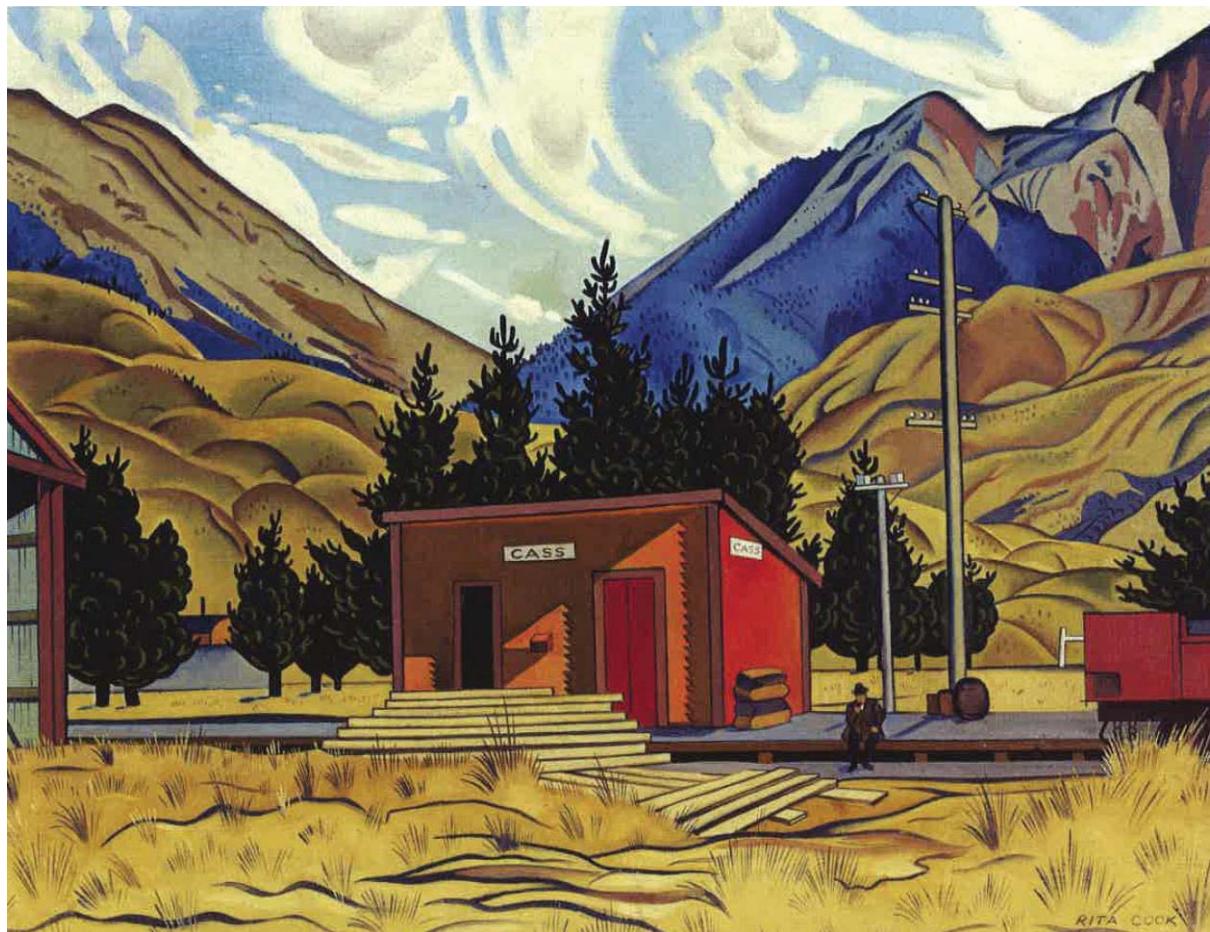


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Heritage as part of scape – townscape, landscape, mindscape –  
uncovering opportunities and constraints for land use planning in adopting a  
cultural landscape approach to heritage protection in Aotearoa



by  
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## ABSTRACT

The aim of this research is to extend existing knowledge and thinking in respect of cultural/heritage landscape theory, and to critically review existing approaches to heritage identification and protection by district and regional planning authorities in New Zealand. The research identifies issues and constraints with current methods applied in heritage and landscape planning in New Zealand. The protection of heritage features tends to be piecemeal, concentrating on specific buildings or sites, whilst landscapes are subject to protection for unique qualities in respect of their visual, natural and aesthetic appearance, rather than for cultural meanings or depth of any historical resonance not visible to the eye. The research is of principal interest to the planning profession, although it employs terminologies of landscape and heritage from a range of fields including geography, archaeology, history and ecology.

A literature review provides an account of historical and contemporary heritage landscape theory and will provide a critical appraisal of recent thinking in respect of culture, nature and the dynamics of landscape change, human perception and value systems. A critical analysis of key items of discourse of relevance to planning for heritage is undertaken, and the potential for the application of heritage landscape approaches within the context of current statutory and policy frameworks is evaluated. The analysis has been inductively coordinated to explore how a heritage landscape approach could be developed and extended as an effective tool for identification and protection of heritage landscapes in a local planning context.

The research aims to clarify why protection of the 'outstanding', visible, and essentially the 'scenic' remains the conventional approach, and seeks to understand what communities stand to gain should local authorities adopt alternative methods of evaluation. The thesis posits that a conceptualisation of ancestral and cultural landscapes could underpin an effective framework for value recognition that would assist planners to sustainably manage change within landscapes and enable more participatory processes for heritage management. Significant to the application of any heritage landscape methodology therefore, would be a recognition that applying a spatial approach through a landscape lens, necessitates interpretation not just of the physical, but additionally of cultural, social, and spiritual dimensions of heritage.

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Mt Egmont, Charles Heaphy

# Introduction



# 1. Introduction

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## 1.1. Purpose

The focus of this thesis is to determine whether an approach to heritage identification, framed through a conceptualisation of cultural or heritage landscapes would enable recognition of more representative cultural values, and opportunities for more effective protection of heritage resources in Aotearoa New Zealand.

'Heritage landscapes', 'Heritagescapes', 'Heritage Urban Landscapes' and 'Cultural Landscapes' are some of the terms applied to various internationally recognised and constructed concepts for protecting areas in which heritage features, sites, and settings are located. These terms and associated methods differ from conceptualisations applied to heritage protection in current usage in New Zealand, generally characterised by a preservationist approach whereby individual sites and features are listed in first generation resource management plans and policy statements. The thesis will explore heritage landscape conceptualisations, which apply a spatial approach through a landscape lens, necessitating interpretation not just of the physical, but additionally of cultural, social, and spiritual dimensions of heritage, and whether such a methodology has the potential to complement or provide an alternative to existing approaches to cultural and historic heritage identification, protection and management.

This research will explore contemporary heritage landscape theory, and the development of the statutory protection of landscapes and heritage in New Zealand, a post-colonial nation that has a vastly different culture from continental Europe, America and Asia where heritage landscape conceptualisations are more commonly applied. An exploration of landscape theory relating to heritage protection based on landscape concepts will establish what approaches could be imported into planning practice under the current resource management framework. The thesis will seek to understand if a landscape conceptualisation cognisant of tangible, as well as intangible values - or the qualities of visible heritage, and the resonance of unseen layers of heritage, could provide more effective heritage protection, while accepting also, that much of our heritage is natural, dynamic, and worthy therefore of a more adaptive style of protection that can better accommodate progress as society, and its values, change over time.

## 1.2. Problem

The identification and protection of cultural and historic heritage resources usually becomes an issue when those resources are the subject of a development proposal, are at risk of some form of exploitation, or are contested as part of ongoing property rights debates. At the time of writing this thesis, many district and regional councils are in the process of preparing second generation plans under the Resource Management Act 1991 (RMA), New Zealand's principal statute for use, management and protection of natural and physical resources. Many local authorities will have carried out landscape studies to identify outstanding landscapes and features within their territories and will look to protect them through listing within a schedule in the District Plan. It is arguable that heritage is something that can contribute to the qualities that render a landscape to be outstanding just as much as aesthetics and scenic beauty. Yet heritage as a feature of landscape is conventionally overlooked in landscape studies when in fact, it would more appropriately form part of an integrated focus.

The 'register and protect' method has its limitations however, in particular in relation to heritage, as it merely perpetuates a preservationist approach that typically freeze frames the visual and the physical attributes of a landscape by blocking or placing constraints on development and land use in general.

*Attempting to still the landscape cuts [people] from being part of the processes that shape and reform landscapes, which in turn diminishes the potential for landscapes to shape our futures and our collective/individual identities.* (Abbott, 2010, 191)

The same can be said of urban and cityscapes - when monuments and historical areas are set aside or demarcated from the living city, they are designated as "belonging to history, not [to] the present" (Ruggles, 2012, 4). It could be argued that the implications of protecting heritage features, sites and settings through their listing in a schedule within a district or regional plan, is effectively the same as putting an object in a museum, with the role of curator played by the local planning authority. Invariably, the individuals and communities who hold values associated with the feature, site and/or its surrounding landscape, are restricted to relating to the site in a certain way. Culturally, the approach almost has a sterilising effect on landscape, and ultimately, it fails to recognise the breadth or diversity of values held for heritage features, and time depth, or layerings of history, of landscapes themselves.

Heritage is something that is not uncommonly contested. "At its simplest, all heritage is someone's heritage and therefore not logically someone else's" (Tunbridge et al., 1996, 21). It is increasingly understood that there are multiple perspectives on heritage values: that "no heritage derives from one pure source ...[but from] a concomitant willingness to value heritage of patently mixed multiple origin and mixed character" (Lowenthal, 2004, 27). Any landscape conceptualisation would need to be cognisant of the culturally diversity of communities, and would essentially reflect "the complexity of ownership, legal structures, economic and social pressures that impinge on the physical and social settings of immovable heritage assets" (Taylor in Taylor & Lennon, 2012, 31).

Equally, it is imperative that land use planners account for the values not just of the past, but of the present and the future. It is asserted that the past and present interconnectedness of sites and urban spaces eludes preservation because such relationships cannot be artificially maintained (Ruggles, 2012, 5). As societies and their inhabitants change, so too do the values held for aspects of heritage as manifest in our physical surroundings. This raises the question whether land use planning ought to account for value change over time in order to accommodate the values of the contemporary, as well as to allow future generations the opportunity to grow and be inspired by the values relevant to their culture. It is increasingly apparent that the protection of heritage needs to be compatible with progress and change.

### 1.3. Research context

"Governments and international organisations struggle to balance heritage values with the needs of contemporary society" (Messenger in Soderland et al., 2010, 17). Under the RMA, local government is charged with the identification and protection of heritage features in New Zealand and the resolution of development pressures on heritage resources through the resource consent process. During the settlement of New Zealand the primary aim of land use legislation was the control of land, and the control therefore, of resources for industry, growth and nation building. Under the government of Richard Seddon however, *The Scenery Preservation Act 1903* was passed which was effectively the first legislation in New Zealand to protect areas of natural beauty. Specifically, the 1903 Act protected selected lands determined to have aesthetic, scientific, historic and natural curiosity values. Although areas set aside as reserve land under this legislation were usually designated as such due to a lack of exploitable resources, the legislation was an indication of a growing awareness that New Zealand contained areas of significant beauty

and features so unique, that it was necessary to protect those areas from the otherwise unfettered dividing up, clearance and modification of land.

In contemporary New Zealand, the RMA defines its purpose as the sustainable management of natural and physical resources, in a manner which ensures that those same resources can be utilised for the needs of society today, without giving rise to their depletion, and hence their availability, for future generations. Section 6 of the RMA includes landscape values and historic heritage as matters of national importance, necessitating their protection therefore from inappropriate subdivision, use and development. In making plans, district councils must identify and determine which landscape values, and which historic heritage to protect, and to what extent land use activities and subdivision impacting on heritage and landscape features may or may not be appropriate, as the case may be.

Invariably, the values underpinning these decisions, continue to favour the picturesque - those scenic postcard landmarks that feature so prominently in our psyche, to the detriment of more conventional everyday landscapes that are highly valued but just aren't so special. The protection of heritage features is characteristically piecemeal, comprising of the registration of specific buildings or sites, while landscapes are subject to protection for unique qualities in respect of their visual appearance and naturalness, rather than for ascribed cultural meanings or depth of any historical resonance not visible to the eye.

#### **1.4. Research question and objectives**

This research seeks to determine whether a landscape conceptualisation of heritage, could be implemented, and to what extent a landscape approach would provide more effective recognition of cultural values, and an alternative for resource management and planning for the heritage into the future. The objectives of the research are:

1. To define heritage landscapes, relating the concept to form and function in a planning context, and investigate the extent to which a landscape conceptualisation of heritage, would enable recognition of a diversity of cultural values, and opportunities therefore for effective and representative heritage protection.
  
2. To explore the contribution of heritage/cultural landscapes to our collective identity and assess heritage value systems to understand what is meaningful and why.

3. To evaluate how a cultural/heritage landscape approach based on a conceptualisation of ancestral and cultural landscapes to articulate a New Zealand focused framework for value recognition would assist planners to sustainably manage change within heritage landscapes and the scope for this to happen under the present regime.

### 1.5. Structure of this thesis

The research is structured into six chapters and comprises of two parts. Part 1 includes an introduction, a literature review, and a background chapter. Part 2 contains an outline of the research methodology, a research analysis, discussion, and conclusion. Chapter 2 proceeds with a literature review which aims to account for historical and contemporary theory relevant to the specific focus of the thesis and to provide a critical appraisal of current thinking around the cultural, heritage and landscape issues that are necessary to respond to the central question. The meanings and origins of heritage and landscapes will be identified, and the evolution of the fusion of the two terms as a body of knowledge, thinking and theory as heritage landscapes will be explored. Chapter 3 provides background information to set the context of the research documenting the development of legislation and policy for landscape protection in New Zealand.

A methodology will be outlined in Chapter 4, outlining the framework under which the research will be conducted and methods of analysis. Chapter 5 encompasses the research critical to respond to the research question and a discussion to fuse the findings. Chapter 6 will bring the research together to form conclusions and to identify the essential attributes of a heritage landscape approach of practical use in a land use planning context.



*The Northland Panels*, Colin McCahon

## 2. The international context of heritage landscape theory

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### 2.1. Introduction

*"Landscape is defined by our vision and interpreted by our minds"* - Donald Meinig (1979)

There is a significant body of literature concerning concepts of cultural or heritage landscapes. Some of this will be influential in steering the theoretical direction of this thesis and understanding the issues and relevant thematic enquiries in shaping an appropriate approach to planning for the protection of heritage features, the significance of which transcend conventional site boundaries to impact on wider setting and scape. The review, will be in the form of a qualitative enquiry under a social constructivist world view aiming to explore the complexity of thinking around concepts of heritage landscapes and associated axiology and meanings. The review commences with an appraisal of definitions of heritage and landscape, and will proceed to explore the body of literature associated with heritage and cultural landscapes, and to critically discuss potential problems and solutions.

#### 2.1.1. Defining heritage in the context of landscape

Heritage can be thought of as what is inherited or transferred from the past to have meaning in the present. Heritage differs from history, the recording and study of past events. Heritage is both the physical manifestation of the past and past events - *tangible* heritage, and/or the resonance of the past as traces in the present, or *intangible* heritage. Heritage generally refers to the passing down through generations of valued objects and property, but can, in a scientific sense, apply to, for instance, the transfer, by genetics, of family traits; and in a cultural sense, to customary habits, traditions, and other cultural expressions including language and dialect.

Heritage and culture are inextricably linked. Culture can be described as manifestations of collective human intellectual achievement, or as the ideas, customs and social behaviour of a particular people or society. Cultural heritage in the tangible sense, generally applies to all movable heritage (paintings, coins, crafts, tools), immovable heritage (monuments, structures, buildings) and underwater heritage (shipwrecks and underwater ruins). Intangible cultural heritage includes language, customs, songs, traditional habits and

rituals. Heritage, whether natural or cultural, tangible or intangible, is encapsulated by anything from the past that has survived into the present. The term is not therefore limited to objects but is applicable also to biological/physiological, and cultural qualities that are passed from generation to generation in families and communities.

In terms of the built environment, heritage encompasses "a diversity of features that make up the historic environment, and the particular local characteristics that contribute to this diversity" (Schofield in Fairclough et al., 2008, 17). Those special features can include anything from landmarks – monuments, buildings, and open spaces, to landforms and scapes – coastlines, natural features and conservation sites. Natural heritage relates to physical, biological or geological formations or characteristics; landscape is the broad container of all of these features. Although generally taken as the visual landform, or all the visible features of an area of land, 'Landscape' can be seen as the medium for all human (cultural) and natural activity (Sauer, 1964; Meinig, 1979; Tuan, 1974; Tress & Tress, 2001; Lowenthal, 2005).

References to *landscaf* or *lantschaft* are found as early as 830 AD as a translation of the Latin term for area/region, (Tress & Tress, 2001, 144) and related to administrative and legal boundaries (Olwig, 1996, 634). Landscape in its simplest terms is land 'shape' (Sauer, 1969, 321). Today landscape is a term adopted by numerous fields in both the sciences and humanities. It can therefore be deduced that applying a spatial approach through a landscape lens, necessitates interpretation not just of the physical, but additionally of cultural, social, and spiritual dimensions of heritage, rendering heritage planning and management as a transdisciplinary field of theory and practice. A commonly referenced definition is found in the Article 1 of the European Landscape Convention where "Landscape means an area, as perceived by people, whose character is the result of the action and interaction of natural and human factors." In New Zealand, a comprehensive definition is that of the New Zealand Institute of Landscape Architects ...

*Landscape is the cumulative expression of natural and cultural features, patterns and processes in a geographical area, including human perceptions and associations. Landscape attributes comprise biophysical features, patterns and processes; sensory qualities; and spiritual, cultural, and social associations, including both activities and meanings.*  
(NZILA, 2010, 5)

## 2.2. Historical evolution of heritage protection as a spatial approach

According to Palang & Fry "the idea of landscape as scenery giving an [a]esthetic experience emerged as feudal structures of economic and social life in Europe yielded to modern ones" (Palang & Fry, 2003, 38), and argues Cosgrove, the desire for aesthetic scenery has provided an antecedent for contemporary communities to "demand strict controls over the 'look' of the land" (Cosgrove, 1998, 69). Moreover, the massive upheaval both socially and politically in western democracies during the Industrial Revolution, inspired a desire to look to the past and to protect the great things that persisted from past times, and gave rise to early legislation designed to protect the material artefacts of historical times. Attitudes, including revulsion, to decay and decline changed as ruins came to be admired for their picturesque qualities (Lowenthal, 1985, 144).

The development of the protection of built heritage and conservation planning is well documented (Jackson, 2008; Lowenthal 1985, 2005; Pendlebury & Strange, 2011; Smith & Luque-Azcona, 2010; Strange & Whitney 2010; Turnpenny, 2007). From the mid-19th century, the preservation mode, the care of heritage for its intrinsic worth, dominated thinking and practice (Jackson, 2008, 365). Jackson points to an early 19th century 'amateur crusade' led by antiquaries, learned societies and early museums, that saw "a progression from mere inventory to active protection and interventionism" (Jackson, 2008, 366), and which represented a more intensive level of intervention to protect the historic fabric of heritage monuments and structures. Heritage conservation has come to be recognised as "a dynamic force in shaping the planning of the towns and cities in Europe since the late nineteenth century" (Pendlebury and Strange, 2011, 361).

