management Act 1991 (RMA), the Historic Places Act 1993 (HPA) and the Conservation Act 1987. Other statutes which provide for or impact upon historic heritage include the Environment Act 1986, the Building Act 1991, the Reserves Act 1977, the National Parks Act 1980, the Treaty of Waitangi (State Enterprises) Act 1988 and Te Ture Whenua Maori 1993.

The principal agencies exercising functions relating to heritage protection under these Acts are the New Zealand Historic Places Trust (NZHPT) and the Maori Heritage Council, local authorities and the Department of Conservation (DOC). Other agencies with some involvement include the Ministry for the Environment, the Department of Internal Affairs and Te Puni Kokiri.

The NZHPT is the leading national advocate of historic heritage protection. It is a non-Crown agency, funded partly by Crown purchase of services through Vote: Conservation (1997-98, \$3.0m), partly by self-generated

revenue (\$1.3m) and partly by grants from independent funding agencies (particularly from the Lottery Environment and Heritage Committee, \$0.7m). The NZHPT exercises statutory powers under the HPA relating to historic heritage on all land (the authority provisions regulating the modification of archaeological sites and the national register of historic places, historic areas, wahi tapu and wahi tapu areas). It manages a portfolio of 60 heritage properties, of which some are historic reserves, some are owned by NZHPT and some are leased. It has a public membership of over 33,000 and a staff of about 40 full-time and over 30 part-time employees.

The Maori Heritage Council was established by the HPA 1993. Its principal role is to provide policy and operational advice to the Board and staff of the NZHPT and to actively assist iwi and hapu Maori with the preservation and management of their historic resources.

The responsibilities of DOC include the management of all historic resources on the land which it administers (primarily the Crown conservation estate), policy advice to Government on historic heritage and servicing of the relationship of the Minister of Conservation with NZHPT. Historic heritage is an essential part of DOC's integrated conservation management approach, but is a relatively small proportion of its work (\$4.2m, 2.7% of spending in 1997-98).

Local government has wide-ranging roles and responsibilities for historic heritage protection and management. Under RMA these include regulatory and non-regulatory provisions in regional and district plans and policy statements. The RMA provides for heritage orders, requirements for which are handled by territorial authorities through district plans. The New Zealand Coastal Policy Statement prepared under the RMA includes principles and policies relating to historic heritage. Territorial authority responsibilities under the Building Act 1991 have significant implications for heritage buildings. Historic heritage may be acquired and managed under the Local Government Act 1974.

The Ministry for the Environment advises the Minister for the Environment on any application from a body corporate to become a heritage protection authority under RMA. The Ministry advises on, consults on and monitors local authority performance generally.

The Department of Internal Affairs, through its Heritage Property Unit,

administers and maintains certain heritage properties as Ministerial residences (e.g. Premier House), manages the National War Memorial, historic monuments and graves (primarily war graves) and works in partnership with local authorities to administer and maintain services cemeteries. The Department administers the Antiquities Act 1975, produces histories including the Dictionary of National Biography and administers a range of other historically-related functions through its new Heritage Group. It also administers the Lottery Environment and Heritage Committee which is a major independent funder of community heritage projects.

Te Puni Kokiri (the Ministry of Maori Development) has a policy role relating to Maori heritage. It also administers Te Ture Whenua Maori Act 1997 which includes provisions for Maori reservations of places of cultural or historical interest.

Historic heritage generally is also part of the wider cultural sector and thus forms part of the general policy purview of the Ministry of Cultural Affairs.

### **Key Issues and Options**

Historic heritage management policy and legislation is a complex field in which many issues are of public concern at the present time. The presentation in this discussion paper is intended to progress logically and focus on the big issues.

A range of options has been identified in each section of this presentation. These options can be mixed in various combinations. Four possible overall scenarios are presented. These provide a concluding summary for the discussion paper.

#### 1. Heritage identification and assessment

- 1.1 HPA registration
  - District plan listing
- 1.2 Information
  - Research
  - Databases

#### 2. 3. 4. 6. Heritage protection and management

- 2. HPA archaeological authorities
- 3.1 Local authority roles under RMA
- 3.4 National mechanisms (incl. Heritage Orders)
- 4. Voluntary protection and incentives
- 6. Management by national agencies
- 3.2 National strategies

- 3.3 RMA, sections 6 & 7
- 5. Maori heritage issues
- 7. Machinery of government
- 7.1 Crown agencies
- 7.2 NZHPT
- 7.3 Maori heritage agencies
- 8. Heritage funding

### **Heritage identification and assessment**

Historic heritage in its widest sense includes the whole humanly modified environment (see Glossary for definitions). While historic heritage can be viewed as a collective public inheritance, it also includes legacies strongly bonded to particular communities, cultural groups, families and individuals. In particular, the ancestral landscapes of iwi, hapu and whanau constitute first of all the identity of Maori as tangata whenua and secondly the foundation of New Zealand's historic heritage. Also, for example, the archaeological remains of Chinese gold miners, or the settlement sites of English missionaries, are of particular significance to their descendants.

The PCE reported that significant losses of historic heritage in New Zealand are continuing. For example:

- less than 200 ha (2.5%) of the original 8,000 ha of stonefield areas (areas of Maori heritage value) in the Auckland area still exist
- in Canterbury over 40% of archaeological sites in the hill country and 70% of sites elsewhere have been destroyed or damaged
- in Wellington 41 buildings on the HPA register (12% of registered buildings) were destroyed in 1980-95.

We cannot protect everything. Legal, political and financial constraints compel some sort of selectivity. It is necessary to identify the heritage we want to protect and manage. For this to be valid, we need a good understanding of the extent and range of historic heritage resources and assessment based on clear criteria.

The PCE found that ranking of sites of significance to Maori is generally not appropriate and other ways of assessment need to be found. Good practice recommended by the PCE is that primary responsibility for identifying and assessing Maori heritage values should rest with tangata whenua and that protocols should be developed for the use of information on sites of significance to Maori, acknowledging the ancestral relationships with iwi, hapu and whanau.

