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Making a case for national policy direction on the protection of  
built heritage: Examining approaches to heritage protection in  
district plans produced by territorial authorities in the Otago region  
under the Resource Management Act 1991

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## **Abstract**

Heritage conservation has many justifications. Most notably, built heritage has sociocultural value as a tangible symbol of our history and culture. As a result, the conservation of built heritage has long been recognised as important, although its protection in planning is a relatively recent phenomenon. In this context, the theoretical foundations of heritage conservation have rapidly evolved over time, creating multiple different conceptualisations of how heritage should be protected. In Aotearoa New Zealand, district plans produced by territorial authorities under the Resource Management Act 1991 play a key role in the protection of built heritage. Focusing on the Otago region, this research examines how territorial authorities implement heritage conservation in district plans to protect built heritage. It explores the international evolution of heritage conservation and its application in planning, identifying what heritage protection should look and highlighting tensions between the competing discourses that shape its implementation within planning. Through a case study approach, this research identifies and compares protection methods implemented in the district plans of five territorial authorities in the Otago region. This examination reveals varied approaches to the protection of built heritage in the Otago region and identifies an opportunity to align local practice with international developments. This research asserts that stronger policy guidance is needed, focusing on the potential of a National Policy Statement to provide a more cohesive direction for heritage protection.

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## Glossary

Many different terms are adopted in the literature concerning concepts of heritage conservation practice and protection. This glossary identifies and defines key terms that are central to this research. Terms defined in this glossary have been identified in ***bold italics*** throughout.

Term	Definition
<b>Adaptive reuse</b>	Alterations to built heritage to enable it to have a contemporary purpose
<b>AHD</b>	Authorised Heritage Discourse
<b>BA 2004</b>	Building Act (2004)
<b>Built heritage</b>	Building or buildings considered to have heritage significance or value
<b>Burra Charter</b>	Australia ICOMOS Guidelines for the Conservation of Places of Cultural Significance (1979)
<b>CA 1987</b>	Conservation Act (1987)
<b>CDC DP</b>	Clutha District Council District Plan
<b>CODC DP</b>	Central Otago District Council District Plan
<b>DCC 2GP</b>	Dunedin City Council Second Generation District Plan
<b>Faro Convention</b>	Council of Europe Framework Convention on the Value of Cultural Heritage for Society (2005)
<b>Heritage</b>	A set of attitudes and relationships with the past that are manifested in tangible sites, places, objects, and practices
<b>Heritage conservation</b>	Discipline that addresses all aspects of protecting, conserving, and enhancing sites, buildings, and places that are of significance to a community
<b>Heritage conservation practice</b>	Technical actions, methods, and processes of heritage conservation
<b>Historic heritage</b>	Means those natural and physical resources that contribute to an understanding and appreciation of Aotearoa New Zealand's historic and culture, as defined in the RMA 1991
<b>Heritage protection</b>	Measures employed in policies, frameworks, and legislation to manage and regulate change to built heritage
<b>HNZPT</b>	Heritage New Zealand Pouhere Taonga
<b>HNZPTA 2014</b>	Heritage New Zealand Pouhere Taonga Act 2014
<b>HNZPT List</b>	Heritage New Zealand Pouhere Taonga List/Rārangi Kōrero
<b>HPA</b>	Heritage Protection Authority/ies
<b>ICCROM</b>	International Centre for the Study of the Preservation and Restoration of Cultural Property
<b>ICOM</b>	International Council of Museums
<b>ICOMOS</b>	International Council of Monuments and Sites
<b>ICOMOS NZ Charter</b>	ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (2010)
<b>LGA 2002</b>	Local Government Act (2002)
<b>Listed</b>	Built heritage that has had its heritage significance or value formally recognised by its inclusion on a register or list. See definition of 'scheduled' below
<b>Local authority</b>	Regional council or territorial authority as defined in the RMA 1991

<b>MCH</b>	Ministry for Culture and Heritage
<b>MFE</b>	Ministry for the Environment
<b>NES</b>	National Environmental Standard/s
<b>NPS</b>	National Policy Statement/s
<b>ORC</b>	Otago Regional Council
<b>Plans</b>	District plans produced by territorial authorities operating in the Otago region, reviewed as part of this research
<b>POORPS 2019</b>	Partially Operative Otago Regional Policy Statement 2019
<b>pORPS 2021</b>	Proposed Otago Regional Policy Statement 2021
<b>QLDC PDP</b>	Queenstown Lakes District Council Proposed District Plan
<b>RMA 1991</b>	Resource Management Act (1991)
<b>RPS</b>	Regional Policy Statement/s
<b>Scheduled</b>	Built heritage that has had its heritage significance or value formally recognised by its inclusion on a register or list. See definition of 'listed' above
<b>SPAB</b>	Society for the Protection of Ancient Buildings
<b>Tangible historic heritage</b>	Immovable or moveable heritage, including historic places, archaeological sites, and landscape features
<b>Territorial authority</b>	City or district council, as defined in the LGA 2002
<b>UNESCO</b>	United Nations Educational, Scientific, and Cultural Organisation
<b>Venice Charter</b>	International Charter for the Conservation and Restoration of Monuments and Sites (1964)
<b>WDC DP</b>	Waitaki District Council District Plan

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# 1 Introduction

Protecting **built heritage** in Aotearoa New Zealand is often contested. The conservation of built heritage is currently faced with immense pressure, including seismic strengthening requirements, rising building costs affecting renovations, and the political environment calling for the government to reduce unnecessary spending (Aigwi et al., 2021; Heritage New Zealand Pouhere Taonga, 2022b; Seymour, 2024). These pressures are coupled with tension between traditional approaches to heritage conservation, which aim to preserve built heritage by freezing it in time, and contemporary planning goals for heritage which situate it within real-world contexts of development and change (Kaufman, 2009; Larkham, 1993); the application of this tension within Aotearoa New Zealand's planning documents is the focus of this research.

It is necessary to firstly understand a few key terms adopted in this research. **Heritage conservation** is the broad discipline that addresses all aspects of protecting, conserving, and enhancing sites, buildings, and places that are of significance to a community. The aim of heritage conservation is to maintain the heritage significance and characteristics of the site, building, or place to ensure that its value is not diminished and will continue into the future. In this thesis, the term **heritage conservation practice** has been adopted to refer to the technical actions, methods, and processes of heritage conservation, for example, maintenance, repair, and adaptive reuse of built heritage (Harrison, 2012). Measures employed in policies, frameworks, and legislation to manage and regulate change to built heritage are described as **heritage protection** (Hall & McArthur, 1996).

The compelling benefits of heritage conservation are well recognised, both on a national and international stage, and the retention of built heritage has been associated with many broader social and economic benefits (Gregory & Stoltz, 2015; Kalman & Letourneau, 2021; Ripp & Rodwell, 2016). Heritage conservation has cultural and social value with the protection and retention of historic artefacts valued by communities and has also become a driver of economic development by creating jobs and labour associated with renovation of historic buildings and heritage tourism (Hall & McArthur, 1996; Jokilehto, 2018; Nyseth & Sognnæs, 2013). More recently, according to Kalman & Letourneau (2021) the environmental benefits of renovating existing buildings have been better understood and heritage conservation has been recognised as playing a key role in sustainable development. Environmental outcomes are becoming more pressing, with a growing interest in enabling the retrofit and reuse of heritage buildings to prevent the loss of embodied carbon (Kalman & Letourneau, 2021).

A radical shift has occurred in heritage conservation in a relatively short period of time. Views on heritage conservation have transitioned from being focused on the preservation of built heritage (materials-based), to recognising the underlying intangible values of built heritage (values-based), to acknowledging the practical benefits of heritage conservation that align with broader social, economic, and environmental outcomes (heritage-led regeneration) (Ashworth, 2011; Jokilehto, 2018). The latter discourse, known as heritage planning, has gradually emerged as a subdiscipline of planning and heritage conservation and aims to situate heritage within contemporary planning goals (Kalman & Letourneau, 2021).

The evolution in how heritage is understood and how change should be managed in the historic environment has made heritage conservation contested and, at times, understood in conflicting ways (Chen et al., 2021). Internationally, there are many conversations currently taking place in the heritage world. These include defining what constitutes 'heritage,' to assessing its value, to determining an

appropriate level of 'protection' (from preservation to enabling adaptive reuse). Multiple different conceptualisations of modern heritage are influencing heritage conservation practice and management, and these co-existing, often competing discourses drive different priorities and goals for built heritage. This co-existence can often give rise to conflict and require practitioners to consider the interaction and application of each point of view (Ashworth, 2011).

In Aotearoa New Zealand, the Resource Management Act (1991) (**RMA 1991**) plays a key role in heritage protection. The "protection of historic heritage from inappropriate subdivision, use, and development" is identified as a matter of national importance (section 6). The RMA 1991 establishes a hierarchy of planning documents that are used to manage physical and natural resources and address heritage protection (among other matters of national importance). Policy guidance produced by central government sits at the highest level, with regional documents forming the second tier, and local documents at the lowest level. Each document is required to give effect to those above.

Under this hierarchy, **territorial authorities** are charged with the protection of built heritage. Territorial authorities, being city or district councils, act as the main decision-makers on the protection of built heritage (McEwan, 2022). In this role, they are required to apply the theoretical framework underpinning heritage conservation and resolve development pressures on heritage during the resource consent process. Provisions of district plans, produced by territorial authorities, provide the predominant means of heritage protection, with objectives and supporting policies implementing the protection of built heritage. Rules provide 'physical' protection by regulating activities affecting built heritage (G. Mason, 2008; McEwan, 2022).

Local approaches have led to heritage protection being implemented in a variety of ways, reflecting local circumstances and the multiple discourses underpinning heritage conservation. Plan making functions were delegated to local authorities under the RMA 1991, recognising that local government is usually best placed to make decisions on behalf of, and in conjunction with, their local communities. In practice, this has resulted in hundreds of district plans that reflect local circumstances and community values (Ministry for the Environment, 2017a). Subsequently, approaches to regulating heritage resources can vary widely across the country, with different approaches to all aspects of heritage conservation from identification, evaluation, to protection methods (McEwan, 2022).

An inconsistent approach to the protection of built heritage throughout Aotearoa New Zealand has been identified as contributing to the ineffective function of the current heritage protection system. In 2018, a study by the Ministry for Culture and Heritage (**MCH**) identified that the current heritage protection system is not functioning effectively and is resulting in the preventable loss of built heritage. Significant concern was expressed at the level of variation between the approaches of different territorial authorities; 80% of respondents did not think that different territorial authorities should use different approaches to identify, assess, and protect heritage buildings (Ministry for Culture and Heritage, 2018).

Stronger policy guidance is required to address current approaches to heritage protection under the RMA 1991. While there are multiple options within Aotearoa New Zealand's current statutory framework to address heritage protection, a National Policy Statement (**NPS**) is explored by this research as the most suitable option. This research confirms the RMA 1991 as a key protection mechanism for heritage, with district plans as the main documents providing built heritage with physical protection. This research will show that there are varied approaches to protecting built

heritage in planning documents produced by territorial authorities in the Otago region, reflecting the contested nature of heritage conservation. As a result, the focus needs to be on a policy lever that will guide heritage protection at a national level, to address these varied approaches and provide strong direction on the contestation of heritage conservation and its application in planning policy and practice.