### 2.2.1 From preservation to regeneration

Fairclough et al note the spatial expansion of heritage from monument, ruins and standing buildings, "to the slightly larger concept of 'site', thence to 'setting', areas and 'landscapes', cities, and finally to the landscape" (Fairclough et al., 2008, 298). As heritage planning has broadened in spatial application, its concerns have been endorsed and integrated by a number of professions involved in urban design, city and town planning. The 1967 *Civic Amenities Act* is credited with giving heritage conservationists a platform in British planning, (Pendlebury and Strange, 2011, 382) during a period which saw a shift from blueprint to systems planning. The role of heritage evolved to have a wider impact on planning with the influence of the conservation movement throughout the 60's and

70's, and heritage has made a decisive contribution in the field of social and economic regeneration in Britain and more widely. Such trends are underpinned by the 1964 International Charter for the Conservation and Restoration of Monuments and Sites (The Venice Charter), and other international conventions such as the 1987 Charter for the Conservation of Historic Towns and Urban Areas (The Washington Charter) and have utilised heritage as a resource for the leverage of tourism and economic development in historic city centres. For instance, in Europe, Smith & Luque-Azcona identify that conservation moved away from preservationism toward a more proactive role in development and growth ...

*In Italy the 1960 Carta de Gubbio extended the notion of heritage protection to the entire historic centre, proposing activities that would contribute to maintaining its townscape and traditional social and economic structure, [whilst] avoiding the expulsion of the traditional population.* (Smith & Luque-Azcona (2010), 401)

The regeneration movement is seen to have provided a vehicle for heritage conservation in Europe and America, and in England as part of the urban renaissance policy agenda from the nineties. Although, heritage conservation presents certain developmental constraints, it is acknowledged that, by and large, heritage buildings and historic areas provide opportunities for economic and social regeneration, social wellbeing, neighbourhood renewal, and the provision of heritage for a multicultural community in the interests of social inclusion and cultural diversity (Grenville, 2007; Pendlebury, Townshend & Gilroy, 2010; Smith & Luque-Azcona, 2010; Strange & Whitney, 2010; Swenson, 2011). However, given that heritage is still largely contingent on a regime of listing for protection, unregistered buildings and areas have continued to be negatively impacted on by development with "non-protected heritage being effaced and the wider character of [cities] compromised" (Pendlebury and Strange, 2011, 379).

The historic environment can be a key resource in regeneration processes, and in creating meaningful spaces that provide communities with a sense of place. However as Pendlebury et al. note, "the social role of heritage ... remains a relatively weakly developed area of conservation planning practice" (Pendlebury et al., 2010). More recently, heritage planning has aligned with broader approaches to sustainability, (Strange & Whitney, 2010; Strange, 1999; Scazzosi, 2004) through for instance, the retention and adapted re-use of

existing building stock, or recognition of the role played by heritage in recent developments in eco-systems services theories (Low in Fairclough et al., 2008; Scazziosi, 2004; Tengberg et al., 2012). Within the eco-systems services approach

*Cultural heritage values and identity are important aspects of cultural and amenity services as a whole, implying the non-material benefits people obtain from ecosystems through: spiritual enrichment; cognitive, emotional and social development; reflection; recreation; and, aesthetic experiences.* (Scazziosi, 2004, 341)

Yet Scazziosi identifies there has been little experimentation in dealing with landscape as systems - only 2% of the eco-systems services discourse focuses on heritage or cultural eco-system services - mostly the focus is on the natural sciences (Scazziosi, 2004, p 341). Cultural eco-system services have been assessed only marginally and links could therefore be made to cultural landscape research to fill the gaps. Strange argues that "while sustainable development is 'fused' with the language of conservation, the pressures of other activities which require an acceptance and promotion of growth appear to be in the ascendancy" (Strange, 1999, 307). He points to a new 'post-conservation' discourse in which

*The rhetoric of sustainability is being employed as a device whereby concerns about accommodating development together with a diluted form of conservation can be expressed, but within a context which suggests that growth, both physical and economic, is desirable, and necessary, and that its impacts can be managed.* (Strange, 1999, 307)

A shift from conservation led development driven by preservation of historic fabric, to the use of heritage for economic growth, regeneration and gentrification is widely recognised in the literature, however others have noted that the vehicle for conservation is more often than not, shared with other agenda's rather than for the intrinsic value and protection of heritage (Scazziosi, 2004; Swenson & Jerpasen, 2012).

## 2.3 Conceptualising heritage landscape theory

The notion of landscape has evolved to apply to a number of academic fields, and has become established as a multidisciplinary subject area. Over time, an array of

conceptualisations have been developed, which relate to the way heritage, or more broadly, culture, manifests beyond isolated objects or visible remnants, to be a condition of space. Culture provides the essential function of connecting people to landscape and landscape to people, and therein, of creating a '*genius loci*' or a 'sense of place'. Where archaeology is taken as the scientific study of human culture in terms of material artefacts, 'cultural landscape' thinking is defined by its more holistic concentration on the wider landscape, and the linkages between people, perception and place.

The term 'cultural landscape' or *Kulturlandschaft* was used by German geographers in the early 20th century and was advanced by Carl Sauer during the 1920's whereby the natural landscape is a medium for human activity, and is shaped by culture itself over successional phases - "man expressing his place in nature as a distinct agent of modification" (Sauer, 1965, 333). Sauer was the proponent of the inductive 'landscape morphology' approach unique for creating an understanding of cultural influences on landscape and landscape change. The subjective qualities of landscape problematic for positivist researchers, catalysed "a reformulation of the landscape in order to allow for the incorporation of individual, imaginative and creative human experience" (Muir in Tress & Tress, 2001, 145). This reformulation is noted by Meinig to have signified a departure from conventional landscape theorising, with works by Jackson, Hoskins and Tuan creating "a new literature" from the mid-century onwards (Meinig, 1979, 195).

For Jackson, it was necessary to understand the landscape in 'living terms' - "any landscape evaluation must begin with people, and thus any definition of 'landscape beauty' must incorporate a new social dimension" (Jackson in Meinig, 1979, 224). Consequently, landscapes are cultural firstly because of human connections to land time, and secondly, in the perception of landscape by people in the present. For instance, Swenson & Jerpasen identify that cultural heritage has two main characteristics - the time dimension of all physical remains and the contemporary use of the past (Swenson & Jerpasen, 2012, 290). However, the contemporary interest in cultural heritage "suggests that heritage does not even need to be of the past" (Fairclough et al., 2008, 298). Davison notes the Australian Heritage Commission adopt an approach whereby "social value is less about history and more about peoples attachment to places in the present" (Davison in Fairclough et al., 2008, 39). This accords with Meinig's earlier thesis that, "any landscape is composed not only of what lies before our eyes, but what lies within our heads" (Meinig, 1979, 34).

Moreover, landscape is a product of perception (Tuan, 1974; Ingold, 2000), and an intellectual construct (Fairclough et al., 2008, 409). When heritage is protected, it is protected for someone - for those who perceive of it, who are local to it, who access it every day because it is all around them. Therefore, "analysing the contribution of the past to the present is about seeing heritage in terms of people-centred issues such as landscape, place, identity and quality of life" (Fairclough et al., 2008, 300). Tuan identifies that "landscape is an ordering of reality from different angles" (Tuan in Meinig, 1979, 89). An inhabitant of landscape will have a subjective view as part of a scene of action, while a non-resident, such as an expert, will have an objective overview of an arrangement of features (Tuan in Meinig, 1979, 89).

Cultural landscapes need not be significant, rare or unique to be valued. Lynch had noted the positive values of 'legible' surroundings. Legibility is "the ability to make sense of the physical environment through mental imaging of its components" - legibility is a product of perception and the benefits of such perception include emotional satisfaction, security, and the enabling of human communication and a depth of human experience (Lynch, 1960, 5). Building on Lynch, Grenville articulates a theory of 'ontological security' (Grenville, 2007, 447), demonstrating that heritage conservation and landscape protection have a role to play in even very ordinary, insignificant landscapes, because that landscape is secure, familiar and functions to make meaningful two-way connections between people and place.

It follows that, if landscape is a product of perception, it is not a 'bounded entity' (Tuan in Meinig, 1979, 89) in physical terms. In addition to landscape being a medium for natural and cultural processes and interactions, landscape is "everyone's neighbourhood", therefore "a greater inclusion of public and lay voices as well as expert and professional opinion is necessary" (Fairclough et al., 2008, 298). There is thus a need for new heritage approaches to adopt trans-disciplinary approaches that go beyond all disciplines, particularly where one single discipline is constrained to provide all necessary knowledge of an issue (Tress & Tress, 2001, 144) and to bridge the gap between the everyday and the outstanding, that is, to ensure that everyday landscapes and the features that are essential to human interaction with place, and the relations between people and landscapes, are recognised and respected.

### 2.3.2 Landscape as an active scene of practice

Replete in the formative mid-century literature are references to landscape as a 'lived in' cultural process as opposed to simply a physical entity (Sauer, 1965; Hoskins, 1955; Tuan, 1974; Meinig, 1975). The notion that historical landscapes are 'an active scene of practice' (Olwig, 2007, 587) builds on these earlier conceptual ideas. It is the process of dwelling in changing landscapes that traditions are formed. As a result of lived in experiences, "meanings are gathered from the landscape rather than attached to it" (Abbott in Abbott, Ruru and Stephenson, 2010, 190). People and places change constantly "and the change itself is an intrinsic aspect of our experiences of the landscape" (Reason in Ingold, 2000, 191). In recognising the dynamic qualities of landscape, it is pertinent that any conceptualisation of heritage in landscape be equipped to respond to processes that give rise to change. The landscape is a record of social progression and equally of social regression - in this respect landscape is a palimpsest of historical changes.

Antrop asserts that landscapes evolve continuously in a more or less chaotic way and reflect the social and economic needs of a particular society at a given moment, and that furthermore, change is therefore an essential condition of landscapes (Antrop, 2006, 32). According to Fairclough, landscape is constantly exposed to change processes even without physical human intervention; "Landscape in other words cannot be preserved unchanged" (Fairclough et al., 2008, 304). Dobson and Selman note that "conservation and change are opposing courses of action...conventional site protection mechanisms have the potential to encourage a 'displacement' effect in the landscape" which can result in highly contrasting environments existing side by side (Dobson & Selman, 2012, 462). Olwig draws a similar conclusion with respect to our perceived notion of traditional and of modern society. Attempts to 'musealise' or freeze heritage, simply establish such a marked contrast between the past and modernity, as to make them opposites unable to co-exist. In this sense he asserts that this 'paradise/progress' dialectic is a kind of trap (Olwig, 2001, 345). In fact this is the philosophy underpinning the early New Zealand legislation designed to protect scenic landscape features, the *Scenery Preservation Act 1903* which for instance, alienated tangata whenua from customary activities such as hunting in traditional food gathering areas.

Moreover, Olwig argues that preservationist approaches constitute a "socially imposed petrification", drawing on examples where landowner rights are severely curtailed by requiring preservation of building form and function according to the standards of a stable

traditional culture of a previous time (Olwig, 2001, 349). In effect, heritage features are 'petrified'; frozen as other surrounding features continue to change over time. A Midas Effect results, creating valuable properties that no one can afford to live in or to upkeep (Olwig, 2001, 349). Olwig observed that this was an untenable situation for many farmers who have not been able to upkeep farm buildings to rigorous heritage standards, resulting in the abandonment of old farm buildings and their subsequent decay. In the New Zealand context, Park examines Fairburns (1974) concept of 'Arcadia' - "a place where human beings cooperate with nature to produce a richness of ecological variety that would not otherwise exist ... but it could be that our very instinct for Arcadia misleads us, fools us into thinking that we can recreate the place of our origins" (Park, 2006, 34). Latham argues that an Arcadian ideal has impacted profoundly on the morphology of the New Zealand city which is typically low density, with an "emphasis on the single allotment, one-storey dwelling, and above all an obsession with keeping different activities and different land uses as separate from each other as possible" (Latham, 2010, 285).

Fairclough states "all landscape management is forward looking; it can make new landscapes, but it cannot re-make old ones" (Fairclough et al., 2008, 421). There is a disjoint between protecting heritage, and allowing contemporary culture to flourish and express itself, particularly in urban spaces. Latham provides an example of this in his analysis of Ponsonby Road, known for its eclectic multicultural make-up and the impact on this cultural diversity, of the Ponsonby Centre Plan (Isthmus District Plan, Auckland City Council 1999), which...

*...with its narrow emphasis on the aesthetics of heritage protection, and its concern with aesthetics and original character, is in real danger of reducing Ponsonby Road to kitsch. Rather than engaging with the complex dilemmas of balancing Ponsonby Road's many pasts and presents, ... the Ponsonby Plan is weighted down with the jargon of authenticity"* (Latham, 2010, 296)

It is observed that social resistance to change has helped to bolster the heritage cause, but conversely, a desire to preserve old things runs counter to heritage - Fairclough questions "how can heritage remain dynamic and contested if it does not change ... not all heritage is for keeping" (Fairclough et al., 2008, 300). Furthermore, strict protectionist approaches can run counter to culture. According to Tunbridge, "the probability of shifts in population groups, political and social power structures and ideological allegiances leaving behind

cultural and material relics that no longer reflect relevant or desirable contemporary place symbolism is extremely high" (Tunbridge & Ashworth, 1996, 32). This can be described as 'a social geography of heritage dissonance' (Tunbridge & Ashworth, 1996, 32).

The conventional monumental/preservationist approach, argue Dobson and Selman, is a necessary minimum, but "is reflective of a socially constructed concept of 'heritage' which packages the notion of time-depth in an artificial and selective way" (Dobson and Selman, 2012, 459), in particular as "records still have a tendency to highlight individual locations, unique events or specific points in time" (Dobson and Selman, 2012, 460). Donaghey is critical of the New Zealand Heritage Places Trust Register which reflects disproportionately the heritage of what is a multicultural society. Built resources significantly outnumber archaeological, heritage and cultural features, sites, and places. Donaghey identified that in 2001, historic buildings outnumbered archaeological sites by 4:1...

*...suggesting that the first 800 years of New Zealand's human history are inadequately represented by surviving historic heritage. The Register is a poor reflection of the richness and diversity of historic heritage in view of the serious imbalances identified in all categories.*

(Donaghey, 2001, 368)

Landscapes are considered heritage because values are attributed to them. However, because landscape is so inextricably linked with human perception, it is inevitable that perception will alter over time as people and their values change. Protecting a single feature, does not enhance heritage protection in the wider landscape beyond that singular item. A more sophisticated analysis is needed that looks at heritage resources in the wider context of their contribution to landscape character and sense of place and which asks how new development can respect all of this instead of mere selective avoidance of a special sites (Fairclough et al., 2008, 411).

## 2.5 Conceptual models of heritage and culture embodied in landscape

Given the scenic and visual are the most recognised, and conventional criteria for evaluating landscapes, what is observable is a "limited recognition of the human processes by which environment has been modified" (Fairclough et al., 2008, 408), and "a shortfall in understanding heritage as a cultural construct" (Garden, 2005, 394). It is increasingly acknowledged that relations between people and landscape are two way, and hence

described as 'relationships'. Any relationship is dictated by a need to belong, to be a part of, to have a shared identity - this can be achieved through family, tribal and community associations, and it can also be a function of connection with place. Taylor points to "an interdependence between people, their social structures and the landscape" (Taylor in Taylor & Lennon, 2012, 21), while Tian (1974), advances a concept of place connection expressed as topophilia - the bond between people and places.

According to Stephenson, narrow interpretations of landscape are a barrier to the formation of integrated approaches to landscape protection, particularly when classified in terms of a rigid typology such as cultural/natural; Moreover "what is perceived to be of value will depend on the particular interest of the discipline... Within these world views the choice of assessment method will largely determine what is recorded and therefore what is perceived to be of value." (Stephenson, 2008, 128). Landscapes are value laden entities, both intrinsically and extrinsically. The methods we use to study landscape values need to recognise the values *held* for landscapes, if the mechanisms for landscape planning and protection, including of culture and heritage, are to be representative of communities. This implies that participation by communities is essential. Fairclough asserts, "working at a landscape scale is more accessible to public participation" (Fairclough et al., 2008, 410). A landscape focus has the potential to look past individual buildings and sites, transcending debates between public good private property rights, and enabling insights into community values for places which could only be gauged from a dialogue with the community.

Stephenson and Garden are critical of conventional methods of heritage protection which tend to focus on a categorisation of commonly identified characteristics at the expense of intangible landscape qualities. According to Garden ...

*What hasn't worked is a tendency to define sites with an emphasis on categorisation through relying on a set of fixed attributes - heritage sites are too diverse and too complex to be reduced to a set of ingredients and this quantitative approach rarely recognises the intangible aspects of sites.* (Garden, 2005, 397)

A focus on tangible elements and aesthetics reveals what Read identifies as "a tension between the rural landscape environment as the lived experience of those who dwell within it and the objectification of that environment as scenery by those who visit it" (Read

in Stephenson, 2008, 128), which reflects back to Tuan's landscape perspective concept. Often this is perpetuated by a reliance on experts to appraise landscape values and prepare specialist reports such as cultural impact and archaeological assessments.

Problems also relate to the convention to separately manage natural and cultural heritage, particularly within tribal cultures, where culture is wholly interrelated with nature. The separation of nature and culture is seen to continue a legacy that gave rise to the protection of the scenic, and the beauty of 'untouched wilderness' in the first place - nature before the influence of humans. What is needed is an approach which accepts that landscapes are living; they are a fusion of integrated natural and cultural elements demonstrating inextricable interrelationships. As Lowenthal argues "we receive communal legacies from two sources - the natural environment and the creations of human beings" (Lowenthal, 2005, 81). Yet it is noted that where approaches to nature protection take a community/group approach to a habitat, a tendency to treat heritage in an individualistic manner persists (Lowenthal, 2005, 81). Heritage landscape approaches need to be cognisant of the inter-relationships between natural and cultural elements of landscape as a whole, in addition to the complex and contested values for the tangible, and intangible value systems that are locked up in memory and the past.

A number of issues underpin the effective protection of heritage landscapes. Conventional approaches to heritage and landscape protection are siloed, and tend to cut people off from living in or experiencing the landscape. While heritage identification tends to be expert led, landscape protection is overly focused on 'naturalness'; Protection is applied to the outstanding and the scenic at the expense of ordinary but highly valued local landscapes. Communities are often marginalised from heritage processes - values for heritage and landscapes are contested and planning must respond to this challenge. Conventional approaches fail to grasp that heritage, landscapes and social values are dynamic and change is a natural condition of all of these factors. A number of models and landscape approaches demonstrate the potential to move past some of the above identified problems.

### 2.5.1 Heritage Landscape Characterisation

According to Dobson and Selman, "characterisation is a potential framework to help address the inherent tension between heritage as culture, and heritage as a physical entity or site" (Dobson and Selman, 2012, 462). Developed by English Heritage, the body

responsible for proving statutory advice on heritage planning in the United Kingdom, Historic Landscape Characterisation (HLC) provides a methodology for reading the time depth of landscapes through researching layers of tangible evidence and cultural associations. Interpreting the 'remanence', or evidential impression of these layers, can inform the spatial planning process, particularly as "it is possible that a more comprehensive and inclusive connection with the *genius loci* of a place" can be discerned" (Dobson and Selman, 2012, 460). Evidential value "refers to the value of landscape as 'texts' which contain many meanings to different individuals ... each one reinforcing, concealing or spatially interacting with another" (Dobson and Selman, 2012, 472).