### 1.1 Registration and listing

Collectively, statutory registers and lists should identify historic heritage which is significant to the community. However, registration (under the HPA) and listing (in district plans under the RMA) is fraught with overlapping, confusing and sometimes contradictory processes run by different agencies and there is no national consistency.

The HPA 1993 introduced a statutory system, administered by the NZHPT, for the registration of historic places, historic areas, wahi tapu and wahi tapu areas. Registration under the HPA is intended to assist protection under the RMA, but no automatic protection applies. The current register is not fully representative of our history and contains mainly European buildings:

buildings	4780	1809	Category I; 3971	Category II)
objects	3		(1	Category I; 2
archaeological sites	1030		(6	Category I; 1024
historic areas	105			
wahi tapu	20			
wahi tapu areas	8			

District plans under the RMA usually include schedules or lists of heritage items based on the HPA register. Likewise these are mainly European buildings. Some councils use HPA registration criteria, but others have developed their own which vary greatly.

#### PCE recommendation

That the Minister responsible for historic and cultural heritage, in association with the Board of the NZHPT, the Maori Heritage Council, the Local Government Association and ICOMOS New Zealand, urgently convene a Working Group on assessment and registration procedures, with the objectives of strengthening and integrating those procedures, upgrading the existing HPA register and exploring the feasibility of a HPA register of nationally important sites.

The PCE suggested that there would be advantages in restricting the HPA register to places of national and international significance and that responsibility for listing of other places would then lie with territorial authorities and Maori agencies.

In May 1997, the NZHPT convened a national workshop on registration. It was suggested that national registration under the HPA and listing in district plans under the RMA should be co-ordinated and complementary, based on national standards and guidelines.

## Options

- i Status quo: historic heritage is registered by NZHPT under the HPA and listed by local authorities under the RMA.
  - ii Modified status quo: two systems - HPA registration and district plan listing, with the HPA register restricted to places of national or other major significance.
  - iii A single national focus system: an authoritative comprehensive national register of all types of heritage, with no separate district plan listings.
  - iv A single local focus system: listing of historic heritage by territorial authorities in district plans, with a national database of local lists but no separate national register.
  - v A three-level system: separate national, regional and district lists for places of national, regional and local importance.
  - vi Special provisions for registration or listing of Maori heritage to accompany any other options (see section 5).
- (See section 3.4 for protection options for registered heritage.)

**Questions for consultees**

## Options

Which of the above options would you support?

What additional options can you suggest?

## Issues

If there is to be one system through district plan listing only, how should national consistency be achieved?

If there are to be both national and local systems, should the national register be confined to nationally significant heritage?

By what process and by whom should significance (national, international, local) be determined?

What form should any special provisions for statutory identification of Maori heritage take?

(See section 1.2 for the issue of the recording and custody of information on sites of significance to Maori.)

**1.2 Information, research and databases**

Sound information and research and properly managed and accessible databases are essential tools for heritage management. They should withstand public and legal scrutiny. A great deal of historic heritage information exists, but the coverage is incomplete. The quality of the information is variable and it is lodged in a variety of places, making access difficult.

The HPA register of historic places, historic areas, wahi tapu and wahi tapu

areas and listings of historic heritage in district plans under the RMA (see section 1.1 above), are databases of heritage regarded as significant. Information standards vary widely. In recent years some local authorities have developed cultural heritage inventories as a basis for protection and advocacy programmes.

The New Zealand Archaeological Association national site recording scheme contains over 50,000 records. Use of this database is widespread, but the information is incomplete and of variable accuracy. There is no comparable national database for other types of heritage.

Some iwi, hapu and whanau are developing cultural heritage databases for resource management purposes. Issues of cultural and intellectual property arise. Methods for retaining confidential information include secret files and the holding of knowledge in hapu and whanau communities.

PCE recommendation. That the Minister of Research, Science and Technology re-examine the criteria for databases to be funded by the Foundation for Research, Science and Technology as databases of national significance, with a view to establishing the eligibility of the New Zealand Archaeological Association File to be funded by the Public Good Science Fund.

#### Options

- i. Status quo: proliferating databases.
- ii. A centralised national database of all types of heritage linked with a national register.
- iii. Database functions focused at regional level.
- iv. Emphasis on district and iwi and hapu databases.

#### **Questions for consultees**

##### Options

Which of the above options would you prefer?

What additional options can you suggest?

##### Issues

What provisions are needed for the recording and custody of information on sites of significance to Maori?

How should heritage surveys, databases and research be funded?

Should heritage research and databases be special categories in PGSF and FORST classifications and funding?

#### **Archaeological consents**

Part I of the HPA requires the authority of NZHPT for any work involving

the destruction, damage or modification of any archaeological site (see Glossary). The NZHPT, when granting an authority, has the power to require site investigations to be paid for by the applicant. There are no comparable provisions for other types of heritage.

These powers have been in existence since 1975. They have attracted both criticism and support. In their favour, they have generally operated so as to mitigate adverse effects and to enable information to be retrieved from sites prior to destruction.

However, it has generally not been possible to use the provisions as a method to achieve long-term protection. The current processes for obtaining HPA archaeological authorities and RMA resource consents are not co-ordinated, so that environmental values are not considered in an integrated manner. An applicant can be required to provide information to two different agencies under two different processes. The NZHPT is limited in its capacity to monitor and enforce the HPA provisions.

Archaeological values may be one component of sites of significance to Maori and may be part of the ancestral landscape. Maori have not found the legislation effective in protecting cultural values and some have criticised what they see as giving archaeological values priority over Maori heritage values.

Any archaeological investigations also require the authorisation of the NZHPT.

#### PCE recommendation

That the Minister for the Environment consult with the Minister responsible for historic and cultural heritage on the desirability of placing the archaeological site authority provisions of the HPA within the RMA and on the insertion of a clause in the provisions setting an expiry date for all authorities granted under previous Acts.