A NPS was selected as the focus of this research as it could foster a national approach to heritage protection under the RMA 1991. It can set a policy framework for managing matters of national importance and are used where it would introduce significant nationwide benefits, costs, or values; provide significant benefits with a nationally consistent approach; or involves an issue involving technical complexity that makes it more efficient or effective to be addressed at a national level. They are the most influential form of government guidance on resource management as all regional, city, and district councils must comply with the provisions of a NPS (Ministry for the Environment, 2021; RMA 1991, section 55). Until recently, NPSs have been an underutilised tool in Aotearoa New Zealand's planning framework (Miller & Beattie, 2022).

### **1.1 Research Aim, Question, Objectives, and Scope**

In this context, this research aims to explore how heritage conservation is implemented to protect built heritage in Aotearoa New Zealand, to answer the following question:

*What is a case for a NPS on the protection of built heritage, considering approaches to heritage protection by territorial authorities in the Otago region?*

The objectives of this research are to:

1. Explore the international evolution of heritage conservation to identify the theoretical foundations of heritage protection.
2. Identify key areas of intersection where heritage conservation is applied in planning for heritage protection.
3. Establish best practice principles and characteristics from international heritage conservation of how heritage protection could be implemented in planning.
4. Explore the institutional arrangements for the protection of built heritage in Aotearoa New Zealand's planning frameworks.
5. Establish how heritage protection is currently implemented in the Otago region by examining district plans produced by territorial authorities in the region.
6. Investigate a NPS as an appropriate intervention available within the present statutory framework to address current approaches to heritage protection.

#### **1.1.1 Scope and Limitations**

There are some limitations to the scope of this research. Firstly, the scope of this research has been limited to the application of the current RMA 1991. As noted above, the RMA 1991 is a key document in providing built heritage with physical protection. Significant changes to the resource management system occurred during the preparation of this thesis, with the RMA 1991 being replaced by new legislation, which was later repealed. Given this state of flux, this research reviewed legislation and planning documents at a defined point in time (as at September 2024). The resource management system remains in a state of change, bringing challenges and opportunities for heritage protection.

Although this research has focused on levers available under the current RMA 1991, the key findings remain relevant by demonstrating how heritage protection is currently understood in planning. Future legislative change provides an opportunity for Aotearoa New Zealand's heritage protection to align with the international evolution of heritage conservation.

Secondly, this research has been limited to built heritage, rather than other aspects of cultural and intangible heritage. While there are many aspects of 'heritage,' built heritage is often seen as the most important focus of debate around heritage protection in planning (Ashworth & Howard, 1999). This research has also utilised the theoretical foundations of heritage conservation as the framework for discussion and, as such, is focused on these theories underpinning heritage conservation and how these are reflected in current planning documents from the Otago region. This represents one aspect of conversations occurring in the heritage space and does not consider other prevalent issues that are facing heritage protection in the Aotearoa New Zealand context, for instance, seismic strengthening or resourcing constraints.

This research has also adopted a Pakeha perspective, with only European views, theories, and discourses of heritage discussed. As noted, the focus of this thesis is on the built environment. Māori heritage is underrepresented in heritage schedules attached to district plans (Heritage New Zealand Pouhere Taonga, 2022b). As a result, built heritage predominantly represents Aotearoa New Zealand's European and colonial heritage. My whakapapa, combined with the constraints of this thesis, means that I have bounded my thesis to looking only at the built environment and European theories of heritage. Māori perspectives of heritage have not been included. I acknowledge that there is a gap in cultural heritage research, and the integration of te ao Māori into planning is an important topic in a planning system that requires the Te Tiriti o Waitangi principles to be taken into account (RMA 1991, section 8). The integration and protection of Māori historic heritage warrants further research, and research in this space would be best undertaken by a researcher within a Kaupapa Māori research paradigm.

Finally, this research makes *a* case for a NPS on the protection of built heritage. It is not the only case that could be made and it does not represent all policy objectives that could be addressed by a NPS. It is situated within an evolving heritage landscape, where there are many additional elements of heritage that would need to be addressed in a comprehensive NPS on the protection of built heritage, for instance (and as noted above), Māori perspectives of heritage.

## **1.2 Positionality Statement**

Growing up, I was lucky enough to experience many trips to the United Kingdom to visit family; these trips were usually accompanied by some time in Europe. As a young child I was captured by the experience of these different streetscapes, from the hawthorn hedges lining the narrow English streets to the large-scale buildings of London which were vastly different from my hometown of Rotorua. When I travelled as an adult, I appreciated the beauty of cities and the stories that these buildings and monuments communicated about past residents. Upon returning home, I began to appreciate the unique diversity of Aotearoa New Zealand's historic heritage – from mana whenua values, to the contributions of Chinese miners during the 1860s gold rush, and our early colonial architecture. The built heritage of Aotearoa New Zealand has a more modest vernacular in comparison to European streetscapes, but it is unique and just as worthy of protection as the monumental buildings of Europe. We are guardians of our cultural heritage and need to protect it so it can continue to be enjoyed by

future generations. I now live in Queenstown and work in the heritage sector, where my daily work involves advising public and private clients on how they can manage built heritage to ensure it is conserved for the future.

### 1.3 Defining Key Concepts

**Heritage** is a difficult concept to define and commentators offer ambiguous definitions. However, a key notion is apparent in the literature – ‘heritage’ represents things of value that we want to keep for future generations (Hall & McArthur, 1996; Harrison, 2010). At its simplest, heritage is anything that may be inherited. At its most complex, ‘heritage’ is not a ‘thing,’ rather a set of attitudes to, and relationships with, the past that are identified by an attachment to certain sites, places, objects, and practices that are thought to represent the past in some way (Harvey, 2001; Smith, 2006). ‘Heritage’ can be both a physical, tangible manifestation of the past and/or intangible aspects or the resonance of the past in the present. Definitions of ‘heritage’ offered by commentators are conveniently vague, enabling the term to capture a broad range of places, things, and practices to which diverse meanings and interpretations are attached (Harrison, 2012; Harvey, 2001).

‘Heritage’ is sometimes regarded as a process, rather than a product: It is created by relationships with the past, formed in the present (Ashworth & Howard, 1999; Harvey, 2001). These connections to the past are varied and may manifest as a relationship with a tangible site, place, or building and as a set of intangible practices. In this way, heritage is socially constructed, reflecting inherited and current concerns about the past (Harrison, 2012; Harvey, 2001). As a result, individuals can have different relationships with the same sites, places, objects, and practices and heritage can hold different values for different people (Hall & McArthur, 1996; Harrison, 2010).

The values that make heritage significant are wide-ranging and interrelated. While historic places and buildings are tangible remains of the past, for every tangible heritage resource there are also intangible values associated with its significance (Harrison, 2010). Value can stem from a variety of elements: the physical substance and fabric may provide insight into construction techniques and skills; the place may be associated with a notable person or architectural period; or value may lie in the meaning a place has for people through its use. These values are not always inherent or intrinsic in the building fabric but are attributed to the place by people. The significance attached to a heritage building or place may change over time, as may the relative importance we attribute to each of those values (McCaig, 2018).

Heritage can also take many forms, from natural to cultural. Generally speaking, natural heritage comprises the lands, water, plants, and animals that constitute the world’s ecosystems (Lowenthal, 2005). **Historic heritage** (or cultural heritage)<sup>1</sup> can be tangible and intangible. Many forms of historic heritage can cross both categories. **Tangible historic heritage** can be immovable or moveable. Immoveable cultural heritage includes historic places, for example, a structure, building, group of buildings or area, archaeological site, and landscape feature. Moveable cultural heritage refers to any portable object, natural or manufactured, that is of cultural heritage significance, including artefacts, chattels, and personal property. Moveable assets may have an association with a specific place that forms part of its value, for example, furniture or furnishings that were formerly used in a historic

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<sup>1</sup> Cultural heritage and historic heritage are used interchangeably. The term ‘historic heritage’ has been adopted in this research as it aligns with the terminology used in the RMA 1991.

building (Kalman & Letourneau, 2021). Intangible historic heritage describes practices of heritage that are conserved or passed from one generation to the next. These ‘invisible’ traditions and living expressions are inherited from ancestors and passed on to descendants, including practices, customs, expressions, knowledge and skills (Akagawa & Smith, 2019; UNESCO, 2003). Built heritage, a subset of tangible cultural heritage, comprising a structure, building, or group of buildings, is the focus of this thesis (Ashworth & Howard, 1999).

#### **1.4 Thesis Overview**

This thesis has been structured to broadly align with the objectives outlined above.

- *Chapter 1* provides an introductory outline of this thesis. It situates this research within the current context of heritage conservation and protection, states the aims and objectives, and provides an overview of the limitations of this research.
- *Chapter 2* addresses the first, second, and third research objectives by providing the theoretical foundations of this research. It starts broadly, reviewing the international approaches to heritage conservation, to identify influences on heritage conservation and exploring the intersection of these discourses with planning frameworks.
- *Chapter 3* shifts to the national/domestic context to address the fourth research objective. It identifies the current legislative and institutional arrangements of Aotearoa New Zealand’s heritage protection framework as relevant to this research.
- *Chapters 4, 5, and 6* address the fifth research objective. *Chapter 4* outlines out the research method adopted to answer the research question and *Chapter 5* sets the scene of the case studies in the Otago region. It provides the historical and current context of the region and each territorial authority operating within the region. *Chapter 6* establishes how heritage protection is implemented by territorial authorities in the Otago region.
- *Chapter 7* addresses the final research objective by providing the foundations for a NPS on built heritage, examining how a NPS could address the key findings of Chapter 6.
- *Chapter 8* summarises the main findings of this research, provides recommendations, and identifies the broader implications of this research.

## **2 Building the Base: Theoretical Foundations for Heritage Protection**

Heritage conservation has rapidly evolved, and the literature on heritage conservation is substantial and growing swiftly (Larkham, 1993). Drawing on scholarly and grey literature, the aim of this chapter is to understand the contested and evolving environment of heritage conservation and to build a vision of what a NPS on built heritage might address. This chapter starts broadly, reviewing the international context of heritage conservation to identify the theoretical foundations of heritage protection and influences on heritage conservation. It outlines the importance of heritage conservation before identifying key concepts and discourses of heritage conservation that are evident in international practice, exploring the intersection of these discourses with planning frameworks and how these have been (and can be) applied in planning frameworks to protect built heritage.

### **2.1 Why Conserve Built Heritage?**

The importance of heritage conservation is now well recognised, both on a national and international stage (Gregory & Stoltz, 2015; Kalman & Letourneau, 2021; Ripp & Rodwell, 2016). There are many benefits of heritage conservation and its contribution to wider societal agendas has been increasingly acknowledged. To set the scene of this research, this section briefly discusses why heritage conservation is recognised as beneficial, including sociocultural factors, economic factors, environmental benefits, and the creation or retention of sense of place and identity. Heritage conservation is often justified by its economic and environmental outcomes in generating revenue and saving energy; however, these are seldom the main motives with sociocultural factors also being a motivating factor (Lowenthal, 2005).