First used in Cornwall in the 1990's, HLC is part of a national programme under which heritage managers and planning authorities can make decisions, in particular about how to "deal with an historic landscape which is simply everywhere" (Dobson and Selman, 2012, 460). The method recognises that context plays a critical role in landscape evaluation and legibility. HLC represents "a shift from protecting the past at special places (designation) to managing change across the whole historic environment in broader, more socially embedded ways that relate to all places, in all aspects" (Fairclough et al., 2008, 411). Hence "the entire historic environment is taken into account with a view to the informed management of change rather than protection" (Clark 2001; Fairclough et al., 2008). Intrinsic historic heritage values are considered with equal measure alongside "the nature of change being proposed" and the "shifting cultural context" of the landscape" (Dobson and Selman, 2012, 460).

Dobson and Selman undertook a qualitative action research exercise to explore how planning authorities might apply HLC in practice. They argue the concept has three main advantages - it is comprehensive as a spatial coverage model, it is retrogressive, working backwards from present rather than forwards from the past, and finally, it represents a character led approach which generalises about the qualities that confer distinctiveness on broad areas, rather than focusing on single points of expert interest (Dobson and Selman, 2012, 461). Case studies show HLC is demonstrated as a linking mechanism between disconnected places, as well as a method of appraising historic legibility as 'evidential value' where "the knowledge of the remanence of former field systems supported new strategies for urban greening" (Dobson and Selman, 2012, 466). HLC is a useful innovation worthy of further exploration in practice.

### 2.5.2 The Bannockburn Heritage Landscape Study

The study was carried out in order to test a methodology developed by the Department of Conservation (DOC), the aim of which was to define a heritage landscape (Nightingale, in Stephenson, 2004, 113), and to develop a comprehensive approach to identify, manage and protect landscapes containing a number of historic sites on the basis that a different technique was required from conventional approaches to individual sites (Stephenson, 2004, 10), aligning with Fairclough's arguments concerning the need to apply a specific approach to landscape through identification of character, as opposed to conventional approaches which narrowly focus on fabric through the protection of individual features. The approach closely parallels the Historic Landscape Characterisation used by English Heritage.

The methods employed by the study included historical research, physical and cognitive mapping and interviews. The study defined heritage landscape -"as a *landscape, or network of sites, which has heritage significance to communities, tangata whenua, and/or the nation*" (Stephenson, 2004, 13). Aiming to document "cultural perceptions, practices, traditions and stories, as well as the physical expressions of those relationships" through face to face interviews, the study explored the evolution of relationships with the landscape over time to understand heritage significance. The methodological model comprised of a spatial analysis, overlaid by recognised processes (land use activities, patterns, movements, pathways), associations and inter-relationships and identifying inter-related webs linking those phenomena. The concepts of nodes, networks, spaces, stories, webs and layers have been developed to highlight these relationships in terms of space, time and community associations" (Nightingale, in Stephenson, 2004, 113). The concept of integrity is applied, whereby it is accepted that change is inevitable, however, "the character and feeling of the historic period" (Stephenson, 2004, 13) is distinctive in both the landscape and community perceptions and values. The study also applied the Cultural Values Model developed by Stephenson and discussed below.

### 2.5.3 The Cultural Values Model

The innovation offered by this methodology does not lie in the involvement of communities but rather lies in the scope to work past the 'knotty problem' of identifying intangible values "by suggesting that the focus should be on determining significant practices and relationships at a more fine-grained level" (Stephenson, 2008, 137).

Stephenson's Cultural Values Model (CVM) is influenced by similar approaches based on the dynamic qualities of interactions between people and place, for instance Relph's (1976) three components of place...

1. Static/physical
2. Activities occurring there
3. Meanings/experience

The CVM was developed to avoid the reliance on conventional discipline-specific typologies' which fail to capture "the richness and diversity of cultural values held for landscapes" (Stephenson, 2008, 137). In applying the model, the objective is to bypass any reliance on conventional typologies and to tap directly into communities as a source of information. Value assessments under the CVM are hence two fold - identifying the intrinsic value of landscape elements (surface values) and the values held for those landscape elements which "arise from knowledge or experience of a landscapes past" (embedded values) (Stephenson, 2007, p 14). In adopting this approach "it was hoped that the finding would be shaped less by legal precedent and accepted evaluation practice, and more by the actual cultural dynamics that exist between communities and their landscapes" (Stephenson, 2008, 29).

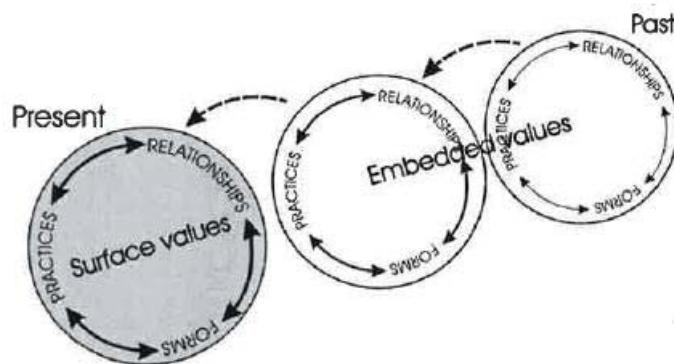


Figure I. Stephenson's (2007) Cultural Values Model

The model (see illustrated in Figure IV above), posits that the physical landscape form influences cultural practices which in turn creates meaning as experienced through ongoing interactive relationships with the environment. Case studies were carried out at Akaroa and Bannockburn, via a series of interviews with community members to 'see through the eyes' of local people, followed by an analysis to examine linkages between forms, practices and relationships. Both case studies revealed a range of personal

responses to the physical landscape as expressed through traditions, farming, settlement, naturalness, beauty, spiritual associations, whakapapa, and sacred sites, amongst others. In respect of the Akaroa Study, Stephenson found that where components of forms, practices and meanings were all present, stronger sentiments and values were expressed (Stephenson, 2007, 22), suggesting that "multiple aspects of value reinforce each other" (Stephenson, 2007, 27). A sense of belonging to the landscape was common, however embedded values were not exclusively held by those with necessarily long associations with the landscape, but were also held by more recently arrived residents.

### 2.5.6 Landscape as a cultural eco-system

Scazziosi identifies that landscapes are a system of "interconnections" as opposed to sets of point data comprising of areas, linear elements, or a network of links between non-adjoining elements, which, as part of the Eco-system Services Approach (ESA) must be understood, planned and managed as wholes, and that similarly, landscape offers a reading of the architecture of space - "spaces are created via a unitary logic through its interconnecting systems" (Scazziosi, 2004, 341). Tengberg et al. suggest that ESA is becoming a useful tool in environmental decision making, and "there is a need for the discipline of conservation of cultural heritage to engage and influence the ecosystem services discourse" (Tengberg et al., 2012, 15)

A 'world view' is a common way to express perception in relation to ones environment. Tian (1974) sees natural environment and world view as closely related - "world view ... is constructed out of the salient elements of a peoples social and physical setting" ([ref.](#)). Although there is more than one 'world view' in Te Ao Māori, Matauranga Māori is a complex belief system representing an "indigenous perspective" on eco-system services (Dymond, 2014, 274). Recognising the mutual interdependency between humans and eco-systems may be conceptualised as comprising manaaki whenua (caring for the land) and manaaki tangata (caring for the people) (Dymond, 2014, 274). Matauranga encompasses the ancestral concept of whakapapa, the spiritual concept of wairua, and the linkages between the spiritual and physical worlds expressed as Mauri, the life essence binding those worlds. Ancestors could collapse space-time to become co-present with their descendants ... a contemporary self as the 'living face' of their ancestor could share their experiences, or act with them in Te Ao Maarama, the world of light (Salmond, 1997, 33).

Although it is not within the scope of this thesis to evaluate the complex spiritual philosophy of Māori cultural values, it has to be acknowledged that eco-systems concepts are not lost in translation with tangata whenua, but are directly conversant with Matauranga Māori and the close relationships between tangata whenua and their lands. Ki ita ka tai, for instance, is a whole of landscape approach for managing resources, including eco-systems from mountains to sea (Dymond, 2014, p 275). Iwi Management Plans and Māori Heritage Inventories are tools that can be used to identify significant cultural heritage, and for territorial authorities to therefore recognise the tino rangatiratanga and kaitiakitanga of tangata whenua in respect of their taonga (McClean, 2010, 36). In the absence of these tools, a dialogue with tangata whenua is necessary early on in any development process to ensure that the tino rangatiratanga of an iwi or hapu over their rohe is observed.

The literature review explored current thinking in respect of conceptualisations of heritage and cultural values inherent in landscapes. Several heritage landscape conceptualisations were well documented in the body of current knowledge, and given the interdisciplinary nature of heritage and landscape studies, the subject was represented in a number of disciplines including heritage management, geography, archaeology, cultural resource management and planning. The literature has highlighted that heritage and culture are valuable assets for community identity and cohesion, and can therefore be regarded as 'resources' that contribute to amenity and place-based values. However, the protection of heritage resources needs to be dynamic and able to keep up with change, and the determination of 'cultural heritage' must be inclusive and diverse.

### 3. Background

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The following chapter will provide an insight into the broader development of New Zealand as a nation, tracing back to pre-European contact to create of sense of the development of cultural identity over time. This chapter will primarily aim to set an understanding of context, space and time as a precursor to the development of a research methodology in Chapter 4. It will document the development of legal mechanisms for protecting landscapes and cultural heritage, and identify the contemporary framework for heritage protection under the regimes of the *Resource Management Act 1991* and the *Historic Places Act 1993*.

### 3.1. New Zealand's multiple colonial legacies

Colonial settlement towns such as those in New Zealand and Australia, were reconstructions of essentially British architectural forms and styles. Bennett argues that the idea of heritage assumes special significance in postcolonial societies (Bennett, 1995, 41). Part of the social construction of a nation is the telling of its story through a collective sense of heritage. Davison argues that the colonies needed to fill a void in their history "by back-projecting onto the land itself a sense of common nationality, which is now interpreted in terms of a common patrimony of natural and built, Aboriginal and European heritage" (Davison in Fairclough et al., 2008, 34 - 35). Similarly Byrne argues, "to cease being foreigners and start being citizens, to start being of a place instead of merely being in a place, the landscape needs to begin to tell your story (Byrne in Fairclough et al., 2008, 154). King identifies a similar need for New Zealand to build its identity, noting the entrenchment of the Kupe 'discovery' myth into the national psyche at the turn of the century, despite the fact that the story was not qualified by Māori belief or oral tradition (King, 1994, 35).

Māori and Europeans share histories as colonisers and settlers, albeit within different phases of New Zealand's history. As tangata whenua, Maori are the people of the land. Tangata whenua is a two way expression - it means that the people are of the land, and the land is of the people. Ancestry is closely linked to place, to landform - whakapapa is an identity therefore, a living story of people and place. Being essentially tribal, Māori did not subscribe to a nation. The tribe was an extended kinship organisation made up of whanua (extended family), hapu (sub-tribes) and iwi (tribe) (Rice, 1992, 3).

In fact, it was not until Europeans made landfall from 1769 that tribes began to identify themselves as one people - Māori - meaning 'original' or 'ordinary'. 'Tangata Māori' is said to translate to ordinary people, as opposed to 'atua' meaning ancient or extraordinary, alluding to ancestors and the spirit world (Salmond, 1997, 22). Ancestors and the spirit world shaped and influenced the character and caste of Māori people. Daily life was influenced by an affinity with ones immediate environment - a respect for the mauri or life essence of land - a living connection with the earth and nature. Being native in a land (natal) is demonstrated in Māori culture by the tradition of placing the placenta in the earth, thereby creating new life 'of' the earth and establishing the relationship of tangata whenua.

Beyond the primary goals of settlement and adaptation to a new land, and the control of resources for subsistence and survival, the colonising experiences of Māori and Europeans were quite different. British society was characterised by a desire for progress, improvement and transformation - and therefore the forces driving its colonisation were the pursuit of land and resources for Britain's burgeoning population growth and expansion of the empire in general. In 1840, the British Government sought to formalise its occupation of the islands with the signing of the Treaty of Waitangi. The major towns of New Zealand were progressively shaped over the century. Wellington, Nelson and New Plymouth were settlements created by the New Zealand Company; Dunedin and Christchurch were, respectively, Scottish Free Church and Canterbury Association (Church of England) settlements which were based largely on the New Zealand Company Model, while Auckland grew largely without organised immigration (King, 2007, 153).

Notable are the distinctively English and Scottish characters of Christchurch and Dunedin, which has led to the observation that New Zealand had acquired a distinctly British character, observed by some to be "more British than Britain itself" (King, 2007, 155). Belich (2001) describes the phenomenon, which was not confined to New Zealand but occurred also in Australia, the United States and Canada, as 'progressive' or 'explosive colonisation'...

*...characterised by the large-scale opening-up of fresh lands for settlement, mass migration, steam technology and abundant metropolitan credit from London and New York ... It could produce a mature socio-economic entity - a state, province or even proto-people - in a single lifetime. In the New Zealand case the statistics were 2000 - 500,000 people in 42 years, 1840-82.* (Belich, 2001, 17)

Turning to elements of the physical landscape, "between 1840-1920, the activities of the first two generations of settlers were the most transformative" (Pawson and Brooking, 2013, 89), as tracts of the country were divided into land parcels as development commodities for new settlers, sometimes by town planning officials not even present in the country. Pastoral land use, initially confined to the high country, had by the 1870's become increasingly intensive, as lowlands were modified and shaped into a productive working landscape through common land drainage schemes such as that in Rangitaiki at the turn of the century. Landscapes changed markedly leading Park to conclude that New Zealand is one of the most ecologically transformed countries (Park, 2006, 203).

Pawson and Brooking interpret the rapid and extreme nature of environmental transformation in New Zealand as "a division of land into spheres of production and conservation that reflect the nature and culture divide inherent in the pakeha world view" (Pawson and Brooking, 2013, 330). By contrast with the Māori world view, which, like other indigenous cultures, is founded on the belief that people and nature are inherently interrelated and their positions in the world are interdependent and therefore equal, the western world view is founded on the rational belief that people are entirely separate and superior to nature, and that nature and its systems exist to serve people - it is essentially anthropogenic and explained by rudimentary positivist logic.

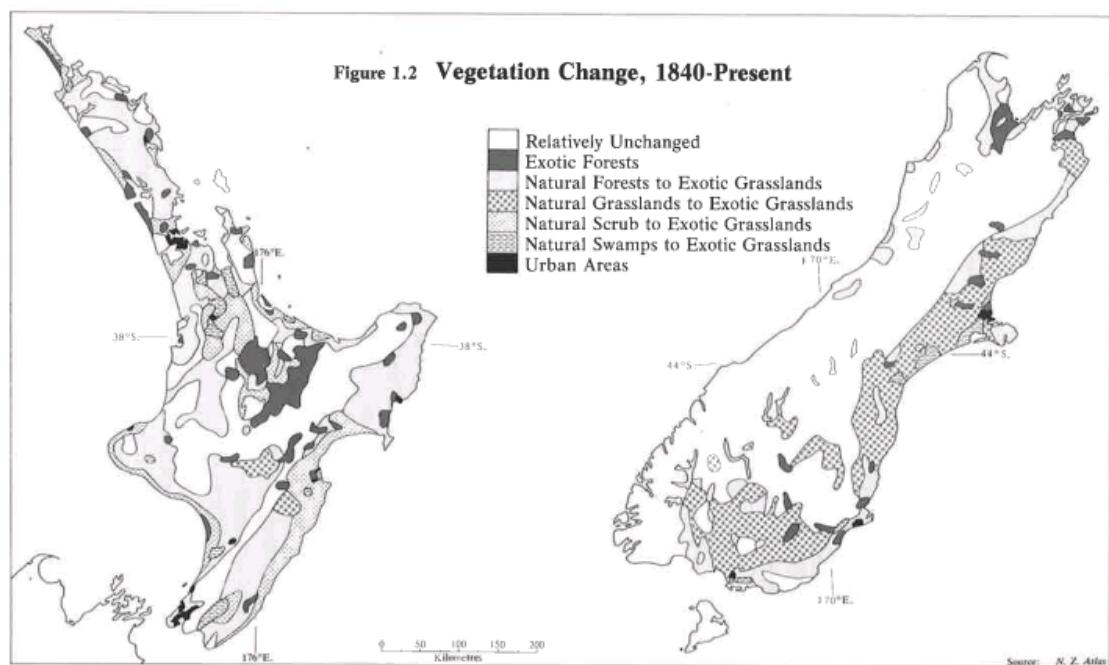


Figure II. Vegetation change 1840 - present (Grey, 1994, 3)

As environmental legislation has evolved in New Zealand, it can be seen that it's development has been informed primarily by notions which support and uphold this world view, and which furthermore, promotes a system of land use protection which favours the picturesque, or visible, over culturally significant landscapes. Such landscapes may not possess any remaining physical traces of history, but are meaningful to people as a medium by which to connect to the past, and to identify with the culture of the present.

### 3.2. Development of landscape protection in New Zealand

The Annual Report on the Department of Lands and Survey 1903/04, stated that forest conservation was to be considered secondary to the profitable occupation and utilisation

of land, except where milling of timber was involved or special beauty spots were to be found (Nightingale, 2003, C-1). However, the systematic clearance and deforestation of indigenous bush occurred at such a rate that the politicians of the time, alarmed at the startling loss of New Zealand's unseen beauty, were compelled to implement a regime to set aside land for long term protection.

In 1903, The Scenery Preservation Act (SPA) was enacted which would establish a number of national scenic reserves. The type of land subject to this legislation however, was ultimately that which was otherwise lacking in resource value, but was high in scenic value, aesthetic, scientific, historic or natural curiosity values, for instance the thermal areas of Rotorua, and picturesque lake areas around Te Anau and Milford Sounds, places that were valued for their attraction to the developing tourist industry. The SPA can be credited to then Premier, Richard John Seddon, who wished to promote New Zealand as an attractive new homeland for British citizens - a 'Britain of the South'. Remarks Nightingale ...

*The passing of the Act was remarkable because it had broad political support within Parliament at a time when governments were more accustomed to passing legislation to clear land for farming, and was politically courageous in a country where private property rights were highly valued.*

(Nightingale, 2003, 4)

The extraordinary impact of settlement and the resulting loss of native forest was noticeable and had become a concern from a scientific as well as an aesthetic point of view. Harry Ell, Liberal MP, was one of a number of contemporary proponents of nature conservation, however, despite his efforts to promote conservation issues at parliamentary level, the resulting legislation lacked the capacity to protect lands for ecological reasons. Furthermore, although the scope of the SPA 1903 included the preservation of indigenous character, it provided no protection of customary use and access to protected lands for Māori. Under the *Scenery Preservation Act 1910*, the government would continue with the compulsory acquisition and subsequent alienation of Māori from any land deemed to be of merit as a scenic reserve.

Ell was aware of the benefits to science of reserving land to enable "description and classification", however, invariably the land that was set aside was unusable for settlement

of for any productive type of land use. Roche identifies that the nature of the land allocation system during the acquisitions phase created ribbon reserves and scenic corridors - oddly shaped parcels of land, much of which tended to be within upland forest areas, and was therefore very unrepresentative of the actual biological diversity of the country's natural habitats (Roche, 1981, 76). By 1928, the creation of the *Public Reserves, Domains and National Parks Act* widened the size and scope of acquisitions to National Park status, and additionally, devolved responsibilities to local authorities who, along with the Governor General, had powers in respect of the creation of reserves; however national parks would be provided for exclusively with the enactment of the *National Parks Act* in 1952.