#### Options

- i Status quo: HPA archaeological consent provisions operated centrally by NZHPT (see section 7.2).
- ii Modified status quo: HPA archaeological consent provisions operated by NZHPT, as far as possible in conjunction with RMA resource consent processes, possibly transferring some powers through change in legislation.
- iii Archaeological consent provisions incorporated in the RMA and administered by regional or territorial local authorities.

iv Archaeological site protection becoming part of normal RMA processes, i.e. with no special provisions.

v New Ministerial powers as the consent authority for places on a register of nationally significant heritage, on the basis of a National Policy Statement (see section 3.2).

vi Archaeological consent provisions operated by a national Crown agency (existing or new - see section 7.1).

(See also options in section 3.4.)

### **Questions for consultees**

#### Options

Which of the above options would you prefer?

What additional options can you suggest?

#### Issues

Is the term "archaeological site" appropriately defined in the HPA (see Glossary), particularly given that many archaeological sites are also wahi tapu?

Are separate provisions for protection of archaeological sites necessary?

Should consent to modify be required for all archaeological sites whether registered or not, or only for registered or listed sites; and if only required for registered or listed sites, how could provision be made for protecting unrecorded or newly-discovered sites (see options under section 3.4)?

For archaeological sites of significance to Maori, how should consideration be given to the maintenance of the Maori ancestral relationships?

### **Regulatory protection under the Resource Management Act**

This section considers the sustainable management of historic heritage through regulation under the RMA. Non-regulatory and incentive methods are considered in section 4. The management of historic heritage by national agencies is considered in section 6.

#### *3.1 Regional and territorial authority roles*

Recent surveys by NZHPT and the Ministry for the Environment have found that, although many territorial authorities are handling their approaches to heritage buildings well through a range of regulatory and non-regulatory methods in their district plans, provisions for archaeological sites and wahi tapu are in many cases limited or non-existent. With some exceptions, regional policy statements have provided little guidance on historic heritage. Few councils have approved heritage strategies.

PCE recommendations

That all Regional Councils recognise and give effect to their role in integrated heritage management within their regions.

That all Territorial Authorities recognise their primary protection role for historic and cultural heritage under the RMA and use available protection measures accordingly.

The PCE envisages the RMA as the principal means of historic heritage protection. To support enhanced performance by local government it might be necessary to make a special transitional effort at national level to provide guidelines and advisory services.

The role of regional councils requires clarification. The PCE suggested that they should give effect to heritage sections in regional policy statements and plans and support territorial authorities in heritage protection and management. However, there are limits to the powers regional councils can exercise in relation to land use.

#### Options

- i Status quo: the RMA is the principal focus for regulatory protection, supplemented under the HPA by protection of archaeological sites and the option of interim protection prior to registration of historic places. Performance by local authorities could be enhanced under the existing regime.
- ii RMA the sole focus for legal protection, based on the duty to avoid, remedy or mitigate any adverse effects of activities on historic heritage.
- iii RMA the focus for legal protection, except that national agencies could have powers to protect heritage of national significance (see section 3.4).
- iv Protection responsibility determined by significance: nationally significant places under the jurisdiction of national agencies and regionally and locally significant places under the jurisdiction of regional and district authorities.

#### Questions for consultees

##### Options

Which of the above options would you prefer?

What additional options can you suggest?

##### Issues

If all protection was to be effected under RMA:

What would be the costs and benefits for the private sector?

What would be the costs, benefits and key problems for local authorities?

What would be the costs, benefits and key problems for Maori?

What national standards and guidelines for heritage management would be needed?

What provisions should be made for statutory advocacy and litigation for protecting historic heritage?

What should be the role of regional councils for historic heritage?

What transitional arrangements, systems and support services would be required?

### 3.2 *National strategies for historic heritage*

The PCE concluded that there was a lack of national strategy and policy for historic heritage management. DOC has published a Historic Heritage Strategy (1995), but this relates primarily to the management of historic resources on the land administered by DOC.

#### PCE recommendation

That the Minister responsible for historic and cultural heritage develop, as a priority, a detailed national strategy for historic and cultural heritage management in New Zealand.

#### Options

i. A National Policy Statement for historic heritage under RMA.

Part V of the RMA provides for the Minister for the Environment to issue National Policy Statements on matters of national significance. A National Policy Statement on historic heritage would have a binding effect on agencies operating under the RMA. It could identify national heritage values requiring protection, outline the strategic approaches and outcomes sought by Government and establish national guiding principles and standards.

ii. A national strategy for historic heritage management.

This could be developed and published as a companion to the existing publication, Sustainable Land Management: A Strategy for New Zealand (Ministry for the Environment 1996). It could summarise the desired outcomes, the policy approach, the principal solutions and priorities for action, but would not have a binding effect.

(See section 5 for reference to a national strategy for Maori heritage, which could be separate or form part of a National Policy Statement on historic heritage generally.)

#### **Questions for consultees**

##### Options

Would you support either or both of the above options?

##### Issues

Would a National Policy Statement on historic heritage provide local authorities with a suitable guide to achieving consistency of standards?

Should there be a separate National Policy Statement on Maori heritage, or should it form part of a National Policy Statement for historic heritage generally?

### 3.3 *RMA Sections 6 and 7 - Matters of national importance and other matters*

Section 6 (e) of the RMA includes as a matter of national importance, to be recognised and provided for in the exercise of functions and powers under the Act:

The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga.

Section 7 (e) of the RMA requires those exercising functions and powers under the Act to have particular regard to:

Recognition and protection of the heritage values of sites, buildings, places, or areas.

The PCE has concluded that the omission of heritage values from matters of national importance under section 6 of the RMA allows local authorities the discretion to do little in relation to historic heritage.

PCE recommendation

That the Minister for the Environment amend Part II of the RMA so that "recognition and protection of the heritage values of sites, buildings, places, or areas" becomes a matter of national importance.