#### **2.1.1 Sociocultural Factors**

Heritage conservation has sociocultural benefits associated with the preservation of products and symbols of our history and culture. We have a desire to retain connections with our cultural heritage – we want to learn from past events, hold some qualities of past achievements in high regard, and are shocked by the demolition or destruction of historic structures and art (Jokilehto, 2018). Cultural heritage resources provide a connection to our past, allowing us to appreciate aspects of history and to develop a greater understanding of our people, places, and stories (Ministry for Culture and Heritage, 2018).

The conservation of cultural heritage can also contribute to societal utility by creating positive benefits for the local community. For example, heritage conservation creates job opportunities which helps keep established communities intact, reducing poverty. In turn, this can stimulate economic development and private investment (Baycan & Girard, 2011).

#### **2.1.2 Economic Factors**

The utilisation of heritage resources has increasingly become a driver of economic development (Nyseth & Sognnæs, 2013). Hall & McArthur (1996) cite the economic value of heritage for tourism and recreation as one of the main, and most visible, justifications for heritage conservation, particularly for the government and private sector. Baycan & Girard (2011) stated that 37% of global tourism has a cultural motivation, with heritage visitors staying longer, visiting twice as many places, and spending two and half times more than other visitors. In Aotearoa New Zealand, heritage tourism is a major attraction for both international and domestic markets. Methods can include the promotion

of heritage alongside scenery and landscapes by establishing heritage trails and interpretative aids and centres (Hall & McArthur, 1996; Hall & Zeppel, 1990).

The restoration and renovation of built heritage constitutes an important economic activity (Baycan & Girard, 2011). The retrofit and adaptation of heritage buildings is a labour-intensive activity that creates job opportunities, develops industry skills, and can revitalise traditional methods and practices to be passed on to new generations. It implies the use of locally available materials, tools, equipment, skills, and knowledge. Retaining and adaptively reusing heritage buildings can also minimise building waste and cost savings are found in the adaptation and renovation of existing buildings, in comparison to demolition and new construction (Kalman & Letourneau, 2021; Ministry for Culture and Heritage, 2018), as discussed further below.

Studies have shown that heritage designation is also associated with externalities that can add value to local housing markets, for example, perceived aesthetic or amenity values. For instance, Ahlfeldt et al. (2012) found that houses located in heritage areas in the United Kingdom are sold for a premium that increases relative to the size of the area and years since designation. In Ireland, Moro et al. (2013) found that historic buildings and memorials in Dublin provided positive spillovers to the property prices of neighbouring properties. Whereas Ahlfeldt & Maennig (2010) found a decrease of 3 to 5% for scheduled properties in Berlin, but a positive premium on neighbouring properties. Ahlfeldt & Maennig suggest that this is due to residents enjoying the amenity of built heritage in their neighbourhood. Similarly, in the Aotearoa New Zealand context, Bade et al. (2020) found a price penalty for heritage listed properties in Auckland, but a premium associated with the number of heritage places near a property and properties located within a listed heritage or character area.

### **2.1.3 Environmental Benefits, Conservatism, and Sustainability**

Sustainability is receiving increased attention, within and beyond the heritage sector. Modernism had promoted the idea that the new and novel were good; however, a growing focus on sustainable development has challenged this idea. There is an increasing aversion to change for the sake of change, which is considered to be wasteful and unsustainable. Replacing an existing building which could be renovated with a new building, just to introduce a measure of modernity is an inadequate justification for change. The renovation of existing buildings is considered to have a smaller carbon footprint in comparison to demolition and new construction, while also providing an opportunity to retain embodied carbon. Many practitioners emphasize that retaining existing buildings is 'greener' than demolishing and rebuilding new buildings (Kalman & Letourneau, 2021).

### **2.1.4 Sense of Place & Identity**

The retention of built heritage is also important in determining our sense of place (Hall & McArthur, 1996; Kalman & Letourneau, 2021; Lynch, 1972; Schofield & Szymanski, 2016). 'Sense of place' is formed by the special and unique character of a place and the effects of our interactions with it (Lynch, 1972), and the built environment provides an important contribution to this. The retention of built heritage can provide constant elements in a continuously changing world, while also creating a sense of nostalgia (Kalman & Letourneau, 2021). This phenomenon was evident following the Second World War, which was accompanied by extensive destruction and significant post-war development (Nyseth & Sognnæs, 2013). The role the Second World War played in igniting the heritage conservation movement is discussed further in 2.2.2 below.

A strong sense of place contributes to the creation of cultural identity and heritage conservation has played a growing role in defining identity (Jackson, 2008; Murray, 2001, cited in Nyseth & Sognnæs, 2013). Heritage practitioners are becoming increasingly interested in the potential of built heritage to develop individual, community, and national identity (Delafons, 1997; Hall & McArthur, 1996). Over the past fifty years, ideas of 'heritage' have expanded to encapsulate a network of interrelated elements, from tangible to intangible, natural and human, personal and collective. Notions of heritage are continuously being shaped and defined according to the changing needs of societies, which are undergoing substantial self-examination in terms of identity and cultural composition (Hall & McArthur, 1996). Built heritage has also become an essential tool in the development of some cities' identity by demonstrating the unique history of a place and creating an authentic atmosphere (Baycan & Girard, 2011).

## **2.2 Influences on Heritage Conservation**

There are multiple different conceptualisations of modern heritage conservation that influence heritage conservation practice and its application in planning. These competing and co-existing discourses provide varied views, demonstrating the contested nature of heritage conservation practice. The following section identifies and discusses three heritage conservation discourses and then examines their application and evolution within the body of international documents and charters that guide heritage conservation practice and its application within planning.

### **2.2.1 Competing (and Co-Existing) Heritage Discourses**

Ashworth (1994, 2011) outlined that three main heritage discourses have emerged over time: preservationist, conservationist, and heritage planning. Other commentators have used different terms to describe these discourses, for instance, Ashworth (2011) labels the latter discourse as 'heritage,' while Patiwaël et al. (2019) describe it as 'heritage planning.' Due to the use and definition of the term 'heritage' in this thesis, the term adopted for the purposes of this discussion is that used by Patiwaël et al. to assist in distinguishing the discourse from the object. Each discourse can be differentiated according to different characteristics, including different approaches to identifying what constitutes 'heritage,' the criteria used to assess heritage and its values, and which actors have authority in decision-making. These characteristics are summarised in Table 1. Each discourse is discussed further in detail below.



Table 1. Characteristics of discourses informing heritage conservation practices and management (based on Patiwael et al., 2018, p. 338 and Ashworth, 2011, p. 13).

	Discourses		
	Preservation	Conservation	Heritage Planning
Focus	Individual	Individual/ensemble	Narrative(s)
Goal	Preservation	Useful purpose	Contemporary use
Justification	Retention	Re-use	Utility
Formation	Past	Past/present	Present/future
Criteria/Values	Intrinsic	Intrinsic and extrinsic	Extrinsic
Temporal Nature of Value	Fixed	Metastable	Dynamic
Authenticity	Object/building	Compromise	Experience
Change	Immutable	Adaptable	Flexible
Authority	Experts	Experts and policy makers	Policy makers and users

These heritage discourses exist in parallel (Ashworth, 2011). While each discourse has been introduced in succession over time, the shift between each has been incomplete. In Ashworth’s view, the three discourses continue to exist in parallel requiring the interaction and application of each point of view. This partial shift is conceptualised in Figure 1. This can create multiple, contradicting approaches to heritage conservation practice and protection, impacting how built heritage is understood in the present (Ashworth, 2011). These conflicts would benefit from policy guidance, contributing to a case for a NPS on built heritage.

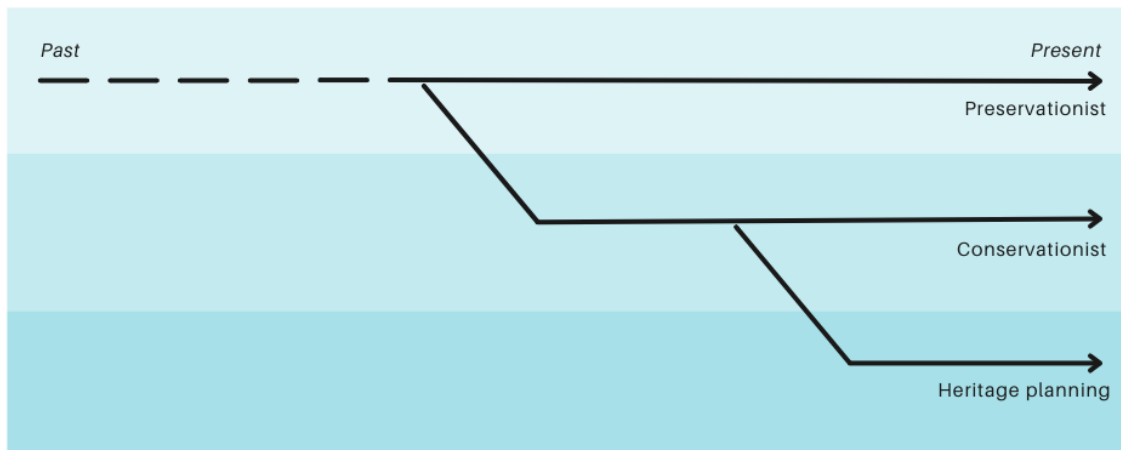


Figure 1. The co-existing heritage conservation discourses (adapted from Ashworth, 2011, p. 4).

### 2.2.1.a Preservationist Discourse

Under the preservation discourse, heritage is viewed as individual, monumental, grand-scale objects and buildings that have intrinsic, unanimous, and fixed values to be protected. The value of heritage rests in the historical authenticity and integrity of the original heritage fabric of the object, building, or monument. As a result, the preservationist discourse strives to protect heritage for its intrinsic value and focuses on maintaining the current condition of built heritage (Ashworth, 2011; Jackson, 2008). The priority of preservation is to save and maintain as a bequest to future generations. Change is immutable and, in practice, a conservator should aim to make as little physical alteration as possible

to the historic building. Initially, change and adaptation was not permitted; however, preservationists gradually began to accept maintenance, repair, and reconstruction of lost original elements as allowable conservation processes (Pendlebury, 2013; Smith, 2006). Some controversy remains around how much reconstruction is acceptable (Ashworth, 2011). Decisions were almost exclusively made by experts, including architects and conservators, with expert judgement and practices prioritised (Ashworth, 2011; Pendlebury, 2013; Smith, 2006).

Preservationist ideas emerged in response to the rapid changes associated with the Industrial Revolution (Ashworth, 2011; Jackson, 2008). Technological advancements had accelerated the replacement of centuries of urban development with new built forms and ways of life, fuelling a romanticism for what had been lost. This nostalgia, combined with the rise of nationalism, created a desire to protect aspects of the built environment from destruction (Ashworth, 2011).

Preservation models initially led heritage conservation thinking and practice. Pendlebury (2013) described how modern heritage conservation in the United Kingdom in the late 19<sup>th</sup> century was defined by a series of canonical documents produced by John Ruskin and William Morris. Ruskin and Morris represented an idea of heritage preservation in opposition to transformation, development, and change. A key principle for Ruskin and Morris was that the value of built heritage is closely associated with its authenticity, and the integrity and retention of its original heritage fabric. Ruskin and Morris promoted approaches of 'conservative repair,' which allowed for only the simple daily care of heritage buildings and rejected the prevention of decay or the restoration of lost features. In their view, heritage should be left alone to gracefully decay at the of its natural life span (Ashworth & Howard, 1999; Lowenthal, 2005; Pendlebury, 2013). Ruskin and Morris were particularly famous for their opposition of the restoration of ecclesiastical buildings through radical interventions in building fabric (Pendlebury, 2013).