The devolution of authority from central government to local authorities would characterise legislative development for nature conservation and heritage management going forward, as would the increased specialisation of statutes. The *Town and Country Planning Act 1953 (TCPA)* imposed a duty on local authorities to produce mandatory "planning schemes". These were supported by "scheme statements" identifying the significant issues for their individual territories. Amongst the responsibilities prescribed by the TCP Act 1953 were the keeping and registration of "places or objects of historic or scientific interest and natural beauty", as well as the duty to advise landowners of the location of such places within private lands. Additionally however, the TCP Act 1953 established the Town and Country Planning Appeal Board. According to Henderson, the modified planning system functioned well enough, but came to increasingly rely upon the development of precedent and case law, "rather than on the desired results of activities or environmental outcomes" (Henderson, 2011, 5).

The *Town and Country Planning Act 1977* gave increased emphasis to historic heritage by broadening the categories that could be protected in district schemes - the Second Schedule of the Act enabled councils to protect buildings, objects and areas of architectural or historical importance, and sites of significance to Māori (Rainbow and Derby, 2000). In some instances, zoning was developed to manage and protect heritage landscapes. For example, in the Queenstown-Wakatipu Combined District Scheme a Rural 39 H Zone (historic) was developed in the 1970s to protect the surroundings associated with historic goldmining towns and centres such as Macetown (NZHPT, 2007, 38-39). Matters of national importance were identified which related to heritage -

- (a) the conservation, protection, and enhancement of the physical, cultural, and social environment;
- (b) the wise use and management of New Zealand's resources; and
- (c) the relationship of the Māori people and their culture and traditions with their ancestral land.

(s3, TCP Act 1977)

The *Reserves Act 1977* enacted a new section 18 which provided for the classification of reserves on historic merit alone. Section 3(b) of the *Reserves Act 1977* prescribes the "preservation of representative samples of all classes of natural eco-systems and landscapes" ensuring that places subject to reserve status are representative of the character and qualities of a range and variety of places.

While the representativeness of protected reserves has improved under the Reserves Act, the same cannot be said for heritage more generally, despite the take up of a rigorous registration regime. The *New Zealand Historic Places Act* was enacted in 1954, establishing that the New Zealand Historic Places Trust (NZHPT) would essentially keep records of national or local items of heritage. The national recording of archaeological sites had become mandatory in 1951 and this function was brought under the jurisdiction of the NZHPT under the *New Zealand Historic Places Amendment Act 1975*. Although the Trust provided a level of expertise and advice, "its narrower mandate, coupled with limited funding, consequently resulted in a focus largely on archaeological sites and buildings" (Harris, 2004, 491). The take up of protective measures by local authorities was entirely voluntary and reliant on the recognition of heritage issues in the district scheme, which itself relied on an interest for protecting heritage at the local level.

The reviews by the fourth Labour Government during the 1980's - 1990's found there was considerable confusion over the respective roles played by the Trust and the local authorities, and "in the Councils experience, their power to protect heritage was limited, particularly by decisions of the Planning Tribunal" (Mason, 2008, 24), previously known as the Town and Country Planning Appeal Board. With the advent of the *Conservation Act 1987*, many archaeologists were transferred from NZHPT to the Department of Conservation (DoC) who, from 1988, have been responsible for managing all archaeological sites within the conservation estate.

### 3.3. Current legislative and policy framework

The statutes and policy frameworks that are in place in 2014, are largely the result of the wave of environmental consciousness that prevailed from the 1980's - 1990's and which led to the current regime for sustainable management under the *Resource Management Act 1991* (RMA). In accordance with sections 6(e) and 6(f) of the RMA, district and regional councils are charged with the protection of values associated with historic heritage, and Māori and their ancestral lands, as matters of national importance.

The *Historic Places Act 1980* enhanced the suite of legal powers and protective mechanisms available to the Trust and to local authorities, and introduced a further two categories - historic areas and traditional sites. However the *Historic Places Act 1993* is seen to provide a wider scope for managing and protecting heritage landscapes and associated values (Harris, 2004, 491) than preceding heritage statutes. The New Zealand Historic Places Trust, now known as Heritage New Zealand, provides local authorities with an expert advisory function in respect of historic heritage - this expertise can be drawn on via referral of any (building or resource) consent application proposing subdivision, land use, or development affecting any item listed in a District Plan. In 2012-2013, the organisation provided consenting advice on 1642 occasions (NZHPT, 2013, 28). Heritage New Zealand additionally administrates a comprehensive regime for the management of registered archaeological sites, historic places and historic areas.

The RMA, HPA, and the Conservation Act 1987 respectively prescribe roles for district and regional councils, Heritage New Zealand, and the Department of Conservation in respect of historic heritage. The RMA and the Conservation Act 1987 are underpinned by the Treaty of Waitangi, in accordance with the *Treaty of Waitangi Act 1975*, and statutory bodies with functions under these statutes therefore have an obligation to consult with iwi to provide an integrated management of resources, or at the very least, to enable active participation of Māori, in respect of the use, treatment or protection of historic heritage resources. The *Conservation Act 1987* requires that policy and practice give effect to Treaty principles. Implicit in this, is a direction to interact with and involve Māori and respect their higher knowledge and guardianship of natural and physical resources, including those resources that constitute the heritage.

# Research



## 4. Research methodology

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### 4.1. Selection of a research methodology

The thesis advances a qualitative enquiry under a social constructivist world view in exploring a complexity of thinking around the concept of heritage landscapes. Essentially a heritage landscape conceptualisation is a spatial approach to heritage identification and protection through a landscape lens, necessitating interpretation not just of the physical and tangible remnants of the past, but additionally of cultural, social, and spiritual dimensions of heritage that are not immediately perceivable in the physical environment. The question central to this enquiry is whether such a conceptualisation could provide recognition of more representative cultural values and an effective alternative to conventional approaches to heritage planning and protection in New Zealand. In particular the research will determine the scope for accommodating such an approach within the existing statutory and regulatory regime. A central aim of this research therefore, is to evaluate whether planning in New Zealand has the capacity to embrace more progressive approaches to landscape protection cognisant not just of the scenic, but of qualities linked to culture, identity and historic heritage that are ultimately value-based and therefore contested.

In designing a research methodology, the researcher must evaluate the approaches and conceptual tools that are appropriate for the problem, and which respond to the context and complexities of the subject area. In recognising the contested nature of history and heritage in culture, and of heritage and culture in landscape, whether tangible or not, a social constructionist approach is determined to be an appropriate mode of research. According to Sharp & Richardson,

*any research that studies the way in which these [political/environmental policy] types of struggles are played out in practice is taking an explicitly or implicitly social constructivist approach ... particularly as the rationality of policy making is itself exposed as a focus of conflict.* (Sharp & Richardson, 2001, 198)

A number of methods were explored as ways to generate data and information to respond to the central research question. Initially it was considered that primary data collection methods including case studies and/or focus groups to provide insights into values for

heritage landscapes within localised case studies. A focus group approach would have provided quantitative data to score values and significance in respect of a range of heritage features and landscapes in order to statistically represent results and select heritage landscapes that are 'meaningful' to local people. Case studies of specific heritage resource issues affecting a landscape would provide an insight into methods employed to appraise heritage values and significance, and incorporate participatory processes and/or the practical application of statutory mechanisms.

The literature review explored the epistemological and theoretical context of heritage landscape concepts. Following on from the review the research would adopt a generative approach aiming to challenge and extend existing knowledge. It became apparent that heritage landscape concepts are exerting a dialogical influence on discursive events in New Zealand heritage and district planning. For instance the Bannockburn Methodology (Stephenson, DOC, 2004), was seen to be referenced in a wide variety of texts including case evidence and environment court decisions, as well as heritage guidance. Although heritage landscape concepts are increasingly referenced in some discourses, it does not appear that landscape approaches are being implemented in a district planning context and this in itself warranted further exploration.

Many district councils are in the process of transitioning from first to second generation plans. Adopting a heritage landscape approach in plans could potentially generate a high degree of contention within communities depending on the planning opportunities and constraints that are presented alongside the identification of a heritage area or landscape. Community heritage issues tend to generate conflict which many districts may not wish to exacerbate. Should there be a political willingness to include heritage landscape provisions in the district plan, it is questionable as to whether the overarching statutory framework of the RMA and the HNZPTA are written in such a way as to accommodate a heritage landscape focus.

As the research evolved it became clear that a particular research method was required which could critically evaluate the existing planning framework in relation to the heritage landscape philosophy, and appraise the scope of the current legislative environment to effectively support a heritage landscape approach at district plan level. The research gap identified is essentially concerning what is being idealised in the literature, and to some extent, the policy field, as a comprehensive approach to heritage landscape protection,

and what is actually occurring. This research aims to grasp what is capable of happening in practice, as the practical application of heritage landscape concepts are not widely in evidence. Furthermore, the NZ ICOMOS Charter 2010, which itself promotes a landscape approach, is increasingly referenced in district plans and heritage strategies, but to what extent can the intent of the ICOMOS Charter be effected in the practical context of district planning.

It was concluded that an analysis of discourses would provide an evidence base by which it would be possible to gauge the extent to which planning and heritage related discourses clearly support a heritage landscape approach, and furthermore, the capacity for a heritage landscape approach to be effectively implemented under the current RMA and HPA framework for statutory heritage protection in New Zealand. In assessing the methodological utility of a textual or discourse analysis however, it was necessary to examine the fit of such an approach with the paradigm of planning. Critical Discourse Analysis (CDA) encompasses a number of approaches which aim to deconstruct complex social phenomena through a process of interpretive research, the purpose of which is to arrive at comprehensive understandings of the social world. Discourse analysis research aligns with the 'communicative turn' in planning - that is, the cluster of approaches that have arisen as an alternative to rational and systems planning and which are also known variously as collaborative planning (Healey, 1997), argumentative planning, (Healey, 1994) or deliberative planning (Forester, 1999).

CDA can also be associated with social constructivist thinking as it comprises a sociological theory of knowledge. Language and discourse are forms in which knowledge is produced, distributed and consumed (Fairclough, 2003, 204); and CDA is premised on the assertion that language is dialectically associated with other elements of social life (Fairclough, 2003, 2). It is therefore appropriate to approach analysis of social problems through a discourse lens. 'Discourse' is described as a set of relationships between discursive events (Wodak & Krzyzanowski, 2008, 3). In planning, discourse can be taken therefore as plans, policy statements and other strategic documents, as well as the interactions and dialogues taking place in public meetings, consultation processes and consents processing.

Texts and discourses are hence the instruments utilised by the actors in dialectic processes, social events and practices. The ways that certain instruments are employed give rise to consequential actions and outcomes. CDA is the analysis of dialectical

relationships between a discourse and the network of social practices in which it is nested. According to Allmendinger & Tewder-Jones, communicative planning occurs where "planning is undertaken among diverse and fluid discourse communities on the basis of a respectful interpersonal and intercultural discussion methodology", that is generally also "interactive, reflective, collaborative and is explicit about 'arenas of struggle' resulting from power imbalances and/or conflict" (Allmendinger & Tewder-Jones, 2002, 9). Waterton et al. argue that through CDA...

*...we may reveal competing and conflicting discourses and the power relations that underpin the power/knowledge relations between expertise and community interests. This identification presents an opportunity for the resolution of conflicts and ambiguities in the pursuit of equitable dialogues and social inclusion.*

(Waterton et al., 2006, 339)

The common thread in the communicative field is the interest in, and primacy given to, understanding the communicative actions of planners, and of individual, group and community interactions (Huxley & Yiftachel, 2000, 333). Underpinning these theories, is the dialectical relationship between structure and agency. 'Structuration' offers a social theory which helps to interpret individuals ways of being in the context of social constraints (Healey, 1997, 44) and considers the role played by individual planners as agents, in response to institutional influences on knowledge and power relations. Huxley and Yiftachel point out the need to be aware of the power contexts and effects of planning discourses (Huxley and Yiftachel, 2000, 338) on decision making, and identify that "the contribution the communicative turn makes to planning discourse is the theory, and understanding therefore of practice, about the contested nature of planning" (Huxley and Yiftachel, 2000, 340).

CDA has the capacity to deal with the complexity inherent in planning in that its methods are capable of addressing chaotic or contested social issues. In engaging in discourse concerning heritage and shared historical identities, planners should expect to encounter a spectrum of standpoints and opposing views, particularly where it comes to contested landscapes. History itself, is likened to a series of "accepted judgements" (Tunbridge, 1996, 6) - the stories of places that we know today have been reported to us by authors who had their own biases on any given situation. Our knowledge of the past is further conditioned, and rendered complex, through the role played by memory. In the

reconstruction of place "some memories are privileged while others are expunged from collective memory" (Moore in Whelan & Moore, 2007, 98). Added to the many complex manifestations of heritage in our society and culture, the reconstructions of the past are not always for the sake of heritage, but for the benefit of political or economic interests. Much has been written about the commodification of heritage for example, where heritage is exploited as a 'paid for' attraction (Tunbridge & Ashworth, 1996; Holtorf in Soderland et al, 2010;

Landscape is "a touchstone for remembering both the visual-factual and the sensual-emotional" (Moore, 2007, 6), hence heritage and landscape values are powerful as they are contested, and ultimately values are subjective. The CDA approach itself can be a subjective process, particularly in respect of the selection of material being researched. According to Fairclough, text analysis is inevitably partial (Fairclough, 2003, 14). However, researchers have a responsibility to recognise their own cultural location and conventionally, whilst being specific in responding to a central question, methods of CDA are open ended and the researcher is expected to be explicit about their position in the research. Moreover, as Sharp & Richardson assert, "the specification of discourse territory in advance of the research process helps to make the subjectivity apparent" (Sharp & Richardson, 2001, 207) through a direct and explicit identification of writer positioning.

#### 4.2. Delimitations and writer position

The author is a district planner with an interest in preserving and protecting heritage, a finite and irreplaceable resource. The thesis topic was chosen because of a concern that heritage protection, considered to be an expert field, seems to lie at the periphery of resource management planning when a more proactive approach is needed to ensure the sustainable management of the heritage resource. The thesis aims to draw on existing knowledge in order to critically appraise the capacity to apply heritage landscape conceptualisations within the existing statutory planning framework. The research will be limited to a strategy of inquiry employing desktop based methods with some limited information to be sourced in situ, rather than any intensive testing of a methodology in the field as would normally occur with an in-depth case study. Using CDA, it is up to the researcher to select which elements of social practice are important to the analysis. The elements determined to be of utility to the research are the primary statutes relating to heritage conservation and resource management, the HPA and the RMA, in addition to district and regional planning instruments.

#### 4.3. Research strategy and framework

The literature review explored current thinking in respect of conceptualisations of heritage and cultural values inherent in landscapes. Several heritage landscape conceptualisations were well documented in the body of current knowledge, and given the interdisciplinary nature of heritage and landscape studies, the subject was represented in a number of disciplines including heritage management, geography, archaeology, cultural resource management and planning.

The methodology for the next step in the research will advance the Discourse-Historical Approach (DHA) to CDA in order to chart changes to the discourse over time with a view to assessing the ability for heritage planning to transition from a conventional preservationist approach, to a spatial landscape conceptualisation that is ultimately value-based, and therefore participatory, integrated and interdisciplinary, and recognises the intangible aspects of heritage over the preferred method of protecting the visible. DHA has been used by a number of social scientists (Gruber (1991), Mitten (1992), Wodak (2001), in order to investigate patterns of discursive events over time. The approach is used to investigate socio-political topics while drawing on a variety of empirical data and background information.

*A salient feature of the DHA approach is its endeavour to work interdisciplinarily, multi-methodically and on the basis of a variety of different empirical data ... it attempts to transcend the purely linguistic dimension and to include more or less systematically the historical, political, sociological ... dimensions in the analysis and interpretation of a specific discursive event.* (Wodak & Kryzanowski, 2008, 12)

In a discourse analysis context, discursive events could be a speech, a document, a meeting or a convention. The research will commence with an overview of the development of international mechanisms for the spatial protection of monuments, sites and landscapes, and will include the Athens Charter, the Venice Charter, the World Heritage Convention, and the Burra Charter, all of which have contributed to the discursive identity of the NZ ICOMOS Charter 2010. An analysis of the development of heritage protection measures in New Zealand will be undertaken to consider how the dialogical changes in the legislative environment over time have impacted on heritage and landscape protection.

Generally, CDA sees its procedure as a hermeneutic process (Wodak & Meyer, 2001, 16), and one which invariably makes sense of meanings and meaning relations. A fine grained analysis of the New Zealand ICOMOS Charter 2010 and the Heritage New Zealand Pouhere Taonga Act 2014, will establish the meanings that can be taken from the discourse in light of a heritage landscape conceptualisation. This will assist in gaining an understanding of "the 'potential' and the 'actual' - what is possible because of the nature (constraints and allowances) of social structures and practices, as opposed to what actually happens" (Fairclough, 2003, 14).

Case studies are 'specific explorations' (Creswell, 2009), or 'empirical enquiries' (Yin, 2003) that allow a phenomenon to be observed in its natural setting (Denscombe, 2010). A case study approach will be employed to explore a 'critical moment' this being a consent application processed by Horowhenua District Council for an 18 lot rural subdivision of land at Arawhata Road, known locally as Prestons Farm, which contains three registered archaeological sites including a kaianga with cultivation areas thought to have been occupied by members of the Ngati Raukawa tribe during the 1860's before being burnt down during a raid by the Ngati Apa tribe in 1874. The case study will examine the Cultural Impact Assessment, Archaeological Assessment, and the Council Planning Report and subsequent Decision in order to evaluate the discursive territory of the consent application process with an application to subdivide land considered to be part of a wider cultural landscape within the Horowhenua.

The object of all methods of social constructionist research is social change. Bhaskars (1986) method of Exploratory Critique, includes an identification of obstacles to resolving an issue. The aim of Bhaskar's approach is to understand how the social problem arises, how it is rooted in the way social life is organised, and to focus on obstacles to its resolution (Fairclough, 2003, 209). One way to identify constraints is to assess the degree to which social actors are resistant to discourse. This will be a critical avenue to explore in assessing the potential for a heritage landscape conceptualisation to be applied in the context of the New Zealand planning system. It can be seen that CDA offers a robust approach to responding to the research problem, which is a complex and contested area of planning. It is established that CDA demonstrates a methodological utility to contend with chaotic planning issues and provides a strategy for analysis of the existing framework to integrate and support a heritage landscape approach in practice.

The discourse analysis will be based on the following basic template:

1. Evaluate the material with regard to the research question identifying the network of practices within which it is located, and the relationship between elements within the particular practice concerned.
2. A fine-grained analysis of key texts within the identified discursive territory.
3. Identify the relationships between policy and rhetoric, which discourses are dominant or where tensions in policy reflect struggles between different discursive formations through focusing on a critical moment/case study.

A discussion of the discourse analysis will:

1. Identify key issues and discursive conflicts from the literature review and from the broader socio-political context of heritage planning processes.
2. Identify obstacles to the issue being tackled. Assemble an understanding of how the problem arises and how it is rooted in the way planning practice is organised by focusing on the obstacles to its resolution.
3. Identify possible ways past the obstacles.

#### 4.4. Ethical considerations

The intention of the Code of Ethical Conduct for Research, Teaching and Evaluations involving Human Participants, is to provide protection for all participants in research and certain teaching and evaluation programmes as well as to protect researchers and institutions. Essential to the code is a commitment to ethical principles such as justice, truthfulness, confidentiality and respect, for example, through a demonstrated awareness of the Treaty of Waitangi as well as cultural sensitivities, gender and socio-economic differences. The author is familiar with the code and will therefore abide by its principles. It is noted that no ethics approval was sought in relation to this thesis however, due to the type of research processes selected which did not involve any human participants.