Options

- i. Status quo: matters relating to Maori heritage listed under section 6 of the RMA and heritage values generally listed under section 7 of the RMA.
- ii. Heritage values generally also listed under section 6 of the RMA as a matter of national importance to be recognised and provided for.

#### **Questions for consultees**

Options

- i. Would you support the proposal to include heritage values generally in section 6 of the RMA as a matter of national importance to be recognised and provided for?

Issues

Does the status quo give appropriate priorities for the guidance of local authorities (inclusion in section 6 of the RMA of Maori heritage values as a matter of national importance, and heritage values generally in section 7)?

By what agencies and methods should the effectiveness of management arrangements for historic heritage in compliance with sections

6 and/or 7 be monitored?

### 3.4 Regulatory protection at national level

Overseas, legislation frequently provides protection mechanisms for historic heritage registered in a selective national statutory inventory. Provision can also be made for the temporary protection of unprotected or newly-discovered heritage (e.g. archaeological sites) until an evaluation can be carried out.

In New Zealand, heritage orders under the RMA can be used at both national and local levels by heritage protection authorities including Ministers, NZHPT and local authorities. The PCE found that the use of this mechanism was very limited because of its potential financial implications for heritage protection authorities, such as liability for possible compensation or for the purchase of the property concerned. No heritage authority applications by bodies corporate were received by the Minister for the Environment in 1996/97.

At a national level, NZHPT has the power of interim registration under the HPA. This has the effect of a heritage order under the RMA for up to eight months. It has been used when destruction is threatened to allow a cooling-off period during which heritage solutions can be pursued, but it is not available for places which have already been registered.

#### Options

- i Status quo: heritage orders under the RMA, and archaeological consents and the option of interim registration under the HPA.
- ii Protection for places on a register of nationally significant heritage through co-ordination between the register and district plans (see section 1.1).
- iii Strengthened HPA regulatory functions, e.g. through regulatory provisions relating to a register of nationally significant heritage (see section 7.2).
- iv New Ministerial powers as the consent authority for places on a register of nationally significant heritage, on the basis of a National Policy Statement (see section 3.2).
- v A new interim protection mechanism under the RMA allowing for a cooling-off period when destruction is threatened, either applicable to places on a national register (see section 1.1), or applicable to any historic heritage whether registered or not (e.g. unrecorded or newly-discovered archaeological sites, see section 2).
- vi New powers for a Minister to intervene in RMA processes on matters of national heritage significance (such powers could be a modification of or additional to the RMA heritage order process).

#### Questions for consultees

## Options

Which of the above options would you support?

What additional options can you suggest?

## Issues

Should national level protection provisions be provided for historic heritage deemed to be of national significance?

If special provision is made for national level protection of historic heritage, what implications would this have for the protection of heritage not identified as being nationally significant?

Are specific mechanisms under the RMA for the protection of Maori heritage needed, or are general mechanisms sufficient?

## **Voluntary protection and incentives**

Historic heritage on publicly-owned land is not representative of New Zealand's rich and varied history. Most of our historic heritage is on private land. A reformed heritage management system should therefore emphasise and encourage voluntary protection in the private sector, including the protection of wahi tapu and sites of significance to Maori.

Increased regulation may lead to negative community reaction. In contrast, assistance funds, best practice guidelines and advisory services may be more effective in improving community attitudes to heritage protection. The aim should be to rely upon voluntary actions by owners where there is good reason to believe that these will achieve the desired outcomes.

Although there may be costs to owners of the protection of historic heritage, there are losses to the public good when heritage is destroyed. Incentives may be effective in situations where there are costs to owners arising out of the public good which the protection or maintenance of historic heritage represents. Incentives available in some district plans include grants, loans, awards, waiving of fees for consent applications and rates relief for covenanted properties. However, these provisions are not universally available and do not often impact on major protection issues. No incentives are currently offered at the national level for voluntary protection, apart from provision for voluntary covenants under the HPA and other legislation.

A related question is whether private owners should be financially compensated or should meet all the costs arising out of heritage-related consent decisions (e.g. loss of value arising out of registration or listing, or costs of consent conditions such as archaeological investigations, or costs of upgrading in compliance with building codes).

PCE recommendations

That the Minister responsible for historic and cultural heritage establish a national incentive fund for the funding of various heritage protection and management measures.

That all Territorial Authorities establish local incentive funds for the funding of various heritage protection and management measures.

That the Minister of Finance consider the reinstatement of government earthquake insurance cover for buildings of regional and national heritage significance.

#### Options

i Status quo: incentives for voluntary protection are almost exclusively provided by local authorities, but there is little national consistency.

ii Establishing that heritage properties registered or listed in a district plan should be subject to rates relief and other incentives.

iii Promoting the development by territorial authorities of other non-regulatory protection and incentive methods such as assistance funds, use concessions and advisory services.

iv Establishing a national fund and/or grant aid programme for conservation of heritage of national significance on private land.

v Promoting the use of tradable/transferable development rights (where a city heritage building utilises only a fraction of the high-rise development rights of its site, the remainder could be transferred to appear as additional bulk on neighbouring buildings).

vi Establishing taxation incentives (e.g. tax credits against loss in value; accelerated depreciation regimes).

vii Providing public education programmes to increase awareness of the value of historic heritage.

#### Questions for consultees

##### Options

Which of the above options would you support?

What additional options can you suggest?

##### Issues

Should property owners be compensated for costs arising out of heritage-related statutory decisions?

What incentives could prevent the destruction of wahi tapu and sites of significance to Maori on private land?

#### Maori heritage

Cultural heritage for Maori is a broad concept. It includes land-based historic heritage as considered in this review and also matters such as intellectual property, language, natural resources and social organisation. This review thus relates to wider complex issues of protection for Maori cultural heritage.

The ancestral landscapes of iwi, hapu and whanau are inseparable from the identity and well-being of Maori as tangata whenua. The maintenance of ancestral relationships with wahi tapu is a major issue for Maori. There is therefore a particular obligation to ensure an effective system for Maori heritage protection and management, considering the duties of the Crown derived from the Treaty of Waitangi to take reasonable action to protect sites of significance to Maori.