The 'preservation mode' influenced material practice about how built heritage should be treated and dominated early policies and legislation for the protection of built heritage. As a result, early policies and legislation aimed to protect heritage for its intrinsic value. Governments were expected to create an inventory, or list of notable buildings and monuments and to preserve these by creating and enforcing legal protection against physical damage. While the identification of built heritage was expected to be a one-off exercise, in reality it has continued as an ongoing task with the list ever increasing (Ashworth, 2011). Preservationist ideas were also mobilised with the establishment of historic societies, such as the Society for the Protection of Ancient Buildings (**SPAB**) in the United Kingdom in 1877. SPAB remains a significant amenity body in the United Kingdom (Pendlebury, 2013). Ashworth (2011) notes that preservationists were successful in their dogmatism, with their notions eventually becoming the accepted conventional approach and manifested in public policy and legislation throughout Europe, with the protection of built heritage eventually becoming an expected governmental task.

#### **2.2.1.b Conservation Discourse**

The conservation discourse represents an extension and modification of the preservationist ideas with **adaptive reuse** becoming an integral part of the process (Ashworth, 2011). While 'preservation' and 'conservation' are often used as synonyms, Ashworth regards these terms as separate and distinct. The conservation discourse differs from preservation as its main goal is to 'preserve purposefully' by enabling a contemporary use for heritage. By providing heritage with a useful purpose, rather than retaining it as static, heritage would have an ongoing function to secure its future. 'Conservation,' in

this context, is “about the care and continuing development of a place in such a way that its significance is retained or revealed and its future is made secure” (Kerr, 2013, p. 2). Conservation also expanded from the preservationist focus on individual monuments to ensembles of heritage buildings (Ashworth, 2011).

Key principles and methods of practice established as part of the preservation discourse endured, but the attitudes and goals of those performing the actions evolved (Ashworth, 2011; Pendlebury, 2013). Conservation incorporates considerations of function and is situated within overarching policy objectives. Decisions which, under the preservationist discourse, had largely been confined to expert conservators and architects were now being made within broader goals of renovation, revitalisation, renewal, and regeneration (Ashworth, 2011). Under the conservation model, heritage practitioners adopt a more hands-on approach and a greater level of intervention is allowable to ensure that heritage has an ongoing purpose (Lowenthal, 2005; Pendlebury, 2013). The main justification being that buildings have always been altered over time to adapt to new or revised uses (Lowenthal, 2005).

By the mid-20<sup>th</sup> century, conservationist approaches allowed for contemporary function to be considered in policy-making and heritage protection. The emphasis of policy frameworks had shifted from identifying and designating heritage for protection, to enabling intervention and reuse of built heritage. Various aspects of preservation continued, including the listing or designation of built heritage but, by the late 20<sup>th</sup> century, heritage policy reached a stage of adjustment and modification where the focus of intervention shifted to include enabling new or revised functions and adaptive reuse (Ashworth, 2011; Jackson, 2008).

### **2.2.1.c Heritage Planning Discourse**

The heritage planning discourse, also known as conservation planning, has gradually emerged as a subdiscipline of planning and heritage conservation. Kalman & Letourneau (2021) outline that heritage planning does not aim to prevent change, but to manage and enable change while maintaining “the significance of a historic place within the real-world contexts of urban planning, development, growth, and change” (p. 3). In line with this definition, Kaufman (2009) notes the ultimate goal of heritage planning as, not to fix or save old things, but to create places where people can live well and connect to meaningful narratives about history, culture, and heritage. Heritage planning recognises that every living community needs to change continuously over time to accommodate evolving social and economic needs and values, while acknowledging that development should be undertaken in a way that respects the values of historic places (Kaufman, 2009).

A heritage planning approach asks how the needs of the present and future can be satisfied by heritage (Ashworth, 2011). Pendlebury (2013) notes that heritage planning adopts some important shared values with the conservation discourse, while also encompassing values and practices that distinguish it from other conservation activities. The purpose of heritage planning is not to preserve the past, but to use the past in the present: “the use determines and, in that sense, creates the resource rather than use being a subsequent action for something already preserved” (Ashworth, 2011, p. 10). Patiwael et al. (2019) outlines that a key aspect of the heritage planning discourse is the conceptualisation of heritage as a contemporary use of the past, where meaning is ascribed to heritage in the present. Heritage is not about historical accuracy or intrinsic authenticity, but the contemporary narrative and experience of it (Smith, 2006). The future, when it becomes the present, will have its own needs and its own heritage to satisfy those needs (Ashworth, 2011).

Heritage planning has emerged in the context of development struggles and conflict with other social interests. Pendlebury (2013) outlines that heritage planning is influenced by a complex and evolving array of ideas, norms, and organisations, while also managing conflicts with other social systems. It adopts a holistic view of resources and their contexts with the goal of taking account of the widest range of heritage values. Decisions are made in the present, but for the long term, which is essential in acknowledging the role of heritage as an inheritance to be passed onto future generations (R. Mason, 2002). Heritage planning guides the development of sustainable and resilient communities through processes of rational dialogue, legal tools, and the creative resolution of issues of heritage conservation and development. It seeks solutions to the proposed loss of built heritage or heritage values (Kalman & Letourneau, 2021). The emergence of the heritage planning discourse has successfully “repositioned [heritage conservation] from being regarded as a barrier to development to being regarded as an active agent of change” (Pendlebury, 2013, p. 1).

These competing and co-existing discourses underpin heritage conservation and influence its application in planning. Each discourse has a slightly different approach to heritage conservation best practice and can have conflicting views (Ashworth, 2011). For instance, preservationists would reject restoration of lost building elements, preferring to let built heritage decay overtime (Lowenthal, 2005), while conservationists would allow modifications for adaptive reuse where it would provide built heritage with an ongoing function (Ashworth, 2011). These differing viewpoints are evident throughout the evolution of international guidance on heritage conservation, as discussed further below.

### **2.2.2 Emergence of the International Heritage Doctrine**

Interest in protecting the built environment in legal frameworks is a relatively recent phenomenon. Initially, the built environment resulted from human need for shelter and safety, but gradually transitioned beyond purely functional and began to be viewed for its intrinsic value (Ashworth, 2011). The early emergence of heritage policy has been linked to antiquaries, who studied, collected, and supported the preservation of material remnants from the past. This ‘antiquarian impulse’ attracted amateur historians from diverse backgrounds, united by their desire to record and preserve tangible elements of the past. By the late 18<sup>th</sup> century, these antiquarians had compiled and recorded a jumble of exotic wonders and monuments (Lowenthal, 2005).

Throughout the 19<sup>th</sup> century, sentiment for preserving antiquities and monuments began to grow, arising out of societal transformations. Initially, it was believed that nothing could be protected from decay and antiquarians did not contemplate intervention. The Industrial Revolution and the rise of nationalism fostered an attachment to symbols of collective identity in an ever-changing world. Antiquities also gained popularity as a more reliable and interesting symbol of the past than documents, and literary works embodied physical places and scenery in memories. This led to a climate that encouraged venerating and preserving historic buildings and monuments (Ashworth & Howard, 1999; Lowenthal, 2005).

Although some documents regulating the conservation of built heritage existed at an earlier date, the origins of the international regulation of heritage conservation became evident following the destruction and loss of cultural heritage during the Second World War. In France, almost 500,000 buildings were destroyed and 15% of heritage buildings scheduled for protection were damaged. Similar issues had arisen following the First World War, but not to the same extent. Countries that were

heavily affected by the war grappled with an appropriate response to the substantial loss of heritage sites and buildings. Immediate reactions included rebuilding or restoring lost buildings, with solutions ranging from constructing a complete replica of the historic building to constructing new buildings in contemporary architectural forms (Jokilehto, 2018).

In 1945, following the end of the Second World War, the United Nations established an agency that would be responsible for culture: the United Nations Educational, Scientific, and Cultural Organisation (**UNESCO**) (Jokilehto, 2018). UNESCO was charged with the preparation of conventions and recommendations as an international reference for heritage conservation legislation and practice. To assist in enabling this function, UNESCO established various specialist bodies including the International Centre for the Study of the Preservation and Restoration of Cultural Property (**ICCROM**), the International Council of Museums (**ICOM**), and the International Council of Monuments and Sites (**ICOMOS**) (Jokilehto, 2018). UNESCO remains the chief global player in heritage conservation and protection (Ashworth & Howard, 1999).

ICOMOS was established as a result of UNESCO conferences held in the 1950s and 1960s (Jokilehto, 2018). Jokilehto outlines the history of ICOMOS as follows. In 1952, the Paris UNESCO Conference involved representatives from 25 different countries responsible for historic monuments, including architects and technicians. The conference resolutions included proposing an international association be established to unite the professions responsible for the conservation of historic monuments. The Paris Conference also proposed another meeting with conservation architects and technicians to be held in Italy. This conference was held in Venice in 1964 and was attended by over 600 participants from 61 countries, including representatives from UNESCO, ICCROM, and ICOM. An important result of this conference was the International Charter for the Conservation and Restoration of Monuments and Sites (1964), known as the **Venice Charter**. ICOMOS was established the following year and adopted the Venice Charter as its principal doctrinal document (Jokilehto, 2018).

According to Ashworth (2011) the Venice Charter expresses preservationist ideas. It was developed to respond to the approaches to heritage conservation following the Second World War. The Charter emphasised a common responsibility to safeguard heritage and the need for guiding principles at an international level, with each country applying these within the framework of its own culture and traditions. It gave clear attention to architectural integrity and historical authenticity, reacting to the post-war response and apparent preference for reconstruction. The priority under the Charter was to save and maintain, and then reuse. For example, Article 5 states that the uses of preserved buildings would only be permitted where they did not require changes to the structure or site. This idea has become a central dogma of ICOMOS and reiterated in subsequent Charters, but does not reflect the reality of adaptive reuse (Jokilehto, 2018).

Over the past 20 years, commentators have examined the discursive nature of heritage conservation and its focus on promoting a certain set of Western/Eurocentric elite cultural values as universally applicable across the globe (Smith, 2006). The focus of Charters produced by ICOMOS was on the preservation of monuments based on historical authenticity. Sixty years on, the Venice Charter has retained a strong following in the Eurocentric sector of the heritage community. A preservationist view is implicit throughout these documents, where it is implied that heritage to be protected is highly selected, with conservation processes entrusted only to specialists (Ripp & Rodwell, 2015).

Smith (2006) termed this focus as the Authorised Heritage Discourse (**AHD**), a highly exclusionary discourse that works to reinforce the dominant ideological representations that focus on consensus history, nationalism, tangibility, age, and aesthetics. As a result, heritage that was monumental and grand scale was privileged and protected, as were tangible artefacts and sites with value tied to time depth and social consensus. This provided a limited space for alternative understandings of ‘heritage’ that relate to socially ascribed meanings and associations, and created a one-dimensional, orthodox ‘heritage,’ excluding and marginalising a plethora of ‘heritage’ that did not fall within the AHD (Smith, 2006).