## 5. Analysing the discourses of heritage and planning

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The spatial protection of heritage is expressed through what can be identified as a cultural landscape plane of academic discourse which globally sees landscape as a palimpsest of natural and cultural historic heritage, expressed as a set of relationships between humans, nature, their culture, and the environment. Supporting and upholding these notions, is a corpus of texts including international charters and conventions which apply to nation states. An analysis of these texts will enable an exploration of this genre of discourse, with a view to understanding their nature and hermeneutic implications in terms of district planning processes.

### 5.1 Discourse-historical analysis of the international treatment of heritage landscapes and the NZ ICOMOS Charter 2010

In their research into the discourse of the Burra Charter, Waterton, Smith & Campbell demonstrate "how a particular discourse acts to constitute and mould the various representations of heritage" (Waterton et al., 2006, 339). Furthermore, it is asserted that international charters may be "insufficiently adaptable to take account of cultural differences between communities" (Trapeznik et al., 2000, 52). Although New Zealand has created a charter specific to its national context, aspects of the international discourse are apparent in the text. The redeployment of principles via recontextualisation may perpetuate an identified 'Authorised Heritage Discourse.' Of interest to the thesis, is the role played by the discourse of international charters and conventions, in creating and contributing to current notions of heritage landscapes.

The Athens Charter for the Restoration of Historic Monuments 1931 was the first international set of heritage principles. The Charter contains seven main resolutions, including that "*in the construction of new buildings, the character and external aspect of the city should be respected, especially in the neighbourhood of ancient monuments - certain groupings and certain particularly picturesque perspective treatment should be preserved*", and "*attention should be given to the protection of areas surrounding historic sites*" (Athens Charter, 1931) which although coming from the perspective of the picturesque, communicates a 'scape' mindset early on in the development of this genre of discourse. The charter also recognised the importance of collating information and records in relation to monuments. Indeed "*intellectual cooperation and education are important*

*because the best guarantee in the matter of the preservation of monuments and works of art derives from the respect and attachment of the people themselves*" (Athens Charter, 1931). The text recognises the validity of ascribed values in respect of heritage, and foreshadows the later acceptance that heritage is as much a cultural construct as a physical entity, existing by virtue of being valued as much it holds its own value.

The Venice Charter 1964 is seen as "the 'seminal charter' under which 'some agreement' can be seen as to the precise meanings of words" (Trapeznik et al, 2000, 50). Article 1 emphasised for instance that "*the concept of a historic monument embraces not only the single architectural work but also the urban or rural setting in which is found the evidence of a particular civilisation, a significant development of a historic event*" (Venice Charter, 1964). The charter clearly acknowledges the pressure for change and development in the spaces around heritage sites and monuments. Article 13 provides that "*additions shouldn't upset the traditional setting or balance of composition*", while Article 14 states that "*the sites of monuments must be the object of special care in order to safeguard their integrity...*" (Venice Charter, 1964).

The Charter focuses predominantly on fabric and the tangible aspects of heritage; setting is important only insofar as it is linked to a heritage monument or building. Petzet refers to this notion as 'ensemble protection'. The eventual adoption of the Washington Charter in 1987, made practicable and explicit the wider spatial application of methods implied by ensemble protection, first introduced by the Venice Charter (Petzet, 2004, 25). Influenced by the modern movement with contributions from Le Corbusier and other members of the Congres Internationaux d'Architecture Moderne (Petzet, 2004, 28), the Athens Charter "influenced the formation of major institutions for international activity in the cultural field" (Erder, 1977, 24).

Both the Athens, and the Venice Charter, are static documents that have not been subject to revision. They therefore stand as original sources that continue to have a position and therefore a relevance to the international heritage discourse due to the continuing eminence of the conservation approaches they uphold, and which are visible in the New Zealand Charter too, for example the principles of restoration, conservation and preservation. The Venice Charter is referred to as an historic monument in itself (Scientific Journal 4, La Charte de Venise 1964 - 1994), and calls for the Charter to be rewritten have been met with a response whereby "the Charter should be considered in a philosophical

and open perspective rather than a narrow and technical one" (Report of 9th General Assembly of ICOMOS, Lausanne, 1994). However, the themes promulgated by the Athens and Venice Charters, in particular the moral obligation to preserve heritage, notions of authenticity, integrity, the role of experts and the national duty and responsibility towards heritage preservation, have been complemented, and/or to some extent, somewhat challenged by more recent charters and conventions.

The 1972 World Heritage Convention (WHC), introduced notions of 'outstanding' and 'value'. Candidate sites for World Heritage Status, qualify as such in demonstrating their 'outstanding universal value' which means "cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity" (UNESCO 2013). The primary focus of the WHC is the protection of the best examples of world heritage, hence the associated criteria is complex. Notably, the WHC introduces the notion of landscape, albeit landscapes of an elevated status, "*An historic site is a landscape associated with a memorable act ... a well-known myth, an epic combat, or the subject of a famous picture*" (WHC 2013). Significantly, the definition refers to landscape as a collective entity rather than a number of individual items, acknowledging that landscape is a container for heritage objects that is itself significant.

Actions specified for member states include the adoption of policy "*to give the cultural and natural heritage a function in the life of the community and to integrate the protection of the heritage into comprehensive planning programmes*" (WHC 2013). Furthermore, the Operational Guidelines outline three categories of cultural landscapes - *(i) landscape designed and created intentionally by man; (ii) organically evolved landscape; (iii) associative cultural landscapes*. In respect of the latter category...

*The inscription of such landscapes on the World Heritage List is justifiable by virtue of the powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent.*

(WHC, 2013)

Kawharu evaluates the fit of the 3 landscape categories to New Zealand landscapes, and contemplates the "possible expansion of the Convention's implementation to include "ancestral landscapes" (Kawharu, 2009, 317). Kawharu identifies that associative cultural

landscapes would represent a conceptual and ideological fit with Maori world view, for instance in the tracing of whakapapa to natural elements of land and seascapes, and the notions of spirituality and stewardship that form a fundamental core of Maori relationships with their lands. Several Asia-Pacific workshops were convened which found associative cultural landscapes "are particularly relevant to the Asia-Pacific Region" where culture and landscape are underpinned by physical and spiritual relationships, and defined such landscapes...

*as large or small contiguous or non-contiguous areas and itineraries, routes, or other linear landscapes—these may be physical entities or mental images embedded in a people's spirituality, cultural tradition and practice. The attributes of associative cultural landscapes include the intangible, such as the acoustic, the kinetic and the olfactory, as well as the visual.*

(Feliu, 1995)

An appreciation of spiritual and other intangible cultural values has found a context within the Burra Charter, adopted in 1979, as well as the New Zealand Charter 2010. The Burra Charter, is according to Clark, "probably the first conservation charter to make explicit the role of significance in heritage conservation" (Clark, in Soderland et al., 2010, 90). The Charter defines cultural significance as the aesthetic, historic, scientific or social value for past, present or future generations and set in place a requirement that the choice of approach be based on understanding significance. Revisions to the Burra Charter broadened the definition of cultural significance to include 'use, association and meanings' (Burra Charter, 2013). According to Waterton et al, the revisions were a response, in part, to criticism from heritage practitioners representing the view that "heritage is more about meanings and values than material artefacts" (Waterton et al., 2006, 341-2).

The changes brought the Charter more in line with the WHC in recognising intangible values, affirming that aesthetic values are culturally influenced and evoke strong feelings, special meanings and derive sensory and perceptual experiences from place. Yet the Charter is seen as elevating the perspective of experts and professionals in the authoritative tone of the document, and continues to communicate a fundamentally tangible focus on heritage with frequent references to 'fabric' throughout the text (Waterton et al., 2006, 347). Setting under the Burra Charter is defined as "*the immediate or extended environment of a place that is part of or contributes to its cultural significance and distinctive character*" (Burra Charter, 2013). The charter has influenced domestic policy

in Australia - a statement of significance is required for each registered historic feature, site or place.

Prior to 1993, New Zealand conservation practitioners had referred to the Australian Burra Charter as the "authoritative basis for a language of conservation relevant to local conditions" (Trapeznik et al., 2000, 51). Originally ratified in 1993, the focus of the New Zealand ICOMOS Charter (NZC) is specific to the values and understandings of heritage unique to the historic and cultural context of New Zealand. Intended as a guide for all those involved in various aspects of conservation work, it is stated that the NZC should be an integral part of statutory and regulatory heritage management policies and plans, and support decision making processes. In the spirit of Venice, the NZ charter sets out principles to guide the conservation of places of cultural heritage value and is a statement of professional principals for ICOMOS members.

The NZC demonstrates elements of intertextuality, and indicates an inevitable recontextualisation of principles from the international discourse, beginning with the 1964 Venice Charter. However, unlike the Venice Charter, which is directed at experts, and typically non-planning experts, including archaeologists and architects, the NZC is directed at those in the conservation profession including "*owners, guardians, managers, developers, planners, architects, engineers, craftspeople and those in the construction trades, heritage practitioners and advisors, and local and central government authorities*" (NZC 2010). The reference to guardian alludes to the concept of kaitiakitanga which is further elaborated in Article 3 concerning the Treaty of Waitangi. In acknowledging guardians, the NZ Charter recognises that people can have relationships and responsibility for places whilst not necessary being the landowner. The opening tone of the document is authoritative, but is nevertheless inclusive, identifying a wide audience.

The stated intention of the NZC is '*to guide*' planning and heritage professionals and envisages that the document should be made "*an integral part of*" relevant policies and plans, and should "*provide support*" for statutory and regulatory decision makers. The NZ Charter defines 'Conservation Plan', "*an objective report which documents the history, fabric, and cultural heritage value of a place, assesses its cultural heritage significance, describes the condition of the place, outlines conservation policies for managing the place, and makes recommendations for the conservation of the place*" (NZC 2010).

The NZC "offers guidance for communities, organisations, and individuals involved with the conservation and management of cultural heritage places" (NZC 2010). Its 24 articles are spread over 8 pages and provide succinct and comprehensive advice. Unlike other charters or statutes which tend to provide definitions of terms following the initial paragraphs or preamble, the NZ Charter indicates that definitions for words in bold can be found to the rear of the document which does serve to provide clarity around the meanings implied in the documents clauses. The NZ Charter recognises that "*the people of New Zealand have particular ways of perceiving, relating to, and conserving their cultural heritage places*" and defines 'connected people', those with a "*sense of association with or responsibility for*" heritage places, thereby establishing who has actionable responsibilities for heritage. Additionally, the NZ Charter recognises the Treaty of Waitangi, and with it, acknowledges the principles of tino rangatiratanga, kaitiakitanga and matauranga.

The definition of a Conservation Plan as being "*an objective report*" however, implies an existential distancing of conservation professionals from 'connected people' which runs counter to the objective of documenting the history, fabric and cultural heritage values of a place, when ultimately this may require some subjective analysis of relationships between people and places, particularly in arriving at conclusions as to 'social, spiritual, symbolic, traditional, tangible and intangible' values of a place. The purpose of a Conservation Plan is to assess cultural heritage significance. Unlike the Burra Charter which attaches significance firmly to 'fabric' and hence the tangible, the NZC provides a definition implying that the establishment of 'significance' is a comparative exercise.

*Cultural Heritage Significance means the cultural heritage value of a place relative to other similar or comparable places, recognising the particular cultural context of the place.*  
(NZC, 2010)

The stated purpose of the NZ Charter is to "*care for places of cultural heritage value*", and to "*retain and reveal such values, and to support the ongoing meanings and functions of places of cultural heritage value.*" The keystone of the document is hence a focus on values as opposed to physical fabric or values for the tangible, particularly given the frequency of references to intangible values throughout the document and within some of the core definitions, for instance...

*Cultural landscapes means an area possessing cultural heritage value arising from the relationships between people and the environment.*

and

*Associative cultural landscapes, such as sacred mountains, may lack tangible cultural elements but may have strong intangible cultural or spiritual associations.*

(NZC, 2010)

The embedded reference to 'associative cultural landscapes', being a world heritage category appears to dialectically link to the World Heritage Convention, however the term is not elaborated on or further defined in the NZ Charter. The value statements communicated in the NZ Charter could be seen to reflect the Nara Document on Authenticity (Nara Document) 1993. The Nara Document accepts that conservation of cultural heritage is contingent on an appreciation of values, and that in order to understand values, it is necessary to have access to information concerning every heritage resource. According to the Nara Document "*authenticity is the essential qualifying factor concerning values*". Moreover, the Nara Document affirms that "*heritage properties must be considered and judged within the cultural contexts to which they belong.*" Article 13 of the Nara Document includes a recognition of sources of information including 'location and setting', and intangible qualities such as 'spirit and feeling'.

The NZ Charter clearly develops these notions and applies to them to a New Zealand context. This text of the NZ Charter provides a platform to support a landscape focus fundamentally because intangible values and associations with landscapes are recognised as credible value systems underpinning heritage recognition in the NZ Charter.

## 5.2 Discourse historical analysis of heritage protection in New Zealand

The thesis will now address the discursive development of heritage protection in New Zealand, applying the Discourse Historical Approach to build a picture of heritage related legislation as it has developed over the previous century beginning as protection of the scenic and separately evolving into protection of heritage sites and outstanding landscapes.

The *Scenery Preservation Act (SPA) 1903* however, was the first legislation in New Zealand to set aside any land, be it crown or private land, for the specific purpose of "scenic and historical interest". Reserves were designated by a Scenic Preservation Commission which comprised of five board members and was under the jurisdiction of the Department of Tourist and Health Resorts. Subsequent legislation devolved responsibilities for reserve land to local authorities, enabling local authorities to create reserves based on knowledge of local areas, and expanding types of qualities, from scenic and amenity to historic, cultural, educational, recreational etc, and hence to cater for the diverse interests of local populations. The *Town-planning Act 1926* provided for the "preservation of objects of historical interest" by local authorities, however the *Town and Country Planning Act 1953* required local authorities to implement district planning schemes and hence allowed greater autonomy and responsibility for local planning issues, including for heritage.

From 1953 onwards, specific agencies were assigned responsibilities for heritage which were progressively shaped through a series of legislative developments. The *Historic Places Act (HPA) 1954* was enacted to formalise the protection of historic heritage, and created its own specialist body to provide overarching expertise in respect of heritage monuments and archaeological sites. As part of the Department of Internal Affairs, the nationally based Historic Places Trust (now Heritage New Zealand) was essentially charged with 'identification' in "*preserving and marking and keeping permanent records of such places and objects and things as are of national or local historic interest or of archaeological, scientific, educational, architectural, literary, or other special national or local interest*" (HPA 1954). The responsibility for the 'protection' of identified places, objects and things at this time, fell to local authorities but remained voluntary - "*The objects and places of historical or scientific interest or natural beauty listed in Appendix VIII hereto are to be registered, preserved and maintained so far as the powers of the Council or local authority from time to time permit*" - under the *Town and Country Planning Act (TCPA) 1953*.

While the *Reserves and Domains Act 1953* made provision under section 23 for "Amenity Areas" where each amenity area shall be so managed...

- (a) *that its indigenous natural resources and its historic resources are protected; and*
- (b) *subject to paragraph (a), to contribute to and facilitate people's appreciation of its indigenous natural resources and its historic resources; and*
- (c) *subject to paragraphs (a) and (b), to foster the recreational attributes of the area.*

...it was the *Reserves Act 1977* (RAct 1977) which created separate categories of reserves including nature, recreation, historic, scenic, local purpose, scientific and finally, railway purpose reserves. Land containing "*such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest*" could, under section 18 of the RAct 1977, be classified as an 'historic reserve', to be maintained such that "*the structures, objects, and sites illustrate with integrity the history of New Zealand*" (RAct 1977).

What can be observed in these statutory texts is the development and expansion of spheres of interest in relation to New Zealand and its evolution as a nation. The purpose of the SPA 1903 was to exempt picturesque places from development through the process of reservation. It has been documented that the making of this earlier legislation coincided with New Zealand's rapidly expanding tourist industry (Nightingale, 2003), and King has also noted the desire for Pakeha New Zealand to have "stories of resonance and nobility to make the human occupation of the country seem more deeply rooted and worthy of pride than it might by virtue of its (at that time) rather thin European heritage" (King, 2004, 35), and this desire is also reflected in the political motivation to reserve and protect lands, scenery and iconic features that provide a contextual place for colonial heritage.

Notwithstanding the specialisation of the archaeological function of the HPA 1954, the devolved responsibility of heritage identification and protection to local authorities has perpetuated an approach based on the ascribing of values to heritage, setting aside of land for specific purposes according to dominant 'local interest'. The *Conservation Act (CA) 1987* was created to protect rather the "*intrinsic values*" of any natural or historic resource on public conservation land from any form of land use (s6(e), CA 1987), and created a number of protected areas including conservation parks, wilderness areas, ecological areas, watercourse areas, amenity areas and wildlife management areas under the supervision of an expert advisory body, the Department of Conservation.

Additionally the CA 1987 shifted the purpose of conservation from wilderness protection to biodiversity conservation in a way that provided explicit protection for Maori rights and interests (Lane & Hibbard, 2005, 179). In repealing the *Scenery Preservation Acts* (1903, 1906, 1908), under which Maori lands could be compulsorily acquired, section 4 of the CA 1987 states that its provisions are to be interpreted and administered as to give effect to the principles of the Treaty of Waitangi. Following the enactment of the *Treaty of Waitangi*

*Act 1975*, over 30 statutes confer obligations and responsibilities, including the principle of reasonable cooperation between government and Iwi. These legislative changes signal a new phase in the recognition and protection of Maori heritage values which were often marginalised as a minority interest in respect of historic heritage recognition.

The TCPA 1977 was amended to recognise the relationship of Maori and their lands as a matter of national importance was another significant development in national heritage protection. However, a review by the Parliamentary Commissioner for the Environment in 1989, of the HPA 1993 and TCPA 1977 provisions, had highlighted shortcomings in local authority performance in respect of heritage protection, particularly the protection of sites of significance to Maori. The review recognised that the particular roles assigned to the NZHPT and to local authorities was insufficient to protect heritage which was ultimately a localised issue. It was intended that the RMA 1991, would remedy these shortcomings through the use of an overarching framework which would provide for the integrated environmental management of natural and physical resources.

The requirements under the *RMA 1991* to "have regard to any relevant entry in the *Historic Places Register*" (sections 66 and 74), and under the HP Act 1993 defining the purpose of the register to "*assist historic places, historic areas, wāhi tapu, and wāhi tapu areas to be protected under the Resource Management Act 1991*" (s22(2)(c)) provide more clarity between the inter-relating roles and responsibilities between these two statutes. Yet the 1993 amendments to the HPA neglected to make any reference to the Treaty of Waitangi and the HPA 1993 continued to perpetuate a series of principles that failed to effectively recognise Maori values. Unlike the RMA, the HPA 1993 had no provision for consultation or public participation - "*the relationship of Maori with their ancestral sites is a matter to which regard is required to be had under the HPA, whereas under the RMA it is a matter of national importance which must be recognised and provided for*" (PCE, 1996, 38). Observed Nuttall & Ritchie in 1995...