The RMA provides for Maori heritage as a matter of national importance (see section 3.3). However, the PCE identified many shortcomings in the protection of Maori heritage places:

The range of mechanisms to protect Maori heritage is not fully utilised and developed.

There is insufficient funding and incentives at national and regional levels to support the implementation of measures to protect Maori heritage.

The HPA is deficient in its treatment of Maori values.

The law does not guarantee protection for confidential information on sites of significance to Maori.

Ranking of sites of significance to Maori is generally not appropriate and other ways of assessment need to be found.

There is an inadequate interface between the RMA and HPA for archaeological sites of significance to Maori.

#### PCE recommendation

That the Maori Heritage Council, in association with the Minister responsible for historic and cultural heritage and the Board of the NZHPT, urgently convene a hui (or a series of hui) of interested parties to:

develop options for addressing systemic problems in managing Maori historic and cultural heritage;

review current initiatives being taken by tangata whenua;

develop strategies for protecting and managing historic and cultural heritage of significance to Maori.

A national hui to discuss these matters was convened by the Maori Heritage Council in November 1996 (see page 14 above for the role of the Maori Heritage Council). The conclusions of the hui were:

In principle, to move towards a stand-alone national Maori heritage body.

To retain the current Maori Heritage Council as an interim structure.

To work with the Government to develop the terms of reference for a national strategy and for Maori strategies to lock into consultation.

To call a larger national hui of Maori which would:  
 Consult further on the interest to stand alone  
 Establish terms of reference  
 Establish the principles for appointment  
 Establish a resourcing basis.

In presenting its report on the hui to Government, the Maori Heritage Council voiced its concern about the need to stem the destruction of Maori heritage sites.

Government has agreed that the Crown, in partnership with Maori, has duties derived from the Treaty of Waitangi to take reasonable action to protect sites of significance to Maori (see Principles to guide the review, pages 7-8 above, paragraph 3 and also paragraph 1 ii and 1 vii).

#### Options

- i Status quo: the Maori Heritage Council is established under the HPA to provide policy and operational advice to NZHPT and to assist Maori with heritage management. The RMA provides for Maori heritage as a matter of national importance and the HPA provides for recognition of Maori values, but there are few processes specific to Maori heritage.
- ii Re-establishing the Maori Heritage Council as an autonomous non-Crown body (see section 7.3 for other options).
- iii Development of a national strategy for Maori heritage, which could be separate or could form part of a National Policy Statement on historic heritage generally (see section 3.2)
- iv Strengthening special provisions for registration or listing of Maori heritage places (see sections 1.1 and 3.4).
- v Ensuring that generic protection mechanisms include processes allowing for specific consideration of Maori heritage values and full participation by Maori at all levels.
- vi Expanded heritage conservation advice services to Maori communities/marae.
- vii Assistance to iwi to develop planning documents identifying significant places/areas.
- viii Assistance to tangata whenua to identify Maori heritage values and assessments of effects in RMA processes.

#### Questions for consultees

##### Options

- Which of the above options would you support?
- What additional options can you suggest?

##### Issues

What are the important objectives for Maori heritage protection?

Would a national strategy for Maori heritage be appropriate and how should this relate to strategy established at the iwi and/or hapu level?

What form should any special provisions for statutory identification and protection of Maori heritage take?

What methods could assist the protection of sites of significance to hapu or whanau which are not registered and not identified in a district plan?

What provisions are necessary for public awareness of Maori heritage sites and what constraints are necessary for the ownership and treatment of confidential information?

### **Management of historic heritage by national agencies**

It is generally agreed that some heritage places are of such great importance in the history and development of New Zealand as a nation that they should be managed by a public agency to the highest standards in the public interest (e.g. the Waitangi Treaty House, the National War Memorial). There are also many historic places (buildings, archaeological sites and wahi tapu) on land managed by public agencies for other reasons.

There are a number of national agencies involved in the management of historic heritage:

DOC manages all historic resources on the land which it administers (primarily the Crown conservation estate), including 125 historic reserves and 140 places registered under the HPA.

NZHPT manages a portfolio of 60 heritage properties, of which some are owned by NZHPT, some are historic reserves and some are leased or jointly owned.

The Department of Internal Affairs administers and maintains certain Crown-owned heritage properties as Ministerial residences, manages historic monuments and graves and works in partnership with local authorities to administer and maintain services cemeteries.

Other Crown agencies manage heritage properties for the purposes of their own direct operational use (e.g. Defence).

In Wellington, for example:

DOC administers Government Buildings and Turnbull House (historic reserves).

NZHPT owns Antrim House and administers Old St Pauls (historic reserve).

The Department of Internal Affairs administers Premier House, Vogel House and the National War Memorial.

At a local level, over 60 historic reserves are managed by a variety of

agencies such as local authorities and incorporated societies. Regional and district councils also manage historic heritage in reserves of other classification, parks and domains.

The PCE considered that the proliferation of national management agencies has led to duplication of responsibilities, poor management at times and the loss of important heritage places through lack of a clearly defined lead agency. However, the PCE did not review national historic heritage ownership and management functions in any detail.

There is a substantial unfunded maintenance deficit in NZHPT properties. This could represent a risk to the Crown, which is both the owner of some of these properties and also a major funder of NZHPT.

#### PCE recommendations

That the Prime Minister arrange for oversight of management of all HPA-registered Crown-owned heritage places to be established in a single agency such as the Heritage Properties Unit of the Department of Internal Affairs.

That the Minister responsible for historic and cultural heritage establish a fund for the acquisition of nationally significant historic and cultural heritage places.

The PCE recommended oversight by a single agency, but not management by a single agency. In the case of conservation land, for example, it would be inefficient to have separate organisations managing historic values, natural values and ongoing public uses on the same areas of land.