### **2.2.3 Evolving View of Heritage Conservation in International Regulation**

Views of heritage conservation in international regulation have evolved over time. Three main paradigm shifts are apparent, evidenced international policy documents and guidance (Jokilehto, 2018). In the past, heritage was seen as a structure largely imposed from above to capture a middle-class nostalgia for the past as a golden age. Heritage conservation was an antiquarian and scholarly pursuit for elitist causes but has gradually developed into a populist movement (Delafons, 1997). As a result, the policy focus of heritage conservation has shifted to include more representative aspects of heritage, from the individual to include landscapes and areas, and to provide greater recognition of intangible values. These policy shifts are discussed further below.

#### **2.2.3.a Policy Shift 1: From Monumental to Representative**

Since the late 1960s, heritage conservation has evolved from focusing on architectural masterpieces to more representative aspects of society. In the past, the historic places that have attracted the most attention were the remarkable – the greatest, the oldest, the biggest, and the best – and referred to as ‘monuments’ (Harrison, 2012). The conservation of cultural heritage resources was historically an activity of the economic elite and, as a result, attention was focused on places of exceptional architectural design that were linked to the lives of the rich and powerful. A canonical model of heritage was established, to draw a clear distinction between the present and past, where historic buildings, monuments, and sites would be preserved (Harrison, 2012). However, an appreciation of broader reaches of society has grown. Historic places that commemorate workers, immigrants, industry, and everyday lives are now being recognised, even where the architectural qualities are ordinary. Heritage significance is now also attributed to the ‘representative,’ not just the ‘exceptional’ or monumental (Jokilehto, 2018).

#### **2.2.3.b Policy Shift 2: Towards Heritage Landscapes and Areas**

Conservation efforts have broadened from individual buildings and sites to landscapes and historic areas. The historic urban and rural landscape are emerging categories of immovable heritage, which recognise the heritage significance of an area of historic development. UNESCO (2011) defines the historic urban landscape as “the area understood as the result of historic layering of cultural and natural values and attributes, extending beyond the notion of ‘historic centre’ or ‘ensemble’ to include the broader urban context and its geographical setting” (para. 8). Historic areas could comprise related groups of individual buildings that share commonalities, for example, a street settled at a similar time may have a collection of dwellings of similar architectural style.

There has been a growing emphasis on the recognition of historic urban and rural landscapes as heritage. This is clearly indicated by ICOMOS and UNESCO Declarations and Recommendations in the 1970s drafted in the context of this expanding scope of heritage protection (Jokilehto, 2018). The

Declaration of Amsterdam (1975) recognised that “architectural heritage includes not only individual buildings of exceptional quality and their surroundings, but also all areas of towns or villages of historic or cultural interest” (p. 5). The UNESCO Recommendation Concerning the Safeguarding and Contemporary Role of Historic Areas (1976) outlined that “every historic area and its surroundings should be considered in their totality as a coherent whole...” (p. 21). At a landscape level, the focus is not on the architectural and historic values of individual buildings but places the focus on the heritage significance of the wider area for conservation and restoration (Jokilehto, 2018). By the early 2000s, a paradigm shift in thinking towards a landscape approach to built heritage was evident (Ripp & Rodwell, 2015).

### **2.2.3.c Policy Shift 3: Greater Recognition of Intangible Values**

The movement towards greater recognition of cultural significance in intangible values is also illustrated by changes in language in UNESCO Charters from the 1970s, which began to describe the effects of interventions on ‘heritage significance’ rather than on the physical fabric of the site or building (Jokilehto, 2018). The Venice Charter (1964) was still focused on monuments and archaeological remains of the past, and emphasising “respect for original material” (see para. 9). The preamble outlines that “the historic monuments of generations of people remain to the present day as living witnesses of their age-old traditions... The common responsibility to safeguard them for future generations is recognised. It is our duty to hand them on in the full richness of their authenticity” (p. 110). By 1979, the Australia ICOMOS Guidelines for the Conservation of Places of Cultural Significance (**Burra Charter**) marked this shift by introducing new concepts into the international doctrine; instead of referring to monuments and sites, it refers to ‘places’ and talks of their ‘cultural significance.’ UNESCO issued the Convention for the Safeguarding of Intangible Cultural Heritage in 2003, which is intended to raise awareness of the importance of intangible cultural heritage at a local, national, and international level and provides guidance on its protection. The ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (2010) (**ICOMOS NZ Charter**) also contains recognition of intangible values. This view is significantly different to the Venice Charter, which remained focused on physical heritage fabric. Intangible cultural value was previously considered to be a subset of heritage; however, the overarching concept of ‘heritage’ has become increasingly intangible in itself (Kalman & Letourneau, 2021).

### **2.2.4 From Preservation to Regeneration**

In line with the heritage planning discourse, there has been an increasing consciousness of the practical benefits and functional values of heritage conservation in regulatory frameworks (Strange & Whitney, 2003). Heritage is often understood as a guardian of the past and viewed as a problem that would hinder development; however, recognition of the values of heritage conservation (see 2.1 above) can situate heritage as an important part of urban regeneration, revitalisation, and economic development. Heritage-led approaches utilise a multidimensional approach to the re-use, renewal, or revitalisation of a place where cultural heritage plays a leading or transformative role; an act directly linked to ‘placemaking’ (Baycan & Girard, 2011).

Internationally, heritage conservation is now more commonly seen as a process of utilising past assets for contemporary purposes (Stegmeijer et al., 2021). Although though some traditional, preservationist approaches to heritage conservation prevail, the implications of the growing recognition of social and economic outcomes have changed the role of heritage conservation (Baycan

& Girard, 2011; Kalman & Letourneau, 2021). In the United Kingdom, Historic England’s Conservation Principles place conservation within a framework of sustainability. The recently updated English National Policy Planning Framework urges that conservation of heritage should go beyond “sustaining and enhancing the significance of heritage assets” by “putting them to viable uses” and providing “wider social, cultural, economic, and environmental benefits” (para. 190). This new trajectory of heritage conservation towards achieving broader social and economic goals also situates it within the New Zealand government’s well-being goals. MCH (2018) recognised the alignment of the conservation of heritage buildings with the government’s well-being goals:



*Table 2. Alignment of the conservation of heritage buildings with well-being goals (reproduced from the Ministry for Culture and Heritage, 2018, p. 5).*

<b>Heritage buildings contribute to our social capital</b>	<b>Heritage buildings contribute to our human capital</b>
<ul style="list-style-type: none"> <li>• Understanding our heritage buildings enables us to appreciate the history of New Zealand, developing greater awareness for our people, places, and stories.</li> <li>• Heritage buildings act as agents for bringing diverse communities together, promoting social inclusion, cohesion, and empathy.</li> </ul>	<ul style="list-style-type: none"> <li>• The conservation of heritage buildings creates local, high-quality employment and education opportunities.</li> <li>• Engaging with heritage buildings, for example as a leisure or volunteering activity, can enhance personal wellbeing and mental health.</li> </ul>
<b>Heritage buildings contribute to our financial and physical capital</b>	<b>Heritage buildings contribute to our natural capital</b>
<ul style="list-style-type: none"> <li>• Heritage buildings contribute to the tourism economy and the reputation and attractiveness of urban areas, and can be commercially viable visitor destinations.</li> <li>• Evidence demonstrates that there is land value uplift from living close to heritage buildings.</li> </ul>	<ul style="list-style-type: none"> <li>• Retaining and adaptively re-using heritage buildings ensures their building materials are used sustainably – minimising building waste.</li> </ul>

## 2.3 Heritage Conservation in Planning Policy and Practice

The preceding sections have identified that ‘heritage’ is contested, with many viewpoints and discourses guiding heritage conservation. This section explores how heritage conservation is, and should be, applied in planning policy and practice to protect built heritage. Chen et al.’s (2021) three areas of intersection of heritage conservation practice and planning have been adopted to structure the discussion: defining what ‘heritage’ will be recognised, what conservation goals and objectives will be promoted or achieved, and which planning instruments or tools will be utilised to achieve these goals. Chen et al. was used to structure the following discussion as they provided succinct and clear categories outlining how heritage conservation intersects with planning policy and practice. A series of characteristics/principles of what heritage protection in planning should look like also became apparent during this aspect of the literature review. These addressed and identified characteristics that planning should seek to apply and also provided observations on some areas of weakness.

### 2.3.1 Recognition of ‘Heritage’

The definition of ‘heritage’ and what counts as ‘heritage’ in planning frameworks is an important aspect of planning; it determines what is afforded protection (Chen et al., 2021; McClelland et al.,

2013; Sharkansky, 2004). As discussed earlier in this section, 'heritage' can be broadly defined. Its definition has evolved over time, expanding from a focus on tangible, physical forms to also include intangible and social aspects, from the monumental to the vernacular, and from the historic to more recent aspects of the building environment. Yet, heritage conservation applied in planning has been criticised of focusing on the tangible forms of heritage, and excludes conflicting or peripheral accounts of heritage (Smith, 2006). As noted previously, the AHD conceptualised by Smith privileges an ideology that represents a dominant societal group, which can marginalise heritage that falls out of this AHD (Ashworth & Howard, 1999; Smith, 2006). This exclusionary discourse is also wholly misaligned with international trends (Ludwig, 2016).

The AHD as applied in planning policy and practice has evolved (Ludwig, 2016). Ludwig investigated the AHD characterised in local planning practice in the United Kingdom and found that the AHD has progressed from a discourse that prioritised grandeur and elitist heritage to one that normalises the vernacular and aspects of the built environment with no sense of aesthetic grandeur, including post-war and industrial heritage. Ludwig observed that professional conceptualisations of heritage appear to have extended beyond special architectural and historic significance, rarity, age, and monumentality. Instead, definitions portrayed heritage as more complex and multi-sensual, rather than something simplistically tied to the physical fabric of buildings. Broader adjustments to the AHD include the promotion of heritage for regeneration, as a driver of economic growth, as a source of broader social and economic benefits, and complimentary to sustainability, energy efficiency, and broader climate change agendas (Ludwig, 2016).

The recognition of 'heritage' in planning frameworks has become increasingly value-based (Chen et al., 2021; Chitty & Smith, 2019; McClelland et al., 2013). In this context, 'value' refers to the qualities and characteristics that individuals, groups, or communities perceive in buildings or sites (De La Torre, 2002; McClelland et al., 2013). The perceived value of heritage has always been the underlying reason behind heritage conservation. Much of the literature refers to values that are embodied in, or represented by, built heritage and these values are used to explain and justify the protection and conservation of built heritage. These aspects of the built environment are identified as important to individuals, communities, or nations and, therefore, they should be protected (Bond & Worthing, 2016; De La Torre, 2002). Commonly recognised values in planning frameworks include historic, aesthetic, cultural, spiritual, social, architectural, scientific, and technological (R. Mason, 2002). Value-based approaches are also recognised as facilitating a greater input from a broader range of stakeholders and specialities, reflecting the multivalent nature of heritage (De La Torre, 2002; R. Mason, 2002; McClelland et al., 2013).