*While many Councils make idealistic statements, their planning documents include few specific policies or performance measures by which Maori resource management needs to be achieved.* (Nuttall and Ritchie, 1995, 24)

The RMA 1991 requires regional and district councils to "recognise and provide for" matters of national importance. Regional councils must prepare policies in relation to effects from

use and development of land of regional significance. District Plans must be consistent with regional plans and hence constitute an integrated management of resources. However the 1996 investigation into Historic and Cultural Heritage Management in New Zealand by the Parliamentary Commissioner for the Environment (PCE) found that regional councils were failing to put adequate resourcing behind regional heritage policies. The 1996 report found that generally, "*the performance of territorial authorities was improving, largely in response to growing public interest and expectation*" (PCE 1996), but noted that "*there are still districts where territorial authorities do not appear to be providing adequately for historic and cultural heritage protection and management, in a few cases making scant recognition of any responsibility in this regard*" (PCE, 1996, 35).

In respect of the legislation, the report found "*the Acts do not clearly allocate responsibility for the protection of historic and cultural heritage between central government, local government and the Trust*" (PCE, 1996, p 37), and that "*deficiencies and ambiguities in the legislation have allowed variable interpretations of responsibilities, and significant overlaps and gaps, especially between the trust and territorial authorities*" (PCE, 1996, 30). A review of 25 local authority heritage protection measures also conducted in 1996 by the NZHPT came to similar conclusions and noted the lack of demonstrated use of conservation plans (with only 7 Plans referring to Conservation Plans under specified information requirements), and limited recognition of archaeological sites within District Plan schedules. Only two Councils of the total 25 had a Strategic Heritage Management Plan in place at the time of the review.

## Towards a landscape approach

Discernible in the legislative discourse is a gradual widening of scope from 'site boundaries' to 'places' and 'areas'. The HPA 1954 provided for the Trust to recommend proposals for the "*recognition and protection*" of traditional sites, "*where the boundaries of a traditional site can be sufficiently defined.*" Section 49(1) of the HPA 1980, additionally provides for Historic Areas "*where ... an area has historical value ...*" and, although nothing is prescribed in the way of boundaries or curtilage of an Historic Area, "*such areas may be further classified into precincts or conservation areas or any other category as the Trust sees fit*". The HPA 1993, introduced modified definitions of Historic Area to contain "*interrelated groups of historic places*" and defined an Historic Place as "*any land (including an archaeological site); or any building or structure (or any part of a building or structure; or any combination of land, buildings or structure*" (RAct 1977).

Stephenson suggests the expansion of interest from site to landscape has resulted from a wider awareness of the impact of development on broad areas, the rapidity of change, and a perceived dislocation of people from landscapes that have lost their character to change, or lost their unique distinctiveness to uniformity (Stephenson, 2006, p 40). Stephenson identifies an explosion of interest in landscapes at a number of levels, involving a diverse range of participants who "are coming together to discuss a shared concern that is fundamentally about the loss of culturally valued aspects of landscape" (Stephenson, 2006, 36). The 2003 Think Tank on Historic Landscapes, hosted by the NZHPT, concluded that the existing legislation lacked any specific recognition of historic landscapes, and considered that indigenous heritage was poorly provided for, protection of significant sites is not automatic, and with no references to ancestry, whakapapa, or other traditional indigenous concepts, poorly reflected a commitment and understanding of Maori resource management issues. Comments Stephenson, "In the nineteenth century, we engaged in active conflict over land. Today, we are in regular conflict over landscapes. Our battles are less physical, but are nonetheless fraught" (Stephenson, 2006, 36). Subsequent to the 2003 Think Tank, RMA Amendment Bill No.2 was passed but terms 'cultural landscape' and 'ancestral landscape' that were initially included had been deleted (Kenderdine, 2005, 33).

The RMA 1991 now refers to heritage as 'historic heritage', and provides a definition which:

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

(RMA 1991)

The historic heritage definition remains very general, culturally neutral, and largely incognisant of landscape defining concept, however, according to Kenderdine...

*When considered alongside the broad definition of "historic heritage", the 2003 amendment will require greater weight to be given to heritage sites and areas. The provision of s2(a)(iii) "cultural", (iv) "historic", and s2(b)(i) "historic sites" and "areas" together with b(iii) sites of significance to Maori" and "surroundings" in s2(b)(iv), as well as the inclusive nature of the provision overall, provides considerable scope for asserting an area, place, feature, as a "landscape" contributes to historic heritage in planning and resource consent processes.*

(Kenderdine, 2005, 39)

Kenderdine refers to the Bannockburn Heritage Study for a definition of heritage landscape which is "*a landscape, or network of sites, which has heritage significance to communities, tangata whenua, and/or the nation*", asserting that "the reason for DOC's use of heritage is that the term is broader and the use of cultural has generally been restricted to current relationships with the landscape" (Kenderdine, 2005, 30), as opposed to former relationships which are defined as historic. This is an interesting point as it implies that cultural values and relationships with the landscape are timebound - once expired, they become historic. There is little utility in such a differentiation, however the courts have looked to appellants to provide documentary information to demonstrate a living relationship with a landscape. The Environment Court is not bound by rules of evidence and, according to Kenderdine, this fact might give the Court more leeway to consider non-traditional modes of evidence when considering matters of heritage landscapes (Kenderdine, 2005, 69). The decision of *Ngati Hokopu Ki Hokowhitu v Whakatane District Council C 168/2002[Environment Court ]* affirmed that the court could contemplate matters of belief whilst also evaluating the consistency and coherence of values and evidential information provided, and consider whether the values correlate with the physical world and corroborate with other groups or value holders.

Values associated with landscapes transcend the physical and material, hence there may not always be the capacity to provide evidential material to support value associations with landscape. The RMA is constructed in such a way as to sustainably manage natural and physical resources while enabling people and communities to provide for their health, safety and well being. However the purpose of the RMA defined in s5 elevates environmental well being above all other notions. The requirements to "recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga" and the "protection of historic heritage from inappropriate subdivision, use, and development" as matters of national importance;

to "have particular regard to" kaitiakitanga and the ethic of stewardship, and to "take into account" the principles of the Treaty of Waitangi, form a framework that is criticised for implying a hierarchy of principles, over which the natural environment takes precedent (Matunga, 2000; Gunder & Mouat, 2002; Stephenson, 2006). For instance outcomes that accord with the principles of the treaty, may not be considered to be in line with sustainable management (Williams, 2003).

Stephenson observes the recent decision to grant consent to a four lane expressway along the Kapiti Coast took an approach which primarily focused on the existence and significance of certain forms in the landscapes, as opposed to the more integrated appreciation of the dynamics of relationships and practices within that particular landscape" (Stephenson, 2013, p 49). Gunder & Mouat argue that from a social justice point of view, the RMA appears to provide a platform for the community to participate and be heard in respect of acting against unwanted changes to the environment, but "access to this right is artfully limited for reasons of administrative efficiency and effectiveness via mechanisms of timeliness, knowledge and resources" (Gunder & Mouat, 2002, 130). The costs, time and resources required to be involved in resource management processes can be prohibitive to participation, not least when submitters can expect to be up against expert witnesses. Stephenson observes that the values exchanged over resource management issues on court hearings can be classified as 'community expressed' versus 'discipline expressed' values.

*The RMA, for example, sets up matters of national importance largely according to disciplinary specialities. Landscape architects define natural character and natural landscapes; ecologists define significant habitats and vegetation; historians, archaeologists and conservation architects focus on historic heritage ... The legislation encourages 'silo' thinking, and reinforces a divided approach to recognising and managing landscape values.* (Stephenson, 2006, 41)

### 5.3 Heritage New Zealand Pouhere Taonga Act (HNZPT) 2014

A fine-grained analysis of the HNZPT Act 2014, identifies that its purpose is "to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand." Its principles include an identification of the intrinsic values of heritage - that historic places "have a lasting value in their own right" and that in achieving the stated purpose, an account 'should' be taken of "all relevant cultural values, knowledge

*and disciplines*", of "material of cultural value...", and of "the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, whai tapuna, wahi tapu, and other taonga" (HNZPT Act 2014). Moreover, the HNZPT Act 2014, retains the body of the Trust, though with a new name - Heritage New Zealand, and continues the registration system, which is now referred to as the New Zealand Heritage List, and introduces a further list of National Historic Landmarks. The keeping of information remains a primary role for Heritage New Zealand, as does the notification of archaeological sites and registrations to territorial authorities, so that in turn, territorial authorities can make that information available for instance on LIMs, PIMs etc, although there is still no legal requirement for Councils to have to provide that information to the public.

Under the HNZPT Act 2014, the meaning of archaeological site is unchanged and means "*any place in New Zealand, including any building or structure*" that was either associated with human activity before 1900, or provides evidence relating to the history of New Zealand (NZPT Act 2014, s.6; s.43). The HNZPT Act 2014 does not provide a framework for what would be a scientific assessment of such evidence, nor is there any prescription to consider the archaeological site and its significance in relation to its surroundings and the wider landscape. Ultimately therefore, the 2014 Act perpetuates a 'dots on a map' approach, meaning each archaeological site can only be assessed in terms of its individual value. Nor is there any requirement to build decisions of individual authorities into an overarching framework or strategy for particular areas in order to avoid the cumulative effects of development interventions in a geographic area. This may be symptomatic of a lack of cross boundary integration between authorities.

Heritage New Zealand retains its responsibility for granting 'authorities' for archaeological sites, however, introduces a significant new provision in respect of applications to modify or destroy archaeological sites. Where HNZ is satisfied that the effects of an application for an authority to modify or destroy an archaeological site would be no more than minor, the application must be granted or rejected within five days. For applications where the effects would be more than minor, an applicant is required to provide an assessment of "*archaeological, Maori, and other relevant values of the site ... and the effect of the proposed activity on those values*" (HNZPT Act 2014). The same is not required if the effects are no more than minor. This implies that effects that are minor or less than minor need no assessment at all. In respect of applications for an authority to undertake an activity that will or may modify or destroy a recorded archaeological site where the effects will be no

more than minor, section 47(5) provides that Heritage New Zealand may have regard to

- (a) *the significance of a site or sites in relation to evidence of the historical and cultural heritage of New Zealand; and*
- (b) *the extent to which the proposed activity will modify or destroy the site or sites.*

It has been noted the number of authorities that are granted by Heritage New Zealand has increased year on year, the number of declined authorities average five per year (Allen, 2010). Furthermore, the focus on 'significance' in relation to "*the historical or cultural significance of New Zealand*" prioritises nationally important sites over those which have local significance.

The Maori Heritage Council, established under the HPA 1993, has a number of functions, including "*to ensure that, in the protection of wāhi tūpuna, wāhi tapu, wāhi tapu areas, and other historic places and historic areas of interest to Māori, Heritage New Zealand Pouhere Taonga meets the needs of Māori in a culturally sensitive manner*" (HNZPT Act 2014). The Maori Heritage Council is the body to which applications for authorities relating to sites of interest to Maori are referred, and its role is to ensure that the appropriate communities are involved in processes concerning wahi tapu and wahi tapuna.

<b><i>historic area</i></b>	(a) contains an inter-related group of historic places; and (b) forms part of the historical and cultural heritage of New Zealand; and (c) lies within the territorial limits of New Zealand
<b><i>historic place</i></b>	(a) means any of the following that forms a part of the historical and cultural heritage of New Zealand and that lies within the territorial limits of New Zealand: (i) land, including an archaeological site or part of an archaeological site; (ii) a building or structure (or part of a building or structure); (iii) any combination of land, buildings, structures, or associated buildings or structures (or parts of buildings, structures, or associated buildings or structures); and (b) includes anything that is in or fixed to land

	described in paragraph (a)
<b>wāhi tapu</b>	means a place sacred to Māori in the traditional, spiritual, religious, ritual, or mythological sense
<b>wāhi tapu</b>	means land that contains 1 or more wāhi tapu
<b>area</b>	
<b>wāhi</b>	means a place important to Māori for its ancestral significance and associated cultural and traditional values, and a reference to wāhi tūpuna includes a reference, as the context requires, to—
<b>tūpuna</b>	(a) wāhi tīpuna: (b) wāhi tupuna: (c) wāhi tipuna

Statutory definitions in respect of historic areas, historic places, wahi tapu, wahi tapu areas are retained, with the added definition of wahi tapuna, which "*means a place important to Māori for its ancestral significance and associated cultural and traditional values*" (HNZPT Act 2014). While the definition provides for an enhancement to such values for Maori, there is nothing in the definitions which portrays the same values for cultural or heritage landscapes, other than the historic area and historic place definitions. The concept of 'area' is simply "*an inter-related group of places*", while a 'place' is "*land to covered by water and the airspace above it*" (HNZPT Act 2014). The 'Historic Place' definition is fundamentally tied to fabric - "*a building or structure*" or "*any combination of land, buildings or structures*" or "*anything that is in or fixed to land*." The HNZPT Act 2014 therefore fails to attribute the same qualities of intangible and spiritual value to non-Maori landscapes.

Criteria for inclusion of any historic place or historic area on the New Zealand Heritage List is set out in section 66 of the HNZPT 2014. HNZ must be satisfied "*that the place or area has aesthetic, archaeological, architectural, cultural, historical, scientific, social, spiritual, technological, or traditional significance or value*" (HNZPT Act 2014). A ranking or "*status of category 1 or category 2*" may be assigned (and determined in regulations by the HNZ) to any 'historic place' if HNZ is satisfied that the place has significance or value in terms of one or more of the stated criteria including:

- (k) *the extent to which the place forms part of a wider historical and cultural area.*

The focus of the HPA 1993 in respect of Maori heritage had hinged on the 'outstanding' - sacred and tapu sites were deemed to be of significance and appropriate therefore for registration and protection, at the expense of special, unique or other types of heritage. New provisions in the HPA 2014, mean that the Maori Heritage Council may enter any wāhi tūpuna on the New Zealand Heritage List if it is satisfied that the wāhi tūpuna

- (a) *has strong traditional associations with 1 or more ancestors significant to an iwi or a hapū; and*
- (b) *is integral to the identity or cultural well-being of the iwi or hapū; and*
- (c) *is a distinct and cohesive place or area.*

The provision represents a step closer to a spatial landscape approach, moving further away from the 'site specific' approach that has conventionally typified the identification and protection of Maori heritage.

#### 5.4 Case study analysis of a critical moment - lifestyle subdivision at Lake Papaitonga

In analysing a critical moment, an understanding can be derived of exactly how the various discourses are enacted in the context of planning practice. The following case study will explore the reasoning and planning judgement exercised around planning consent process impacting on a number of heritage resources which together have been identified as contributing to a heritage landscape. A close examination of the process will analyse how the planner engaged with the tools and mechanisms available to identify and protect heritage, and will critically appraise the scope for a heritage landscape approach and how or why this approach was or was not taken.

In December 2008 a subdivision consent was lodged with the district council which proposed to create 18 rural/residential lots, and two conservation lots. The subject site comprised of 42.6ha of farmland northwest of Lake Papaitonga Scenic Reserve. Lake Waiwiri, is a 61.8ha dune lake now known as Papaitonga. It contains two islands, Motukiwi and Motungarara, which were the scene of a battle between Muaupoko and Ngati Toa. The subject site is located within sand country containing little native vegetation having been extensively drained, cleared and utilised for stock grazing. About 2.19ha of the site was determined to contain up to six primary forest remnants, including some wetland forest and dry terrace forest linking up with the 122ha Lake Papaitonga Scenic Reserve.

Local iwi provided a cultural impact assessment which was prepared in 2006 and submitted with the application when it was lodged in December 2008. Significant to iwi is the female mauri present in the landscape and in the plant varieties, in addition to their appreciation of the greater eco-system of Lake Papaitonga and the source of the lakes water, the Tararua ranges. The stated purpose of the cultural impact assessment is to assess the cultural and spiritual effects of the proposed subdivision on iwi, to provide a Maori perspective, to provide historical background, and in accordance with the principles of the Treaty of Waitangi, to cooperate in good faith. The iwi have maintained kaitiakitanga over the lands, as evident in the naming of places in the area, and their involvement in local initiatives for wetland restoration.



Figure III. Scheme of proposed subdivision northwest of Lake Papaitonga

The iwi state that their mana whenua would not be affected by the proposed subdivision, in particular if they are permitted to exercise their kaitiaki duties through the supervision of earthworks (in case of accidental discovery), the naming of roads in the subdivision, and a continuation of their conservation activities in the wetland restoration. The iwi point out that an archaeological study is 'advisable'. The applicant commissioned such a study by two consultant archaeologists who carried out an assessment in 2006. This assessment was lodged with the application in December 2008, though was followed with the

submission of a further assessment in 2009 after three additional allotments were added to the proposed scheme of subdivision. The assessment describes in detail three identified archaeological sites, two of which are within the boundaries of the subject site (S25/101 Midden/Kainga; S25/103 Charcoal/Possible pits), and one which extends into a neighbouring allotment (S25/102 Mahoe Kainga/Pa site). Two of the sites, including the transboundary site, are kainga, former settlements occupied by iwi over 100 years ago, and significant to the cultural and ancestral history of local iwi.

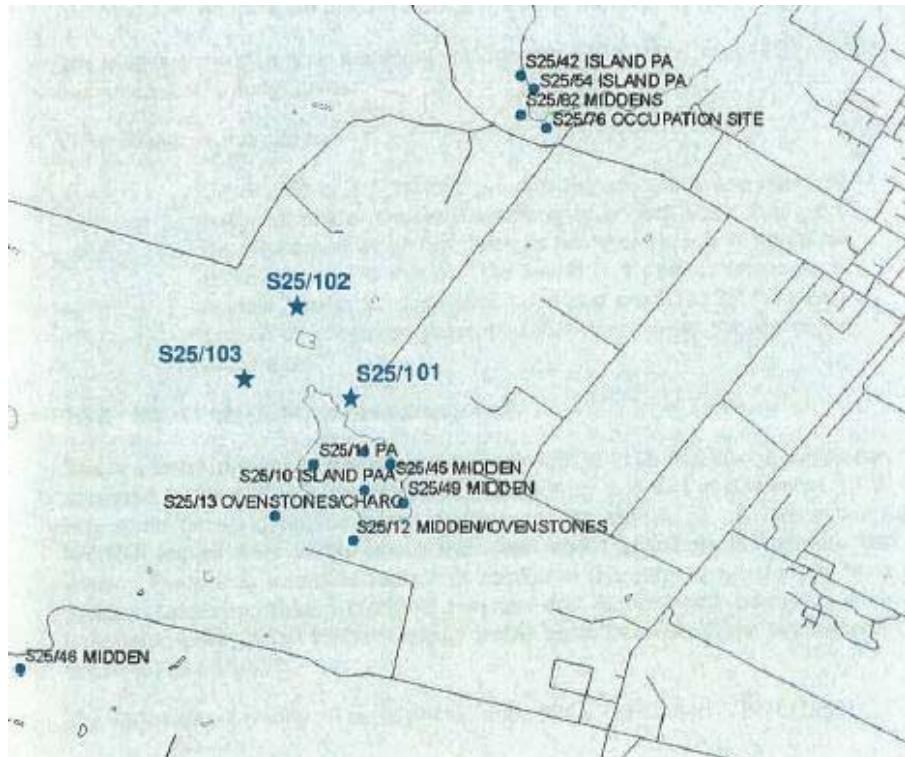


Figure IV. Location of other archaeological sites in the locality

The archaeological assessment recommends that further investigation be undertaken to determine the extent of S25/102 as it relates to proposed lots 29 and 24. These lots are determined to border Mahoenui and development of these lots would potentially impact on the former occupation site. The assessment hence recommends that an authority be sought from Heritage New Zealand for an intrusive investigation to determine the extent of the kainga. The authority would apply to the overall earthworks to create building platforms, access and fencing within each allotment. The report acknowledges that the history of Mahoenui Kainga,

*...illuminates and enlivens the archaeological values of the site, which has a high significance for its association with important people...and events in New Zealand's*

*history. The history, archaeology and cultural values of Mahoenui together indicate the importance of the site itself. Mahoenui and the other archaeological sites also have a further value, which is that they are an integral part of the Lake Papaitonga Cultural Heritage Landscape.*

(Peterson & Pischeif, 2006, p 34)

The report also notes that the property was the site of the former Harper flaxmill. Built in the 1920's, the scutching mill, containing machinery which stripped the flax to expose the raw fibres, operated right up until World War II. No physical evidence of the mill remains, however the report states "as this mill was built post-1900, it is not legally classified as an archaeological site and will not therefore be investigated" (Peterson & Pischeif, 2006, p 29).