#### Options

- i Status quo: responsibility is divided between DOC, the Department of Internal Affairs and NZHPT.
- ii Rationalising management responsibilities at a national level through consolidation in one or more agencies.
- iii Establishing one national agency as the government purchasing agency able to negotiate with management provider agencies on a contestable basis.
- iv Establishing one national agency as the lead agency responsible for setting standards and promoting best practice and support services for the management of historic heritage by public agencies.
- v Providing a new national fund for historic heritage acquisition.
- vi Transfer of some national historic heritage management to local government.

## Questions for consultees

### Options

Which of the above options would you support?

What additional options can you suggest?

### Issues

To what extent should the Crown or other national agencies acquire ownership of and continue to fund the management of heritage, in preference to other protection solutions?

How should the NZHPT property portfolio be funded?

Should all Crown agencies be required to recognise and protect historic heritage under their control and use?

Should there be separate provision for the acquisition and management of wahi tapu, wahi tapu areas and sites of significance to Maori?

## Machinery of Government

### 7.1 A Crown heritage agency

The PCE was critical of:

Inadequate ministerial accountability for heritage protection and management outside the conservation estate.

Inappropriate roles of the Minister of Conservation and DOC in relation to NZHPT given DOC's primarily conservation estate-focused role. DOC's primary roles for historic heritage are to manage historic resources on the land it administers and to act as Government's principal adviser on policy and legislation (see page 14). DOC participates to a limited extent with other agencies in carefully targeted projects outside the conservation estate (\$0.17m, 6% of conservancy historic resources expenditure, in 1996-97), but is not the lead agency for management and protection relating to lands it does not administer.

PCE recommendation

That the Prime Minister establish a portfolio for historic and cultural heritage and arrange for a new unit of government to advise the Minister responsible for historic and cultural heritage and with specific responsibility for the administration of a revised Historic Places Act.

Primary functions of a Crown heritage agency (policy functions) would include:

to be the lead agency for heritage policy advice to Government  
to purchase services from heritage management providers on behalf of Government.

Other functions which could be considered (delivery functions) include:

to administer the responsibilities of the Government as state party to

- the World Heritage Convention with respect to cultural heritage  
to administer a national register and national databases (see section 1.1)
- 1.1)
- to operate national protection mechanisms (see sections 2 and 3.4)
  - and non-regulatory protection (e.g. covenants and incentives)
  - to manage heritage places and/or be the lead agency for best practice by public agencies (see section 6)
  - to provide national guidelines and standards for heritage protection and management
  - to provide advice on the management of nationally significant heritage places and areas (e.g. Kerikeri Basin) where integrated cross-agency management and attention to infrastructure are needed
  - to provide statutory advocacy and litigation in support of heritage protection
  - to provide transitional heritage advisory services to local authorities.

#### Options

- i Status quo: Policy advice is a function primarily of DOC, with other agencies such as the Department of Internal Affairs, the Ministry for the Environment, the Ministry of Cultural Affairs and Te Puni Kokiri also having an interest. Responsibility for delivery is divided between DOC, the Department of Internal Affairs and NZHPT. NZHPT has the leading role in heritage promotion, advocacy and public education.
- ii Modified status quo: DOC to retain the lead policy advice role, with the "primary functions" as listed above and possibly with added delivery functions as listed in "other functions" above.
- iii Performance of functions as in option (ii) by another existing Crown agency (e.g. Department of Internal Affairs, Ministry for the Environment, or Ministry of Cultural Affairs).
- iv Creation of a new Crown historic heritage agency with the primary policy function and possibly added delivery functions as listed in "other functions" above.
- v Re-establishing NZHPT as a government agency with responsibility for both policy and delivery.

#### Questions for consultees

##### Options

Which of the above options would you prefer?

What additional options can you suggest?

##### Issues

Are there merits in a policy/delivery split in the machinery of government relating to historic heritage?

Are there advantages in a special-purpose stand-alone Crown agency for heritage?

Are there advantages in having heritage administered as part of a multi-purpose agency with supportive objectives?

Which of the above functions should be carried out within a Crown agency?

Which of the above functions could or should be carried out at arm's length from Government (i.e. functions where there could be advantages in having decisions made by an independent non-Crown agency such as NZHPT, e.g. registration - see section 1.1)?

Which of the above functions could or should be made contestable (i.e. able to be bid for by competing providers, e.g. management of Crown heritage property - see section 6)?

Should DOC be an active participant with associate agencies (e.g. local authorities, iwi, NZHPT) in historic heritage management and protection of lands it does not administer?

## 7.2 The future of the NZHPT

The PCE was critical of the machinery of government arrangements relating to NZHPT:

It is not a Crown entity yet has a regulatory function (the archaeological consent provisions of the HPA - see section 2).

It is a hybrid public authority and non-Government organisation, causing confusion as to its role and that of its members.

The PCE suggested that, after the establishment of a separate Crown heritage agency (see section 7.1), NZHPT should become an autonomous non-governmental organisation without statutory functions, supported by its membership, sponsors and property income. This would not preclude Government purchasing services from the NZHPT if it wished. However, the PCE did not review the NZHPT historic heritage ownership and management functions in any detail (see section 6).

An alternative approach would be to strengthen the status and role of the NZHPT as the leading national heritage organisation. Changes could involve responsibility for registration of heritage of national significance and the administration of incentives and enhanced regulatory provisions relating to registered heritage and a role as a source of expertise and advice supporting enhanced local authority performance.

Options

i Status quo: retaining NZHPT as at present: a property owning and membership organisation with statutory and regulatory functions (including

registration and archaeological consents).

ii Strengthening NZHPT regulatory functions, e.g. through regulatory provisions relating to a register of nationally significant heritage (see section 3.4).

iii Retaining NZHPT with statutory functions (e.g. the register and non-regulatory protection) but removing regulatory functions (archaeological consents).

iv Establishing a new national body to encourage, promote and support historic heritage protection and management, along the lines of Creative New Zealand (the Arts Council of New Zealand Toi Aotearoa), with two boards, one being a general historic heritage board and the other a Maori heritage board.

v Re-establishing the NZHPT as an independent non-governmental public membership organisation to advocate and promote historic heritage protection, to manage heritage property and possibly to carry out registration functions.

vi Re-establishing NZHPT as a government agency with responsibility for both policy and delivery.