Value-based approaches have become the principal method advocated by international conventions and national policy documents (McClelland et al., 2013). Yet, agreement on a typology of heritage values has proven problematic, as heritage values are amorphous and change over time (McCaig, 2018; Sharkansky, 2004). There are many different values ascribed to heritage and, as a result, a diverse range of heritage values are adopted in planning frameworks (R. Mason, 2002). Reigl (1902; cited by R. Mason, 2002) is credited with producing the first value typology which included age, historical, commemorative, use, and newness. Traditional values sets have evolved to incorporate other intangible values, including aesthetic and spiritual (McClelland et al., 2013). The ICOMOS NZ Charter includes aesthetic, archaeological, architectural, commemorative, functional, historical, landscape, monumental, scientific, social, spiritual, symbolic, technological, and traditional value.

The assessment of heritage values can be fraught with difficulties (R. Mason, 2002; McClelland et al., 2013). The interactions between values can be complex and are strongly shaped by contextual factors. At any point in time, built heritage can have a number of different values ascribed to it, for example, a cathedral may have spiritual value as a place of worship, historic value because of events or associated congregations, and architectural value due to its design and aesthetics. Values can also be contested and different values may also correspond to different stakeholders and observers. This is especially true where heritage has been formed as part of periods of deep social and political conflict (McClelland et al., 2013). Furthermore, heritage value is not static and unchanging. Values are produced out of the present context affecting the building or monument (R. Mason, 2002).

R. Mason (2002) outlined that it is difficult to recognise a range of values that can pragmatically inform policies and planning decisions, yet also acknowledge all disciplines and stakeholders involved. Typologies, however, continue to be seen as providing flexible frameworks that can broadly acknowledge stakeholders and values that need to be taken into consideration in heritage management (Bond & Worthing, 2016). R. Mason suggests that an effective way to deal with this issue would be to develop a single typology of heritage values to be applied – a clear, effectively neutral, agreed-upon way of characterising different types of heritage value. A typology that breaks down significance into a series of values, would allow the views of experts, communities, governments, and other stakeholders to be voiced and compared more effectively. A typology would develop a common starting point and include categories corresponding to different stakeholder positions (R. Mason, 2002).

### **2.3.2 Planning Instruments or Tools**

Although there are many planning instruments and tools used to frame and pursue heritage conservation in planning, the main tool utilised in planning frameworks are lists or schedules (Ashworth & Howard, 1999; Chen et al., 2021). Lists of notable buildings were typical of the preservationist discourse and have persevered (Ashworth, 2011). It has been recognised internationally that creating a list or schedule of built heritage is a necessary first step for its protection – ‘heritage’ must first be identified before it can be protected. Compiling lists or schedules of built heritage reportedly first emerged in France in 1837, and the approach has been adopted in the English planning system for over a century; however, a statutory duty to compile lists was not introduced in the United Kingdom until the 1940s (Brown, 2010).

Lists initially comprised historic buildings and monuments based solely on their age, and gradually expanded to include heritage that qualifies due to the architectural and historic values it embodies and then significant areas deemed to be worthy of protection (Delafons, 1997; Hobson, 2004; While, 2007). Built heritage on the United Kingdom’s national list must meet the statutory criteria to be listed, whereas lists assembled by local planning authorities may be compiled under different criteria (Ludwig, 2016). Similarly in a New Zealand context, the HNZPTA 2014 contains statutory criteria to be met for inclusion on the HNZPT List/Rārangī Kōrero (**HNZPT List**) (see HNZPTA 2014, section 66). Selection criteria at a local level should be mutually agreed with decisions made by an independent decision-making panel, comprised of conservation experts, planners, amenity societies, and local representatives from community groups (Ludwig, 2016).

Lists of protected heritage can include categories of status and the strength of protection can vary between categories (Ashworth & Howard, 1999). The United Kingdom’s national list contains a

hierarchical list of buildings, assets and areas designated as having heritage value (Chen et al., 2021). This hierarchy includes three grades – Grade I is comprised of buildings of exceptional importance, comprising around 2.5% of all listed buildings, Grade II\* are particularly important buildings of more than special interest, and Grade II are buildings of special interest. Additions to the list are made by Historic England, but proposals can be made by any member of the public (While, 2007). Protection ranges from the prevention of demolition through to requirements for special consideration before consent is granted for development (Ashworth & Howard, 1999). In the United Kingdom, it is an offence to carry out work on a listed building that could affect “its character as a building of special architectural or historic interest” without consent from the local planning authority (While, 2007, p. 648). Generally, built heritage of a lower grade or category will be afforded the lowest level of protection and carry the least weight in decision-making, although these buildings are often of high importance to local communities (Chen et al., 2021). Listing does not need to include the entire interior and exterior of a structure, it may extend to only its façade or could also include the curtilage of a building (Ashworth & Howard, 1999).

Non-regulatory tools can also be employed, including funding grants, financial incentives, and rebates. While heritage is associated with broader benefits, these are often general and vague (e.g., public good), in comparison to the large costs associated with covering the expense of repair and regular maintenance (Ashworth & Howard, 1999). Some heritage buildings can generate financial returns by operating as a museum or tourist attraction with charges for entry and some owners can charge premium rents from tenants. For example, many heritage buildings are located in desirable locations and sought after property markets. However, this is not a reality for all heritage buildings (Aigwi et al., 2021). Financial incentives can also be used to encourage and assist owners to conserve the heritage values of places and areas (Aigwi et al., 2021; Heritage New Zealand Pouhere Taonga, 2022b). These can include funding and grants towards the cost of repair, maintenance, or upgrades to a building, waived or reduced fees, or rates rebates for owners of heritage buildings (Heritage New Zealand Pouhere Taonga, 2022b; While, 2007). Other tools are available to central government to provide guidance, including best practice guidelines or economic instruments, such as funding which encourages certain decisions (Ministry for the Environment, 2021).

### **2.3.3 Heritage Conservation Goals and Objectives**

The overall conservation of built heritage is generally regarded as an acceptable and desirable goal of public policy and, as a result, is incorporated into policy and practice (Brown, 2010; Larkham, 1993). A key goal of conservation is to preserve built heritage that is seen as having tangible and intangible value (Chen et al., 2021); however, there are many different views on how this goal should be implemented and historically there has been little assessment on heritage conservation activities and how these would be best carried out (Larkham, 1993). As demonstrated earlier in this chapter, there are multiple competing and co-existing discourses that conceptualise heritage conservation in different ways (Ashworth, 2011). As a result, conservation goals and objectives can be broad and/or contested.

The main issue is the extent to which built heritage should be preserved, reconstructed, or altered (Hobson, 2004; Munoz-Vinas, 2005). Heritage conservation goals and objectives can provide guidelines on the application of heritage conservation practice, being processes and interventions into heritage fabric at a determined acceptable level (Ashworth & Howard, 1999). Kalman & Letourneau (2021) identify the principal heritage conservation processes as:

- preservation, which aims to maintain a place in its existing state and slow down deterioration, including maintenance and repair;
- restoration, which aims to return a place to a known earlier state;
- reconstruction, which also involves rebuilding a place to a known earlier state, but is distinguished from 'restoration' by the use of new materials; and
- adaptation, which enables the modification of a place to enable a new or contemporary use (e.g., adaptive reuse).

Kalman & Letourneau (2021) describe these processes in relation to their effect on, and respect for, heritage fabric, which is considered to have intrinsic value (Figure 2). In an Aotearoa New Zealand context, HNZPT (2022a) recommends that planning documents address objectives and policies address maintenance and repair, restoration, adaptation and adaptive reuse, seismic strengthening, fire protection, and accessibility upgrades. Planning documents also control activities affecting built heritage. For example, repair of decayed fabric using similar fabric may be permitted as it does not change the appearance of the heritage feature, whereas activities involving greater intervention (e.g., adaptation), would require a greater level of control and oversight (Heritage New Zealand Pouhere Taonga, 2022a).

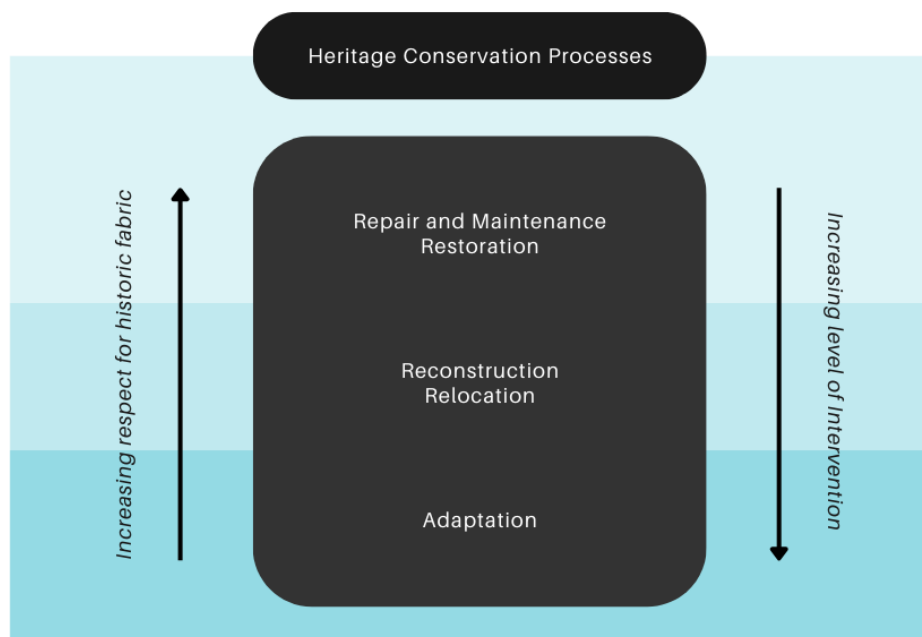


Figure 2. Heritage conservation processes ordered by extent of intervention and respect for historic fabric (adapted from Kalman & Letourneau, 2021, p. 236).

Reflecting previous sections, there is tension between traditional approaches to heritage conservation and broader planning goals, which can make heritage protection a contentious issue in planning (see Larkham, 1993). Heritage conservation initially appeared to adopt a preservationist culture, where little change was accepted in practice (Hobson, 2004; Larkham, 1993). As a result, heritage protection was viewed as socially regressive, placing architectural and historical values over the needs of residents (Larkham, 1993). Reliance on the building owner to pay the costs of ongoing maintenance became untenable, without enabling change to allow a building to generate income (Hobson, 2004). More recently, there has been a push for heritage conservation goals and objectives in planning to adopt a more pragmatic approach to built heritage. Pragmatic and progressive approaches focus on useability,

rather than preservation or ‘freezing’ a building in time (Nyseth & Sognnæs, 2013). While a preservationist focus would attempt to prevent change and development, a conservation or heritage planning attitude would allow for renewal in accordance with the architectural character of the area. A heritage planning approach could position heritage as a driving force and source of inspiration for development, rather than being viewed as a constraint (Mualam & Alterman, 2018; Nyseth & Sognnæs, 2013; Stegmeijer et al., 2021). Revitalising historic environments has become a common strategy in the spatial transformation of many cities (Stegmeijer et al., 2021).