In describing the site, the planning report by the Council processing officer identifies,

*The site has significant archaeological importance as it was historically occupied by Maori. A cultural impact assessment and an archaeological assessment have been submitted with the application and both of these detail the rich cultural history of the site.*

(Report of Council Planning Officer, October 2011)

The report acknowledges that the subject site contains no "heritage sites" under the district plan; nor is it an outstanding landscape, or outstanding natural feature. The proposal is determined to be a limited discretionary activity as the subdivision meets the subdivision criteria with the exception of a requirement to meet 100m separation distances between vehicle crossing places. Additionally, as the subdivision qualifies as a 'conservation lot' scheme, based on the proposed transfer of two large allotments to be administered under the Department of Conservation, the district plan provides that the subdivision need not be publicly notified.

Section 4 of the Council planning report details parties that the application has been referred to for expert advisory and comment. These include Horizons Regional Council, for addressing issues around inundation and flood risk and the ecological impacts the subdivision might have on Lake Papaitonga, and the Council's own development engineer in respect of roading and servicing. Section 5 of the report assesses the effects of the proposed subdivision as being no more than minor and additionally finds that no parties are adversely affected by the proposal.

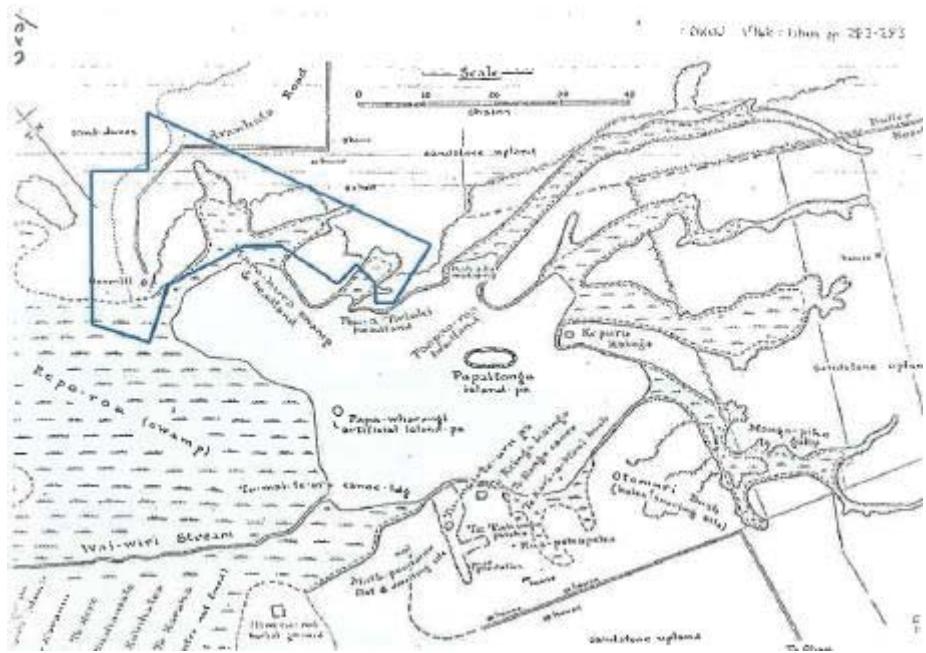


Figure V. Mapped location of Mahoenui (Adkin, 1949, p 204)

The subdivision is determined to be consistent with the district plan policy in respect of the relationship of tangata whenua with their ancestral lands as the applicant has recognised such relationships through its consultation with iwi. Two iwi groups are considered to have maintained kaitiakitanga over the area; these iwi have actively engaged with the applicant to agree conditions of consent that would safeguard the features of cultural significance to these groups, for instance through the imposition of discovery clauses, no build areas, and a requirement to have an archaeologist present during earthworks. Areas labelled S, T and U on the scheme of subdivision allude to the area identified as the Mahoeui kainga. The report acknowledges the concerns raised by the archaeological assessment that a proposed access strip would effectively cut Mahoenui in half, that earthworks, trenching, and fencing could damage archaeological evidence, and that houses sited so close to the kainga could adversely impact on the cultural significance and 'interpretation' of the site.

A covenant was proposed by the applicant prohibiting any building, structure, or earthworks (except to establish and support revegetation, accessways and fencing) over the area identifiable as Mahoenui. A further mitigation took the form of an undertaking to apply for an authority from Heritage New Zealand. The applicant had consulted with Heritage New Zealand who agreed that the boundaries of the archaeological site could be identified through the authority process. The effects of the proposal on the archaeological sites were hence determined to be no more than minor. The subdivision was determined

to be consistent with Part II of the RMA as the subdivision "recognised and provided for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga through consultation and offered conditions" (Council Planning Report, 20). No regional policy statement was considered to be relevant (Council Planning Report, 20).

In this particular case, the decision making framework comprised of the rules, policies and objectives of the district plan, and the RMA. The planning officer utilised other tools to inform and guide the decision - these included the cultural impact and archaeological assessments, and comments obtained from referral of the application to the Councils Development Engineer and the district advice liaison officer at the regional council. The regional advice was limited to recommendations regarding flood risk and effluent disposal. Although regional councils oversee consenting of activities affecting historic heritage in the coastal marine area, regional councils must have policies in place for historic heritage that is regionally significant and advice could have been given in this regard.

No recourse was made to seek comment directly from Heritage New Zealand, and there is no evidence that a regard has been had to the series of RMA guidance provided by HNZ *Sustainable Management of Historic Heritage Guidance*. This guidance recommends for instance, the preparation of a conservation plan to guide the active management of sites; provision of a buffer area between future development areas and places of significance to Maori; discussion of the integrity of setting including allowance for visual and functional relationships such as viewing points/corridors for instance in respect of the identified double palisade lines and fortifications; any reference to the context of the wider historic landscape, despite the fact that this was referenced in the archaeological assessments.

The consultant archaeologists focus primarily on the statutory compliance with HPA provisions in respect of archaeological sites and features pre-dating 1900. Their assessment avoids the subject of the mill remains, which, as the mill occupied the site from 1920 through to at least the 1940's, was a significant period of time, and cognisant of a different set of community values in respect of the industrial history of the district. The three previously unrecorded sites were registered with the New Zealand Archaeological Association, however no recommendations were made to formalise parts of the site as an historic area or site of significance to Maori under the HPA 1993, or to seek any other similar type of protection for the sites through, for instance a heritage order under the

RMA, or the creation of a structure plan, or active management plan for the ongoing protection of the heritage features as a network of sites. The protective covenant proposed was endorsed by way of a condition of the subdivision consent, however, the requirement for an authority from Heritage New Zealand was deferred to a post-decision undertaking, in the form of an advice note on the subdivision, leaving a risk that any resulting investigation could potentially impact on the configuration of the lots and the approved scheme.

The scope for the land to qualify as a heritage landscape was high in this case. What was needed was an overarching assessment integrating the cultural, archaeological, historic heritage and natural landscape elements into one comprehensive study. It was evident that the site contained layers of history, not just with different tribal movements over time, but also with the documented evidence of the flax mill, and later farming of the area. The DoC landscape methodology trialled in the Bannockburn study could have been applied in this context, as there was tangible evidence of *nodes*; physical tracks, fortifications and drainage channels providing visible linkages and a *network* between the nodal features of the site; *patterns* of former land use such as gardening and cultivation were evident; *stories* of the great conflicts, settlements and migrations in the area were palpable and finally, the subject site is one area among a *web* of historical areas linking in with the history of Lake Horowhenua and Lake Papaitonga, identified as outstanding natural landscapes in the Horizons One Plan. An approach that united the cultural, historical, natural, biophysical and visual aspects into a landscape assessment, could more accurately gauge cultural and natural values, robustness of features, sensitivities within the landscape and therefore the actual and feasible opportunities and constraints for potential development and an appropriate measure of change.

Through analysis of a critical moment, the practical utility of statutory provisions can be demonstrated within the context of a real world situation. The case study has confirmed that the current statutory framework does not explicitly direct planners toward a heritage landscape approach. However, the preceding analysis of the RMA and HNZPT Act discourses, has shown that 'landscape' has a discursive presence in the legislation through the identification of historic areas, places and surroundings, and that furthermore, there are mechanisms that can be applied in practice to apply protection spatially. The following section will discuss the predominant aspects of the discourses that conflict with heritage landscape approaches with a view to identifying a way past these conceptual obstacles.

## 7. Discussion

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### 7.1. Key discourses and discursive conflicts

One of the aims of critical discourse analysis is to 'critique' the social and political processes that give rise to discourse, and the effect of those discourses on society. Waterton et al. (2006) assert that what distinguishes CDA from alternative approaches is the capacity it provides for the analyst to play an "interlocutory role in the dialogues between texts and social interactions in its oscillations between the close and detailed inspections of texts and an engagement with broader social issues" (Waterton et al., 2006, 342). For various reasons, including in relation to balances of power, those social and political processes are sometimes 'distorted out of vision', hence the "critique is essentially making visible the interconnectedness of things" (Wodak & Meyer, 2001, 2).

Discourses are both constructed in and constructive of social institutions (Wodak & Meyer, 2001, 11). For instance the RMA is a planning framework constructed by central government, which in turn, requires local authorities to construct local aspects of that framework based on their own interpretation of how they must perform and function in meeting the purpose of the Act. Genres, discourses and texts differ in how much detail is required in order to get a message to an audience, and sometimes too much or too little detail may leave information open to speculation and varying interpretations. For this reason, there is a hesitation by policymakers, to be overly prescriptive of matters in legislation. This is particularly so with the RMA, in that it is both the duty and function of local authorities to define social, cultural, environmental and economic conditions and to make policy that responds to those conditions accordingly. Moreover, case law can be brought to bear to set a legal precedent in respect of the legal interpretation of statutory requirements and this also shapes how the RMA and its instruments are interpreted.

### Legislative and policy framework

Discourses such as legislation and policy guidance documents constitute and shape representations of heritage in a number of ways - through definitions, frames of reference, and the allocation of roles for particular participants such as statutory duties, rights or responsibilities. As part of a wide ranging review of the cultural sector driven by the State Services Commission in the late nineties, the legislative reviews conducted in the nineties found that there were deficiencies and ambiguities stemming from an overall lack of

synchronicity between terminologies used in the network of discourses, and the fact that there is no universal definition of heritage or of heritage landscape. For instance, the RMA defines 'historic heritage' as a range of qualities including archaeological, architectural, cultural, historic, scientific and technological, and which includes historic sites, structures, places, areas etc, however these in turn are not defined. In comparison, the HPA 2014 defines four types of heritage places/areas, but provides no overarching definition of heritage.

The literature abounds with various critiques of definitions. Donaghey argues the dynamic quality of heritage value is overlooked in the statutory definitions, and further "while indigenous and intangible values are recognised, there are no mechanisms for making their links to spiritual values of places explicit" (Donaghey, 2006, 96). Although landscape is inter-disciplinary, Fairclough argues most definitions have been monodisciplinary, fitting a particular or disciplinary standpoint. He asserts, "definitions exist to control ideas....Landscapes strength and principal interest is that it is open-ended, inclusive of people's perceptions and of things, and unifying and integrating; rigorous definitions of such a concept can be counter-productive" (Fairclough, 2006, 56).

Fairclough therefore argues that definitions "should be loose fit, high level and broad, reflecting landscapes own infinite diversity and thereby being potentially inclusive and applicable to as many contexts as possible" (Fairclough, 2006, 57). To some extent the definitions in the RMA are loose fit applying broad, generalised and non-exhaustive descriptions, the definition of environment being a case in point:

- (a) *ecosystems and their constituent parts, including people and communities; and*
- (b) *all natural and physical resources; and*
- (c) *amenity values; and*
- (d) *the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters* (RMA 1991)

This definition is practicable in its capacity to fit a range of contexts - people, objects, nature, culture; additionally the definition recognises that environments are definable by perceptions and values, as well as the obvious elements of environment. Definitions run into further trouble however, when translation results in terminologies that don't have equal counterparts. English translations may not capture the exact hue and hence the

specific contextual quality of a Maori word or phrase, and meanings can differ from tribe to tribe. Likewise, Maori prefer to have recourse to their own notions of sustainability - the concept of sustainable management under the RMA has little relevance to notions of kaitiakitanga and Matauranga Maori. Defined in the RMA as 'the exercise of guardianship', the translation of kaitiakitanga has been criticised for failing to represent all notions implicit in the Maori meaning rendering the definition "incapable of proper function" (Durie, 1998, 29). For clarity, comprehension, and to enable a concept of landscape to be embraced, the provision of a universally recognised cultural/heritage landscape definition would provide certainty and would identify the qualities for which a spatial area might be regarded as a heritage, ancestral or other type of landscape. This is an opportunity worthy of further exploration.

The evolution of heritage conservation and planning in New Zealand is characterised by the devolution of responsibility from the centralised Scenery Preservation Board, to local authorities who were gradually given more responsibility and authority with each legislative development. Today responsibility for putting mechanisms in place to protect cultural heritage in New Zealand continues to lie with local authorities, while the responsibility for identifying sites and the provision of expert advice is the role of Heritage New Zealand. This dual approach to heritage protection is not uncommon and underpins planning frameworks in the USA and Canada for instance. However the disconnect between the HNZ, formerly the Trust, and local authorities, and the statutory roles assigned to them, has been the subject of four consecutive reviews, and it has been detected in those reviews that there is a weak mandate for local authorities to actively protect and manage heritage resources, and a lack of clarity as to the allocation of responsibilities for heritage protection between local authorities and the HPA.

Although the HPA requires Heritage New Zealand to collect, keep and disseminate information on heritage, there is no legal requirement for local authorities to have to include that information in LIMs and council records. In preparing plans, local authorities must 'have regard to any relevant entry on the New Zealand Heritage List', but there is no statutory obligation to do more than include a schedule in the plan of items included in the New Zealand Heritage List within the District or Region.

It is notable that in the early 2000's, there was an increase in the registration of historic areas, signalling a willingness to apply a spatial approach to heritage, and a move away

from the conventional preoccupation with buildings and 'sites' (NZHPT Annual Reports). For instance, Auckland Council have implemented a 'place-based' approach, where the extent of a historic heritage place includes "the area that is integral to the function, meaning and relationships of a place" (Auckland Council, 2012, 1). This could be attributable to the 2003 RMA amendment which Kenderdine asserted would require greater weight to be given to 'heritage sites and areas' and which she believed would provide considerable scope for identification of such an area as a 'landscape'.

In respect of Maori heritage, there is still an underutilisation of RMA mechanisms such as iwi management plans, joint management agreements and devolved responsibilities, which could enhance and be more inclusive of tangata whenua in the management of natural and physical resources including heritage landscapes. A shortcoming of the RMA is that while central government has transferred the management of resources to local authorities, little guidance has been provided as to how the Crown expects local government to fulfil the treaty obligations transferred to them, and further, this "creates a tension between Maori world view and the philosophy of 'sustainable management' which places environmental concerns as expressed through the use of land, above the social and cultural needs of Maori" (Allen, 1998, 50).

As planning and heritage legislation has evolved to shape specific roles for heritage agencies and local authorities, the values for which heritage and landscapes are protected have also changed. With the development of archaeology as a science, and heritage as an expert area in its own right, planning for heritage has increasingly come to rely on experts and professional advice. For instance, where lands were reserved for 'scenic and historical interest' from 1903, by 1953 protection was applied to 'objects and places of historic and scientific interest or natural beauty'.

The transition over the century from a recognition of 'ascribed' values - that is values based on the interest or curiosity value of a place for the community, to 'intrinsic' values, the values implicit and unique to individual heritage features, in particular with the specialisation of heritage conservation and archaeological sciences globally and in New Zealand, is another observable change in the focus of heritage identification giving rise to expert led heritage protection mechanisms over community driven heritage values.

## Valuing heritage

In keeping with a preoccupation for the 'intrinsic' values of historic heritage, heritage conservation has generally focussed on the fabric and quality of tangible remnants, and, in the case of archaeological sites, on the value of the site to contribute to knowledge and information, rather than the intangible values and relationships held by 'connected people' (*ICOMOS NZ Charter, 2010*), which are social values as much as cultural. Moreover, the treatment of the outstanding and significant, as enforced by the rhetoric of both the RMA and the HPA, has tended to marginalise values attributed to the more ordinary and mundane to which may be attached highly complex values and qualities, by those who relate to landscapes in traditional, spiritual and emotional ways. Comments Kenderdine...

*Maori cultural heritage landscapes have in the past, a tendency to be confined to wahi tapu or midden sites by virtue of the operation of the RMA 1991 and the HPA 1993 when to Maori, the whole landscape effectively is the issue".*

(Kenderdine, 2005, 29)

Values based assessments would essentially underpin any landscape assessment to demonstrate the importance of a landscape and the connections with it. asserts that heritage values are both intrinsic and relative qualities which are dynamic and hence subject to change. Donaghey calls for an assessment capable of adjustment according to the dynamics of heritage and values. A focus on 'significance' is effectively "a statement frozen in time" (Donaghey, 2006, 31), because values and societies change. A balance ought to be struck therefore between the intrinsic value of the object and the subjectivity of ascribed values, whilst ensuring that the dynamic qualities of natural and cultural heritage are accounted for in management, planning and protection processes.

Turning to the New Zealand ICOMOS Charter 2010, it is clear that this text is a product of an 'Authorised Heritage Discourse', reflecting the conservationist principles espoused in the Athens and Venice Charters, and importing the concept of intangible values introduced by the World Heritage Convention. In the vein of the Athens Charter, which recognised the motivation for heritage conservation 'derives from the respect and attachment of people' and therefore of values ascribed to heritage as much as its intrinsic worth, the NZ Charter likewise recognises that "cultural landscape means an area possessing cultural heritage value" and that this value arises from the relationships we have with our environment.

Fundamental to the NZ Charter is a recognition of values for the intangible as much as for the tangible, physical and visual aspects of heritage, for instance in the recognition of spiritual associations with mountains and other 'associative cultural landscapes'. Moreover, the NZ Charter comes across as inclusive of a variety of actors and 'connected people', and has been drafted to provide a meeting point for the professional heritage conversation discourse, with the principles held by tangata whenua and others with special relationships to heritage features and places. In particular, the discourse acknowledges the relationship of kaitiakitanga, not only in a brief but explicit recontextualisation of the Treaty principles, but additionally in the stated audience of the NZ Charter, including 'owners, guardians and managers', and in its stated purpose which is 'to care for places of cultural heritage value'.

Like the Burra Charter, which has been integrated into Australian federal planning frameworks through the requirement to have a statement of significance for every heritage registration, the NZ Charter invites actors to be made of part of the planning and conservation framework, and impels that its provisions are incorporated as an 'integral' part of heritage and planning policies and plans, and to guide and 'support decision making processes'. While New Zealand lacks any national statutory guidance in the form of any National Policy Statement or National Environmental Standard, the NZ Charter stands as a credible guidance document which could be used as a guide for heritage planning.