#### **Questions for consultees**

##### Options

Which of the above options would you prefer?

What additional options can you suggest?

##### Issues

Which of the functions listed in section 7.1 should NZHPT perform?

How should NZHPT and any Crown heritage agency (see section 7.1) inter-relate?

What would be the effects of any change in the functions and status of NZHPT on its funding and membership?

#### **7.3 Maori heritage agencies**

The Maori Heritage Council was established under the Historic Places Act 1993. Its role is largely subsidiary to the NZHPT Board (see page 14 above). A national hui convened by the Maori Heritage Council in November 1996 agreed in principle to move towards an autonomous national Maori heritage body (see section 5).

Ongoing functions for a national Maori heritage agency (either within NZHPT or autonomous) could include:

Policy advice to Government on Maori heritage (see section 7.1).

A leading role in the development of a national strategy for Maori heritage and support for the development of strategy at the iwi and hapu level

(see section 3.2).

Facilitation of a system of registration of wahi tapu and sites of significance to Maori (see section 1.1), possibly with related regulatory provisions (see section 3.4).

Provision of guidelines and advice on Maori heritage policy and practice to national and local government organisations.

Heritage advice and assistance to Maori, possibly including provision of training.

Provision of statutory advocacy and litigation in support of wahi tapu and sites of significance to Maori.

Administration of a national assistance fund to support the identification, protection and conservation of Maori heritage, similar to Nga Whenua Rahui.

There could be merit in a policy/delivery split in the machinery of government relating to Maori heritage, whereby a Crown agency would be the lead agency for policy advice to Government and a non-Crown national Maori heritage agency could provide delivery functions. The Maori heritage agency could participate in policy direction and priority setting through partnership with the Crown agency.

An alternative would be to adopt a regional approach to Maori heritage management through establishing a regional or iwi-based network of Maori heritage agencies.

#### Options

- i Status quo: the Maori Heritage Council is established under the HPA to provide policy and operational advice to NZHPT and to assist Maori with heritage management.
- ii Strengthening and enhancing the role of the Maori Heritage Council within NZHPT.
- iii Re-establishing the Maori Heritage Council as an autonomous non-Crown body to promote the identification, protection, preservation and conservation of wahi tapu, wahi tapu areas and historic places and historic areas of significance to Maori (consistent with the resolution of the national hui of the Maori Heritage Council on 29 November 1996).
- iv Establishing a new national body to encourage, promote and support historic heritage protection and management, along the lines of Creative New Zealand (the Arts Council of New Zealand Toi Aotearoa), with two boards, one being a general historic heritage board and the other a Maori heritage board.
- v Establishing a policy/delivery split: a Crown agency with the leading

policy role and a non-Crown national Maori heritage agency providing delivery functions.

vi Establishing a regional or iwi-based network of Maori heritage agencies.

### **Questions for consultees**

#### **Options**

Which of the above options would you support?

What additional options can you suggest?

#### **Issues**

How should the Crown undertake its Treaty duties for Maori heritage?

How can the Crown facilitate the participation of iwi and hapu in the protection and management of Maori heritage?

Is a national organisation promoting Maori heritage protection and management necessary?

If the Maori Heritage Council is retained, how should it be constituted and how should it be linked to Government and to other national historic heritage organisations?

How should a national Maori heritage agency be funded?

Would there be advantages in separating the Maori Heritage Council from NZHPT as an autonomous non-Crown body?

Would there be advantages in retaining linkage with NZHPT as a partner with supportive objectives?

(See also section 5.)

### **Heritage funding**

Section 4 (Voluntary protection and incentives) considered funding issues relating mainly to private protection and management decisions: rates relief, taxation incentives, grants and compensation. This section summarises issues relating to the major independent and government funding sources for historic heritage projects and programmes.

Currently the principal sources of funding directed specifically towards historic heritage management objectives are:

Crown purchase of services from NZHPT

Crown funding of DOC historic resources management

Crown funding of Department of Internal Affairs heritage management functions

local government funding of heritage functions and duties

Lottery Environment and Heritage Distribution Committee funding of historic heritage conservation projects

NZHPT self-generated revenue  
corporate sponsorship of conservation projects  
community organisations (e.g. heritage trusts)  
Public Good Science Fund.

The PCE concluded that the level of funding at national and local levels was insufficient to achieve the heritage objectives of the HPA and the RMA, in particular for:

inventory and heritage research  
registration and listing  
acquisition of significant heritage places  
assistance to owners.

The PCE did not analyse historic heritage management by national agencies (costs and liabilities) in any detail (see section 6).

#### PCE recommendations

That the Minister responsible for historic and cultural heritage review the Crown Purchase Agreements covering historic and cultural heritage to ensure that all core and statutory functions are funded appropriately and adequately.

That the Lottery Grants Board Environment and Heritage Committee ensure that Lotteries funding decisions are consistent with a national strategy for historic and cultural heritage management.

Any changes proposed in respect of heritage identification, regulatory mechanisms, incentives, arrangements for Maori heritage, management of publicly-owned historic heritage and local and national roles and responsibilities may have funding implications.

On the basis of the Coalition Agreement, the Government is firmly committed to a \$5 billion cap on central government spending. There are currently significant financial demands to achieve goals in other areas which have already been agreed within the spending cap. Any application for new or additional spending on historic heritage would have to be considered and evaluated within this context and would be made through the new initiatives phase of the budget round.

#### Options

i Status quo: Government purchases historic heritage services from a variety of agencies (principally NZHPT, DOC and the Department of Internal Affairs). The Lottery Environment and Heritage Committee is a major independent funder of community heritage projects.