The impact of policy produced by international organisations on local practice is mixed (Chen et al., 2021; Chitty & Smith, 2019; Ludwig, 2016; Ripp & Rodwell, 2015). UNESCO and ICOMOS, introduced earlier in this chapter, are generally regarded as communicating best practice principles for heritage conservation and promoting conservation techniques management globally; however, standards for heritage practice are not universal (Kalman & Letourneau, 2021). International policy and trends subtly influence national policy and guidance to some extent, but each country is operating in its own context and within different socioeconomic and political contexts that may not be incorporated into the international guidance (Chen et al., 2021; Ludwig, 2016). Chitty & Smith (2019) describe a more circular approach where international policy plays both a formative role in domestic policy making, but also emerges iteratively out of global consensus on progressive new thinking. In practice, specific objectives and principles of heritage conservation in planning vary between countries, recognising the unique context of each nation (Chen et al., 2021). International policy guidance is also poised in general terms and is considered too abstract give clear direction to an ‘on the ground’ practitioner (Kalman & Letourneau, 2021). Guidance documents also lack official weight in policy development or decision-making (Chitty & Smith, 2019).

#### 2.3.4 Prominent Principles/Characteristics

Any NPS on built heritage should be informed by principles evident in the literature describing what heritage protection in planning policy and practice should look like. These principles were broad, ranging from practical procedural matters to theoretical issues. Some principles were highlighted and discussed by multiple scholars, while others received less attention but raised important points. Some of these characteristics were also acknowledged to challenge conventional notions of heritage conservation professionals’ responsibilities, for example, encouraging broader participation poses a challenge to the traditional role of conservation professionals as experts (De La Torre, 2002). De La Torre outlines that some commentators suggest that improving community participation would undermine the authority of heritage professionals as ‘experts.’ This may explain why some principles did not receive much attention. These principles and characteristics are briefly summarised in Table 3 and then discussed further below.

*Table 3. Commonly cited principles for heritage protection in planning policy and practice.*

Principle	Description	Reference
<b>Participatory Approach</b>	Utilising community engagement and participation as a key factor in identification of heritage	(De La Torre, 2002; Kalman & Letourneau, 2021; Larkham, 1993; Ludwig, 2016; Nummi, 2018)
<b>Devolved Decision Making</b>	Decisions on local heritage assets are made locally	(Ashworth & Howard, 1999)

<b>Integration</b>	Integration of heritage conservation into mainstream planning	(Hobson, 2001; Nyseth & Sognnæs, 2013; Ripp & Rodwell, 2016; Stegmeijer et al., 2021)
<b>Specificity</b>	Protected heritage values and physical properties should be clearly identified and defined	(R. Mason, 2002)
<b>Interdisciplinarity</b>	Engaging/utilising different knowledge and expertise	(R. Mason, 2002; Ripp & Rodwell, 2015)
<b>Inclusive Approach</b>	Ensuring that stakeholders play a role in decision making	(R. Mason, 2002; Smith & Waterton, 2012)

#### **2.3.4.a Community Engagement & Participatory Approaches**

Heritage has increasingly been articulated as community-based (Ripp & Rodwell, 2015). Until the 1950s, ‘experts’ identified what was worthy of protection and shaped knowledge of historic places and heritage protection was based on architectural and historical criteria rather than accommodating perceptions and reactions of everyday uses of historic environments (Kalman & Letourneau, 2021; Larkham, 1993). Heritage conservation was treated as an elite activity, rather than as a setting for everyday life. Theorists began to advocate for the integration of wider public views into heritage conservation theory and practice to prevent the alienation of large groups of society. Heritage conservation models gradually shifted to more inclusive approaches (Kalman & Letourneau, 2021).

Heritage is now recognised as socially constructed, and communities play a key role in defining and managing heritage (McClelland et al., 2013; Ripp & Rodwell, 2015, 2016; Smith, 2006). A values-based approach is recognised as a more democratic and comprehensive approach to heritage conservation as it facilitates a greater input from a broader range of stakeholders, whereas earlier traditional approaches are deemed to be led by a small group of ‘experts’ concerned with the preservation of physical fabric (De La Torre, 2002; McClelland et al., 2013). International policy shifts have also recognised the key role of communities in defining heritage. In 2005, the Council of Europe Framework Convention on the Value of Cultural Heritage for Society (**Faro Convention**) recognised the key role communities play in the process of defining and managing cultural heritage, and promoted the right for communities to participate in the identification, selection, classification, interpretation, and management of cultural heritage. The Faro Convention represented the culmination of policy shifts in Europe (Chitty & Smith, 2019). Policy documents have also been introduced in the United Kingdom which promote wider participation in heritage planning (Ludwig, 2016).

Communities that inhabit and interact with historic places have been acknowledged as the primary stakeholders and custodians, yet these communities are not often empowered to fill this role (Ripp & Rodwell, 2015). The evaluation of built heritage is usually undertaken by experts, and can ignore the values and opinions of local citizens (Nummi, 2018). As a result, there can be a disjoint between ‘heritage’ valued by the community, and what is embraced by academic communities or protected in regulatory frameworks, reflecting the tension mentioned by De La Torre (2002). These protected buildings may not be the same components of the built environment that resonate with the contemporary residents and communities that inhabit them (Ripp & Rodwell, 2015, 2016).

There is also a perception that community engagement can produce low quality responses due to a community’s competence to contribute to debates, resulting in the receipt of comments that are

outside the scope of the issue at hand or unrealistic. Although heritage conservation is one aspect of planning that can enjoy public support, the public are generally regarded to be apathetic about conservation until a dramatic change is proposed, such as the destruction of a local landmark (Hobson, 2001).

Rigorous and meaningful participation needs to be seen as a valuable part of the planning process and integrated into assessment of heritage; this requires change in professional attitudes and context appropriate methods (R. Mason, 2002; Ripp & Rodwell, 2016). Community engagement can be a one-way, top-down educative process (Ripp & Rodwell, 2015), which does not encompass a two-way comprehension of heritage values especially from the perspective of the communities that inhabit and engage with heritage daily. To avoid top-down approaches, policies at the micro level should enable local communities' voices to be incorporated into the decision-making process (Shirvani Dastgerdi & De Luca, 2022). Some heritage scholars suggest that community participation could be addressed practically by establishing a client steering group, conducting surveys, and organising public meetings where communities can have their voices heard; these processes also enable upskilling and improved understanding of heritage conservation and planning processes (see R. Mason, 2002; Ripp & Rodwell, 2016). De La Torre (2002) suggests that community engagement should be utilised in the process of value elicitation, rather than actual decision-making power, which aligns with the recognition of heritage as socially constructed (see McClelland et al., 2013; Ripp & Rodwell, 2015; Smith, 2006).

#### **2.3.4.b *Devolved Decision-Making***

There has been a broad trend towards the devolution of decision making on heritage from national agencies to regional and city-scale authorities. This shift is evident in Europe, where national legislation provides overarching guidance but is locally implemented (Ashworth & Howard, 1999). In the United Kingdom, more weight has been given to devolved decision-making and community empowerment than ever before, with national guidance encouraging the designation of local heritage assets (Ludwig, 2016). This shift is also apparent in New Zealand, where regional councils and territorial authorities make consent decisions within a policy framework developed at a national level (Miller & Beattie, 2022). Different countries, however, have arrived at different approaches to the designation, financing, and management of heritage within their respective frameworks (Ashworth & Howard, 1999).

Devolution to a local level allows for local autonomy (Hobson, 2001). Local authorities can respond to local circumstances and characteristics, and decisions can be made by the communities affected (Hobson, 2001; Ludwig, 2016). Plan making has traditionally involved a high degree of devolution of decision-making to specific communities, as they were seen as best placed to reconcile differing values (Mead, 2022). Local circumstances include heightened sensitivity of built heritage to earthquake risk, effects of climate change, development pressures, and lack of use or maintenance (Heritage New Zealand Pouhere Taonga, 2022a).

Local approaches have also allowed for a lack of uniform standards and approaches to heritage conservation to emerge (Hobson, 2001). These various unstandardised approaches can serve to undermine the credibility of heritage conservation (Morton, 1991, as cited in Hobson, 2001). Hobson also identifies the potential bias and influences in local authority decision makers, where each person's own values, experiences, and opinions will inevitably influence the exercise of their responsibilities.

#### **2.3.4.c *Integration into Mainstream Planning***

Heritage conservation needs to be integrated into daily planning practice to reach its full potential (Nyseth & Sognnæs, 2013; Ripp & Rodwell, 2015). Integrated approaches within planning are considered to be more relevant and successful as they allow for broader consideration of what constitutes 'heritage' and alignment with wider substantive priorities for urban and regional regeneration (Hobson, 2001; Ripp & Rodwell, 2015; Stegmeijer et al., 2021). Heritage brings old ideas as new perspectives and opportunities for planning, and vice versa (Stegmeijer et al., 2021). To be incorporated into planning practice, heritage conservation needs to cease operating as a discrete self-contained discipline (Ripp & Rodwell, 2015). Planners also need to critically engage with approaches to heritage conservation and assess the potential consequences arising from the adoption of each approach. Planners can also play a key mediating role in revealing, acknowledging, and articulating competing discourses within heritage conservation (McClelland et al., 2013). The difficulty is in implementing abstract and theoretical guidance into daily planning practice at a local level, taking the current institutional arrangements and instruments already in place into account (Ripp & Rodwell, 2016).

The extent to which heritage conservation has already been integrated into planning is debated. In many countries, heritage protection and planning are still operating in different legal frameworks, while in others heritage conservation has been formally incorporated into planning procedures and laws (Stegmeijer et al., 2021). Larkham (1993), Hobson (2001), and Stegmeijer et al. (2021) consider that the conservation of the built environment has largely been consolidated into planning systems, while Ripp & Rodwell (2016) state that planning is yet to fully embrace heritage as a significant component of the urban environment and that the conservation of the built heritage is usually organised as a specialism within a single sector and not coordinated with others.

#### **2.3.4.d *Specificity: Aligning Values to Physical Characteristics***

Protected heritage values and physical attributes need to be clearly articulated in planning documents (R. Mason, 2002). This should also include the correspondence between intangible values and tangible aspects. R. Mason notes that this approach would clearly delineate what values are embodied or represented in the site and how these values are expressed tangibly in the materials of the site. For example, the historic value of a site might be its association with important events and people that are expressed in the layout or arrangement of the building or the decoration of particular rooms. By stating how heritage value is held in the site and its physical attributes, it is clear what has value and what is being protected. Without identifying what is protected, it would be difficult to monitor how values are affected by interventions or management decisions (R. Mason, 2002).

#### **2.3.4.e *Interdisciplinary Approaches***

Heritage conservation cannot be understood and managed successfully as an isolated discipline (Ripp & Rodwell, 2015). There remains a perception that heritage conservation "is a specialist sphere, peripheral to the mainstream of urban planning policy and one whose limited focus on the material and aesthetic aspects of heritage constitutes a resistance and impediment to change" (Ripp & Rodwell, 2015, p. 243). Heritage conservation professionals have traditionally looked at the physical properties of a building, including physical deterioration, environmental conditions, and architectural qualities, and methodologies and tools were utilised to investigate and analyse these properties. It is now apparent that understanding heritage in the fullest sense requires a wider focus and the inclusion of

economic, community, cultural, and political contexts. Engaging with other disciplines and fields may assist in fully comprehending the values and opportunities of heritage (R. Mason, 2002).