## 7.2. Perceived obstacles to application of a Heritage Landscape approach and consideration of solutions

*"In New Zealand, as elsewhere in the world, there is more written about the potential for an integrated approach than about its realisation" (Stephenson, 2007, 9).*

The status of the NZ Charter, like other international conventions and agreements is non-binding. According to Kenderdine, the Environment Court has held that the Charter has no binding influence on matters under the RMA, nor has it been incorporated into domestic law in any form to make it obligatory (Kenderdine, 2005, 56). However, as Erder observes "one of the necessary features for effective principles is for them to be general guidelines rather than weighed down with details and specifications" (Erder, 1977, 25). Local authorities often lack the expertise to assess applications concerning heritage. As an

international charter, the document occupies a discursive space very separate from the conventional network of practice. The NZ Charter is increasingly relied on as a source of information in respect of the appropriate type of intervention for a particular issue, and it is observed that district planning documents are increasingly referencing, or incorporating the NZ Charter by reference. In circumstances where district plans protect heritage features and places that are not registered with Heritage New Zealand, local authority planners could look to the Charter for guidance as to the appropriateness of particular conservation techniques. However this guidance is limited in practicable scope. What is needed is more methodological guidance that will likely necessitate a change in conventional district planning approaches.

The New Zealand planning system works to isolate different uses of land through methods such as zoning, which can separate and further marginalise people from places that have significance to them. However, landscape is an overarching idea: "a cultural, mental, emotional or intellectual concept which even if constructed from material objects in the environment, nevertheless resides in perception" (Fairclough, 2006, 56). An understanding that landscapes are perceived in different ways by people, is necessary if inter-disciplinary collaboration is ever to be achieved. An understanding of cultural, historical and social processes will therefore be fundamental to any strategy or management plan for a heritage landscape or area. Wide-ranging and multidisciplinary research in the vein of the Bannockburn Study will be necessary for effective implementation of any landscape approach, or at the least, a reconceptualisation of existing plan provisions, informed by sufficient research that community values identification is representative, evidence based, and transparent. A plan might achieve this through methods including the availability of cultural and historic heritage assessments, archived information and historical records, conservation plans, and the requirement to draft community heritage strategies for places.

According to Allen, "Value is not inherent in the place itself so much as the strength of people who relate to it" (Allen, 1998, 47). The implementation of inclusive and participatory policies and consultative mechanisms to import community values into Council decision making processes ultimately bear a cost and resource burden. However, the provision of access to well maintained cultural and heritage resources is a public good for a number of reasons - inclusiveness, education, well being, and the capacity for meaningful connections to be made between people and place.

Community involvement in identification, assessments of landscape, the formulation of heritage strategies and in the weighing of planning/heritage decisions through consultation and/or notification effectively addressing the changing values and cultural concerns of local communities, as well as addressing the changing qualities of nature and landscape. Allen comments, "Nothing is so stale as national symbols that have lost their power to engage" (Allen, 1998, 67). Communities that have opportunities to engage in participatory and consultative processes in respect of landscapes will benefit from being able to express values and appreciation for cultural and heritage resources, and this would enhance vibrancy, and cultural diversity.

Furthermore, heritage and cultural resource management would benefit from an holistic approach incorporating natural resource management as part of an integrated approach to landscape protection in general. The continuation of the 'outstanding natural landscapes' paradigm of landscape protection perpetuates the division of culture and nature which is fundamentally contrary to Maori world view and iwi resource management. Notions of 'sustainable management' and 'national importance' have little synergy with Maori resource management ethos and dialectical bridges need to be built between the RMA planning discourse and the discursive nuances of matauranga Maori. All parties including iwi, regional authorities, Heritage New Zealand, private land owners, kaitiaki and communities, must move towards a partnership approach to heritage management, and an integrated approach to landscape protection, which recognises that landscape is a both a unifying and multidisciplinary subject area encompassing natural heritage, rural production and amenity values, as well as cultural and heritage values.

Relying solely on a 'registration approach' through district plan scheduling will continue to effect the 'freeze framing' of cultural and heritage resources, and concentration on individual sites at the expense of heritage landscapes. It is doubtful that registration could keep up with a dynamic approach to 'living heritage' which could be implemented for example through community inclusive approaches such as focus groups and community heritage boards. Plans, strategies and regulations are already utilised as tools that can be deployed inclusively to promote participation and meaningful dialogue between interested parties. Moreover, different categories of heritage, or types of landscapes should be assessed and protected in ways that are appropriate to them. The identification and preservation of representative samples of archaeological and heritage sites would potentially reduce the focus on 'outstanding' and 'significant'. The adoption of scientific

methodologies to protect representative areas could be achieved regionally, and would identify the archaeological signature unique to each region.

There is scope for regional authorities to take a lead role in producing expert guidance and informed research in respect of outstanding natural and cultural landscapes. For instance, the One Plan (Horizons Regional Council) recognises that "*outstanding natural features and landscapes have natural and cultural dimensions that are central to a community's identity and sense of belonging*" (One Plan, 2014, 7-2). Although the predominant focus continues to be on preserving the 'natural character' of landscapes, the One Plan recognises that regional council has a role to play in the recognition of historic heritage sites and features, although the *protective* role for regional council is in respect of historic heritage in the coastal marine area only.

Amongst identified methods in the One Plan for achieving consistency with identification of outstanding natural features and landscapes is a provision to develop a consistent characterisation of landscape. To this end a methodology for assessment of natural features and landscapes is to be agreed between regional council and territorial authorities by April 2015 (One Plan, 2014, 7-15). The One Plan envisages that the regions known historic heritage will be recorded in a region wide database for which it is hoped an approach will be agreed by April 2016 (One Plan, 2014, 7-16).

"The effectiveness of rules for historic sites depends on the quality of location information in the [district] plan" (NZHPT Information Sheet 6, 2007). Problematical is that conventionally, physical manifestations of heritage are represented by listing or by a 'dots on a map' approach. In particular, plans must actively protect archaeological sites, where possible by identifying them in spatial terms. According to HNZ information, it is assumed that small archaeological sites are located on planning maps to within 15m, and larger archaeological areas should be accorded at least a 10m buffer zone (NZHPT Information Sheet 6, 2007). For instance, New Plymouth City Council have mapped over 770 cultural sites including waahi tapu sites, based on New Zealand Archaeological Association (NZAA) records, however for each site, the exact extent of the site has been determined in order to provide certainty for all parties in the application of the district plan rules (pers. comm, April 2013).

Likewise, Auckland Council requires that for any place to be scheduled in the plan, a proposed 'extent' of scheduling is to be geographically and spatially defined. Part of assessing extent is a consideration not just of surface and sub-surface historical evidence, but also estimating how the heritage place is currently perceived and whether the identified boundary "contextualises the historic heritage values adequately" (Auckland Council, 2012, 4). Heritage features must be spatially defined in plan and planning maps, whether this incorporates significant view corridors/sight lines, development buffers, green spaces, no-build zones, or restricted zones for land disturbance (for the protection of archaeological sites as per advice from an archaeological specialist). Comprehensive site assessments are necessary in order to evaluate the extent of surroundings needed to preserve the relationship of heritage features with a setting.

This involves a research process examining contextual elements of an area including patterns of land use and subdivision, settlement areas, nodes of activity, transportation routes, landmarks and functional qualities of both built and natural elements in the landscape. Also important is an identification of the robustness of landscape to cope with change, and this is evidenced in the integrity of heritage elements. Environment Canterbury have introduced policies for heritage landscapes in the regional policy statement which recognise that cultural and heritage landscapes are dynamic, time-bound and subject to change. Values considered include time depth (the presence of era layers); cultural diversity; legibility and evidential value (how the landscape clearly expresses/evokes a sense of place); shared and recognised value, in addition to the integrity or intactness of elements of the landscape, the opportunities for values to be maintained and the vulnerabilities of the site to change and modification (Environment Canterbury, Proposed RPS, 2013).

In terms of urban landscapes, attention to earlier town planning schemes is advisable. Early towns and cities were created in very different conditions however they were often organic in the sense that they responded very simply to the needs of a population and are therefore essentially anthropological. By researching old town plans, urban planners can glimpse the original layout and thus the integrity of a place – older towns provide an ideal template for walkability, interconnectedness, open spaces and a diversity of uses (NZHPT, 2007, 14). For instance, the core of Wellington's CBD is based on a town plan conceived in 1840, yet the street network, allotment pattern, green belt and public reserves remain key features of the CBD today (NZHPT, 2007, 14).

### 7.3. Conclusion

It can be seen that heritage landscape approaches have the potential to be participatory, integrated, multidisciplinary, and to provide a means to effectively manage change in situations where heritage resources are under pressure from subdivision, development and incompatible land use activities. However, critical discourse analysis carried out by Waterton et al. (2006) reveals that power relations underpinning the dichotomous relations between expert and community interests in respect of heritage are merely facilitated by planners. It has been observed that the RMA encourages silo thinking by supporting discursive conflicts between discipline expressed and community expressed interests (Stephenson, 2006, 41), as opposed to an integrated approach to resource management. If plans are not underpinned by a robust framework for recognition of heritage landscapes, community values will continue to be trumped by decisions based on expert reasoning or which are weighted toward assessments of tangible, visible aspects of heritage. A heritage landscape approach would be supported with an enabling definition to define its scope and application. Any definition must be cognisant of character, context, and cultural values with a consideration for the intangible as much as the tangible remnants of heritage, avoiding the elevation of the 'outstanding.'

It is concluded that effective heritage landscape policies can be created within the existing statutory framework, even if explicit references to heritage landscapes are omitted from the RMA. Protecting the integrity of heritage resources through appropriate spatial identification of heritage sites is a starting point. Joining the dots beyond individual sites to recognise complex inter-relationships and the contextual integrity of places and areas is the next. An integrated approach to heritage protection via connections between regional and district planning frameworks would strengthen the evidence base for a landscape approach. Regional Councils are better resourced to charter and lead multidisciplinary initiatives for the identification of heritage landscapes as part of an overall landscape focus uniting natural, cultural and other aspects of environmental character and context. Collaboration should be extended to communities and tangata whenua to ensure information gathering is participatory, inclusive, and that the heritage protected is representative and culturally diverse. Incorporating iwi management plans and joint management agreements would support a whole landscape approach cognisant of an eco-system awareness which translates to matauranga Maori principles, enabling an improved partnership ethic between local government and iwi in the spirit of the Treaty.



## Conclusion

## 8. Conclusion

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### 8.1. Revisiting the objectives of this research

The central aim of this research is to evaluate existing mechanisms and approaches to planning in respect of heritage resources. The question posed, is whether a landscape conceptualisation of heritage could be imported into planning practice, and to what extent a landscape concept could provide more effective recognition of cultural values, and an alternative for resource management and planning for the heritage into the future. Heritage is a finite resource and needs careful attention in planning consent processes where developers propose wholesale changes to an environment. The problem with conventional heritage protection is that it is piecemeal, focusing on single sites, and on the visible elements of the past. The preservationist ethic attached to conventional approaches is rigid and risks alienating people or restricting their relationship with place. What is needed is an approach which accommodates the values held by people who live in landscapes, as much as making the past accessible and readable in the present. What planning needs to achieve therefore, is the sustainable management of change to ensure development can occur, whilst protecting the integrity and meaning of heritage features that are valued by communities and experts alike.

Landscapes are conventionally protected for their naturalness and that protection is allocated to areas that are outstanding - a category that stems from formative legislation in New Zealand designed to protect picturesque areas at a time when land was being transformed rapidly and irreversibly by colonial settlers. Very often values are linked to natural elements which are dynamic and ever changing; however values themselves are ever-changing as generations evolve and societal movements occur over time. Methods of heritage identification and protection need to be dynamic too, and must be cognisant of the fact that landscape is a unifying concept - the treatment of heritage in landscapes could be better protected through participatory identification processes, and an integrated management approach, and it is considered that a landscape conceptualisation would be an enabling methodology under which this could happen. The question is, to what extent can the current policy and legislative framework accommodate such an approach, and what would be the benefits of importing a landscape methodology into practice at a district planning level ?

The objectives of the research were:

1. To define heritage landscapes, relating the concept to form and function in a planning context, and investigate the extent to which a landscape conceptualisation of heritage, would enable recognition of a diversity of cultural values, and opportunities therefore for effective and representative heritage protection.
2. To explore the contribution of heritage/cultural landscapes to our collective identity and assess heritage value systems to understand what is meaningful and why.
3. To evaluate how a cultural/heritage landscape approach based on a conceptualisation of ancestral and cultural landscapes to articulate a New Zealand focused framework for value recognition would assist planners to sustainably manage change within heritage landscapes and the scope for this to happen under the present regime.

## 8.2. Key findings

Heritage comprises the elements of culture, nature and tradition that are passed on from generation to generation. Landscape is a medium for these elements and is referred to as a palimpsest of the human story. Each generation develops unique cultural value systems - often values are based on reinterpretations of history and modern revisions of cultural progress. Heritage is hence described as a *process*, taking various forms over the centuries. For instance in the 19th century, a respect and deep concern for the antique and archaic led to the preservationist movement, while the environmental movement of the late 20th century gave rise to the conservation movement, followed by the urban regeneration and renewal programme of the nineties. As the practice of heritage has evolved, so too has its lens been widened, from individual buildings, structures and sites to wider areas in both urban, natural or rural settings.

Heritage is observed to be hosted by the sustainability agenda, but is often relegated to a minority position given the level of competition between competing agendas. Collaborative and international frameworks for landscapes and heritage conservation play a role in Europe which has translated via international conventions to Canada, the United

States and the Pacific, including Australia, though to a lesser extent, to New Zealand. Hence, while other post colonial nations have successfully applied landscape approaches to heritage protection, the legal and policy mechanisms underpinning the New Zealand planning framework for heritage, whether applied to structure, site or scape, are still fundamentally preservationist, underpinned by a reliance on listing which has the effect of cutting the heritage sites off from those who most value them.

Cultural landscapes have been the subject of academic theorising in a range of disciplines from geography, sociology and planning, to archaeology and anthropology. Although it is widely accepted that landscapes are fundamentally cultural, it is debated whether any landscape is truly natural - landscapes are impacted by humans simply because we perceive them, and in turn landscapes impact on people - a two way interaction can thus be exchanged between people and place, even when there is no tangible or visible trace of that exchange. Spatially, notions of heritage have expanded from an object to a vast scape of objects. Yet landscape is not just a canvas for the visible, it is a living phenomenon of cultural experience and a point of interaction for people with nature, culture, the past and the present. Landscape is the touchstone for the dynamic that is 'sense of place'.

Just as it can be argued that there are few places that could be described as truly natural, it could also be asserted that places never change. Sauer describes people as 'agents of modification' (Sauer in Leighly, 1965, 353), adapting their surroundings to suit their changing needs. Change is a part of our experience of landscape. To stop change would be unnatural, and indeed, untenable, particularly in respect of lived in landscapes. In order to comprehend the 'living landscape', it is argued that a cue should be taken from the people who live, work and breathe in it.

Landscape is a product of perception, both individually and collectively. We rely on our perception of the landscape to assemble meanings from its component features - this in turn enables us to use landscape, to move through it and function within it. Those living in landscapes will have a different view or values to those outside of it. It is recognised that sense of place is about having a relationship with landscapes. If planning is about identifying values, it must also be about understanding 'sense of place' - this may necessitate a level of research and public participation in order to connect with the cultural aspect of landscape.

According to Fairclough, public participation can be well facilitated at a landscape scale. Fairclough has been instrumental in the implementation of the Historic Landscape Characterisation method in the United Kingdom. This approach interprets information from the evidential layers of historical land use to establish distinctive character areas. Research is also undertaken to establish and monitor the shifting cultural context of each area - this is used to establish the *genius loci* of a place. The method provides for the informed management of change rather than protection of historic heritage features, to establish the types and levels of development that would be suitable for different character areas. The HLC approach has to some extent influenced the DoC methodology elaborated by Stephenson in the 2005 Bannockburn Heritage Landscape Study. The methodology defines heritage landscapes as "a landscape, or network of sites, which has heritage significance to communities, tangata whenua and/or the nation" (Stephenson, 2004, 23). Landscape change is perceived as inevitable, but "the character and feeling of the historic period is distinctive in the landscape as well as in the values held by the community" (Stephenson, 2004, 23).

### 8.3. Concluding points

The research has contemplated the capacity for the existing policy and legislative framework to embrace a landscape approach which moves beyond the scenic or protection of 'outstanding natural' elements, to embrace the messiness of intangible values and the chaos of contested values that are necessary aspects of 'landscape' - "the entire environment as it is culturally perceived" (NZHPT, 2007, 4). Although the changes made to New Zealand heritage legislation in 2014 have not resulted in any additional support or incentive to protect heritage areas, it can be seen that the changes made to the RMA in 2003 provide enough scope for areas and landscapes to be identified as a spatial entity of significance for cultural and historic qualities. Furthermore, the NZ ICOMOS Charter, as part of the international discourse of heritage protection, supports a heritage landscape paradigm underpinned by recognition of cultural values which can be readily adopted into district planning policy and guidance.

There are already a range of statutory mechanisms within the existing framework that are deployable as means of supporting a landscape approach. These include the creation of heritage orders under the RMA; structure plans, design guides, and scheduling under district plans; registration of historic areas, places and wahi tapu areas, and archaeological authorities under the HPA 2014; heritage covenants as private undertakings on property

titles; and conservation plans or heritage management plans either voluntarily produced or which are required as a means of protecting heritage through RMA consenting processes. However, effective protection of heritage landscapes is achieved through the accurate identification of heritage focusing on the spatial extent of each feature, and a consideration of context and interrelationships between heritage sites over an area.

Significant too, are the interrelationships between people and place, hence regional and district plan provisions that are underpinned by transparent, participatory and democratic information gathering and decision making processes will be crucial. The case study demonstrates that the statutory framework does not explicitly direct or promote a consideration of places, areas or landscapes of cultural significance. Also exemplified was the lost opportunity for protecting heritage relating to a variety of timescales and a diversity of interests, as well as the potential alignment of cultural with the natural features unique to the Papaitonga landscape through an integrated management and 'living landscape' approach to the conservation of the whole area. It is evident that the mandate for heritage protection by district councils has historically not been strong, and there has been little impetus from central government to compel regional and district authorities to proactively protect heritage, including heritage landscapes. A heritage landscape focus is ultimately driven by the values held by local communities and the strength of a collective cultural identity. At the point of plan making, the RMA allows for value based identification processes that could be extended to outstanding cultural, as well as natural, landscapes, places and surroundings.

Stronger input by regional councils to provide resourcing for wider research into landscapes incorporating historic heritage and cultural values with natural values, would in turn cascade into a robust mandate and evidence base for district authorities to provide for heritage landscapes at a local level, together with the support and contribution of local communities. The identification and protection of heritage in New Zealand through a landscape lens, hinges on the capacity for local communities to communicate their cultural values, and their appreciation for historic heritage through the district plan-making process. Planners can provide a platform for the engagement of communities through plan-making and through resource consent processes. By channelling community values into the formation of considered policies, objectives and plan rules, it can be ensured that those values are recognised when development pressures are brought to bear on the places that are significant to our heritage and our cultural identities.



A painting depicting a classical architectural complex, possibly a university or government building, viewed from an interior room. The building features white columns and a central dome. The scene is framed by the dark, vertical blinds of a window on the left and a grid of windows on the right. In the background, a coastal town with hills and a body of water is visible under a cloudy sky.

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## Words

This thesis contains 29,756 words.