- ii Reassessment of Government's purchase requirements in the light of preferred options adopted.
- iii Reprioritising of existing central government funding.
- iv New central government funding for particular initiatives.
- v Short term additional central government funding to support transitional arrangements and support services.
- vi Expanded local government funding.
- vii Re-prioritised and/or increased Lottery funding.
- viii Review of funding policy in PGSF and FORST

### **Questions for consultees**

#### Options

Which of the above options would you support?

What additional options can you suggest?

#### Issues

What should be the key aims of central government funding for historic heritage?

How should the scale of central government funding for heritage be determined?

How should the scale of local authority funding for heritage be determined?

How could existing funding be better used or redirected?

Is new funding required and if so for what?

### **Summary of Options for the Future**

The options presented in previous sections can be mixed in various combinations. This chapter presents four possible scenarios:

- i. the status quo
- ii. a modified status quo
- iii. a new centralised model
- iv. the RMA model.

Other options may be possible.

#### **i The status quo**

Under the status quo scenario:

The RMA would be the principal focus for historic heritage protection and management.

NZHPT would retain national registration and archaeological regulatory functions.

The Maori Heritage Council would continue to provide policy and operational advice to NZHPT.

DOC would retain the lead role for historic heritage policy advice to Government and would continue to manage historic heritage on the Crown

conservation estate.

Operational national historic heritage management responsibilities would remain divided between DOC, NZHPT and the Department of Internal Affairs.

ii **A modified status quo**

A modified status quo scenario would make modifications in the interests of improved co-ordination and efficiency, for example:

Activities could be reprioritised and Government's purchase requirements could be reviewed.

Some national functions (e.g. policy functions, heritage property management) could shift to different agencies.

The HPA register could be restricted to places of national significance.

The NZHPT role could be strengthened through regulatory provisions relating to registered heritage of national significance and the administration of incentives.

The status and role of the Maori Heritage Council within NZHPT could be enhanced and strengthened.

The HPA archaeological consent provisions could be operated as far as possible in conjunction with RMA resource consent processes.

Local authority performance could be enhanced through a National Policy Statement on historic heritage (including Maori heritage) under the RMA and a published national strategy.

Rates relief could be provided for registered and listed heritage properties.

iii **A new centralised model**

A new centralised model could see the creation of a new national Crown agency (or identification and development of an existing agency) to take the lead in historic heritage protection and management. Functions and initiatives at national level could include:

Development of a comprehensive national register of all types of heritage and an associated centralised heritage database.

Protection for places on a register of nationally significant heritage through a national level consent process.

Operation of new Ministerial powers to intervene in RMA processes on matters of national heritage significance.

Operation of archaeological consent processes.

Administration of a new national fund and/or grant aid programme for conservation of heritage of national significance on private land.

Administration of a new national fund for historic heritage

acquisition.

iv **The RMA model**

This model would see the RMA as the sole focus for historic heritage protection, with regulatory and non-regulatory protection administered exclusively by local authorities. The national interest in historic heritage could be provided for by national agencies by advocating within RMA processes and by the RMA heritage order process as at present.

The following changes to the HPA and RMA could be considered to give full effect to this:

Transfer to local authorities, at either district or regional level, of responsibility for registration and listing of historic places.

Transfer of archaeological consent functions from NZHPT to local authorities at either district or regional level, with or without special provisions.

A National Policy Statement on historic heritage under the RMA and a published national strategy.

Ensuring that protection mechanisms include processes allowing for specific consideration of Maori heritage values and full participation by Maori at all levels.

An interim protection mechanism provided within the RMA.

Transfer of some national heritage property management to local government.

**Scenarios iii and iv could include:**

Re-establishing the NZHPT as an independent non-governmental historic heritage property-owning, advocacy, public education and membership organisation.

Re-establishing the Maori Heritage Council as an autonomous national body.

or

Establishing a new body along the lines of Creative New Zealand (the Arts Council of New Zealand Toi Aotearoa), incorporating the NZHPT and Maori Heritage Council as associated bodies (see section 7.2).

**Questions for consultees**

Options

Which of the above scenarios would you prefer?

What additional scenarios can you suggest?

## Appendices

### Abbreviations

DOC	Department of Conservation
FORST	Foundation for Research, Science and Technology
HPA	Historic Places Act 1993
ICOMOS	International Council on Monuments and Sites
NZHPT	New Zealand Historic Places Trust
PGSF	Public Good Science Fund
PCE	Parliamentary Commissioner for the Environment (Report, Historic and Cultural Heritage Management in New Zealand, 1996)
RMA	Resource Management Act 1991

### Glossary

Ancestral landscapes of iwi, hapu and whanau include all land where the ancestors lived and sought resources. They include wahi tapu (see below) and sites of significance to Maori.

Archaeological sites are places associated with human activity for which archaeological methods provide information. They include abandoned structures and remains of all kinds, and may comprise extensive historic complexes or landscapes. Sites of significance to Maori may include archaeological values. Archaeological sites include:

Evidence of early Maori occupation including defended pa, pits, house floors, middens, ovens, garden areas and rock shelters.

Evidence of occupation since European arrival including agricultural, industrial, transport and military sites.

Underwater sites including shipwrecks.

Under the HPA, 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.

Historic heritage for the purposes of this review means land-based historic and cultural heritage as defined by the HPA. This includes historic buildings, places and areas, archaeological sites, wahi tapu and wahi tapu areas. It includes places of historic heritage value to all cultural groups. Under the HPA, 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, -  
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.

Kaitiakitanga: duty of guardianship and protection by Maori over their lands and all their treasures.

Wahi tapu means a place sacred to Maori in the traditional, spiritual, religious, ritual or mythological sense (HPA). Wahi tapu may be specific sites or may refer to a general location. They may be:

- urupa (burial sites)

- sites associated with birth or death

- sites associated with ritual, ceremonial worship, or healing practices

- places imbued with the mana of chiefs or tupuna

- battle sites or other places where blood has been spilled

- landforms such as mountains and rivers having traditional or spiritual associations.

#### References:

Department of Conservation, 1998. Historic Heritage Management Review: A Discussion Paper for Public Comment