Ripp & Rodwell (2015) promote interdisciplinary approaches in heritage conservation. They champion the idea that heritage cannot be understood and managed successfully as an isolated subject that is distinct from other disciplines. Understanding the economic value of heritage is a key example – the demand for heritage tourism has become a major force in the global economy and this cannot be assessed by conservation professionals (Mouranto & Mazzanti, 2002). On a smaller scale, planning for a heritage site requires consideration of the pressures and opportunities of the site. This requires an understanding of the economic forces, possible cultural tensions, public policy, and trade-offs that may accompany development as well as the interaction of these factors to the aims and objectives of heritage conservation (R. Mason, 2002). However, interdisciplinary approaches in heritage conservation are often an aspiration, rather than a reality (Ripp & Rodwell, 2015).

#### **2.3.4.f Inklusivity**

Planning policy should also consider who is enabled to participate in the process. R. Mason (2002) outlines that there is a distinction between stakeholders who are “*at the table*” when decisions are made, while other legitimate stakeholders are not present (p. 17). ‘Insiders’ are those who can participate in the process by right or might. ‘Insiders’ include public officials, bureaucrats, policy makers, and heritage conservation professionals or other experts who are asked to be involved in the process. ‘Outsiders’ are everyone else who has a stake in heritage, but little or no leverage in the process. ‘Outsiders’ can be actively excluded, have no knowledge of the process, or lack an inclination to participate. These people are not ‘non-professionals,’ as conservation professionals can sometimes be outsiders and have little power to shape decision-making (R. Mason, 2002). The identification and integration of stakeholders is essential to reach a common understanding of heritage and the objectives that should be connected to it (Ripp & Rodwell, 2015).

The intellectual discourse and constructs of heritage conservation can act to exclude stakeholders from identifying and making decisions about heritage. Ripp & Rodwell (2016) highlight the use of language and terms that do not form part of everyday life as excluding some people from discussions about heritage. For example, the term ‘heritage values’ is not used in daily life or used by communities to describe what they find important about the places and buildings they interact with. Ripp & Rodwell suggest asking broad questions to different sectors of communities and avoiding the use of loaded words like ‘heritage’ and ‘values.’

Local communities are the key stakeholders in local heritage. Current heritage conservation practice can base heritage protection on historical and/or architectural criteria, viewing it as high art rather than as a functional setting for everyday life and incorporating perceptions of local communities (Larkham, 1993). As outlined above, communities need to be empowered to express values, rather than a top-down approach being imposed that tells them what is important about the places they inhabit (Ripp & Rodwell, 2016). Values-based approaches to heritage are considered to be more democratic and comprehensive, as the elicitation of values can facilitate a greater input from a broad range of stakeholders (Jameson, 2008, as cited in McClelland et al., 2013).

Smith & Waterton (2012) suggest that planning’s focus on developing consensus can also have undesired consequences. Planning theory encourages reaching consensus or collective agreement (Healey, 2006). Consensus must be built in inclusive ways, otherwise a focus on achieving consensus

can reduce nuance in identifying heritage and exclude communities or groups that assert an alternative understanding of heritage (Smith & Waterton, 2012). Excluding certain communities and groups can create biases in favour of the buildings and areas afforded official protection, which can devalue built heritage that is most valued by local communities and minority groups (Ripp & Rodwell, 2015).

## 2.4 Summary

Heritage conservation has undergone rapid changes over the last 50 years, with multiple different conceptualisations of modern heritage conservation that have influenced heritage conservation practice. New discourses have been introduced in succession overtime, with an incomplete transition between each, leading to the co-existence of multiple approaches to heritage conservation practice and protection (Ashworth, 1994, 2011). Initially, the main goal of heritage conservation was to preserve the tangible fabric of individual, grand-scale architecture with minimal intervention (Jackson, 2008). The scope gradually expanded to include groups of heritage buildings and allowed adaptive reuse which would provide heritage with an ongoing and useful purpose (Kerr, 2013). Most recently, the heritage planning discourse aims to place built heritage within real-world contexts by recognising the role heritage can play in the present (Kaufman, 2009). International approaches to heritage protection in policy documents and guidance have evolved, reflecting these changing views of heritage conservation (Jokilehto, 2018).

There can be conflicts in applying heritage conservation in planning. The co-existence of these three discourses means that practitioners are required to consider the application of each approach, which can have different goals (Hobson, 2004; Larkham, 1993). While a preservationist model would attempt to prevent change, a heritage planning approach would situate built heritage within the modern environment and provide for renewal (Nyseth & Sognnæs, 2013). Increasing attention has been given to pragmatic approaches to heritage conservation in planning, to position heritage as a driving force and source of inspiration for development (see Baycan & Girard, 2011; Mualam & Alterman, 2018; Nyseth & Sognnæs, 2013; Stegmeijer et al., 2021).

This chapter has provided the theoretical framework for the following chapters, including search terms and definitions for the research method in Chapter 4 (see Appendix A). This chapter has also situated this theoretical framework within planning policy and practice, identifying three key touch points where heritage conservation is incorporated into planning policy and practice (Chen et al., 2021):

1. How is 'heritage' recognised?
2. What planning instruments or tools are used to protect built heritage?
3. What heritage conservation goals and objectives are integrated into planning policy and practice?

These three dimensions have been used to structure the results of this research in Chapter 6. The literature has also outlined what heritage protection in planning could look like, identifying a series of characteristics. These included adopting a participatory approach, devolved decision-making, integrating heritage conservation into mainstream planning, specificity, adopting interdisciplinary and inclusive approaches. These principles could inform the content of a NPS on built heritage.

### 3 Identifying the Structure: Institutional Arrangements for Heritage Protection in Aotearoa New Zealand

Aotearoa New Zealand's heritage protection framework involves multiple government departments, Crown entities, and territorial authorities and this chapter explores the institutional background and regulatory framework of this research. Firstly, it summarises the relevant provisions of the current RMA 1991 planning framework that act to protect built heritage. It provides an outline of the hierarchy of planning documents that control how territorial authorities can regulate activities affecting built heritage; a NPS sits at the top of this hierarchy. Secondly, it discusses the role of Heritage New Zealand Pouhere Taonga (*HNZPT*) established by the Heritage New Zealand Pouhere Taonga Act (2014) (*HNZPTA 2014*). HNZPT acts as an advocacy body for heritage and monitors the performance of territorial authorities in their protection of built heritage. Finally, this chapter provides a brief comment on the proposed reform of the resource management system and the potential implications of new legislation on heritage protection.

#### 3.1 Current Legislative and Institutional Arrangements

Statutory recognition of Aotearoa New Zealand's built heritage is primarily centred on two key pieces of legislation: the RMA 1991 and the HNZPTA 2014. While other pieces of legislation, such as the Conservation Act (1987) (*CA 1987*), the Local Government Act (2002) (*LGA 2002*), and the Building Act (2004) (*BA 2004*) also contain heritage-related provisions, this chapter is focused on the relevant provisions of the RMA 1991 and the HNZPTA 2014. These two pieces of legislation address how built heritage is protected and how its use is regulated and, as such, are the most applicable to this research.

##### 3.1.1 Resource Management Act (1991)

The RMA 1991 is the primary legislation regulating resource use in Aotearoa New Zealand and is the paramount statute for the protection of built heritage (McEwan, 2022; McLean, 2000). The RMA 1991 protects historic heritage resources through the regulation of private property rights (Gregory & Stoltz, 2015). The overarching purpose of the Act is to promote the "sustainable management of natural and physical resources" (section 5(1)). In this context, section 5(2) defines 'sustainable management' as:

*...managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while –*

- a. sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b. safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- c. avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

In practice, the application of this definition of 'sustainable management' to built heritage is complex. Section 5 applies broadly to all natural and physical resources and its application has much wider social and economic implications (Kenderdine, 2005). In the past, Courts have grappled with how to apply this concept to the conservation of built heritage. Kenderdine cites *New Zealand Historic Places Trust/Pouhere Taonga v Manawatu District Council* (2004) as an example. In that case, the owners of a listed heritage building had applied for consent to demolish the building to make way for new development. The Court found that it would not be 'sustainable management' to impose upon the owners the cost of preserving the building and, as a result, demolition was allowed.

The introduction of the RMA 1991 presented a radical reorganisation of environmental management in New Zealand, and included restructuring government departments, changes to local government functions, and an overhaul of legislation governing resource management. The RMA 1991 repealed and replaced over 50 statutes, demonstrating an intention to create a more unified and integrated approach to environmental decision making (Palmer, 1990, cited in G. Mason, 2008). The Act was intended to create a more flexible, market-led system of effects-based planning where the actual and potential environmental impacts of activities were regulated, rather than the activities themselves (Grundy, 1997). The overall goal of the RMA 1991 was to improve economic growth by reducing the role of the State in decision-making (G. Mason, 2008).

Many issues of heritage protection remained unresolved after the introduction of the RMA 1991. Two studies, cited by G. Mason (2008), undertaken in the late 1990s evaluated the quality of heritage provisions in district plans and found that these tended to be permissive, relied on regulation and rules rather than non-regulatory incentives, and identified a limited range of historic heritage for protection. Successive governments responded to these findings by establishing MCH to coordinate the government's heritage functions, elevating the status of historic heritage protection under the RMA 1991 in 2003, providing additional resources to HNZPT, and introducing a modest incentives fund (G. Mason, 2008).

The heritage provisions of the RMA 1991 were strengthened by the Resource Management Amendment Act (2003). The current definition of 'historic heritage' was inserted into section 2, creating a classification of historic heritage resources that would fall under the protective mandate of the RMA 1991. A heritage value typology was also introduced. 'Historic heritage' is defined broadly as "natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures" which may be derived from archaeological, architectural, cultural, historic, scientific, and technological qualities (section 2(1)). 'Historic heritage' may include historic sites, structures, places, and areas; archaeological sites; and sites of significance to Māori. There is no age requirement; a lack of time-depth does not mean that a heritage resource cannot be regarded as 'historic heritage' under the RMA 1991. Prior to the introduction of this definition, the term was undefined and had led to varied assessments and inconsistent approaches in the preparation of regional and district plans. The introduction of a definition was expected to improve the effective and consistent recognition of historic heritage in plans and through resource consent processes (Kenderdine, 2005).

The protection of historic heritage from inappropriate subdivision, use, and development was also elevated to a matter of national importance by the amendment in 2003. Previously, the protection of historic heritage was a matter to which decision makers were required to "have particular regard to." As a matter of national importance, the status of historic heritage was raised, requiring local authorities to place greater weight on the protection of historic heritage in resource management decisions (Resource Management Amendment Bill, 2003).

Primacy of particular aspect cannot be read into the matters of national importance listed in section 6. Like other matters of national importance listed in section 6, the protection of historic heritage has to be weighed among other factors (if necessary) to inform the decision-maker in making an overall judgement about the proposal (*New Zealand Historic Places Trust/Pouhere Taonga v Manawatu District Council*, 2004; *Environmental Defence Society v New Zealand King Salmon Company Ltd*, 2014).

That judgement must also be guided by the overarching purpose of the Act, as defined in section 5 (Kenderdine, 2005).

### 3.1.1.a Planning Documents

The RMA 1991 established a three-tier hierarchy of planning documents which give effect to the purpose of the Act and matters of national importance identified in section 6 (*Environmental Defence Society v New Zealand King Salmon Company Ltd*, 2014). Sections 43 to 58 of the RMA 1991 provide central government with the ability to guide territorial authorities resource management through national policy guidance, comprising National Environmental Standards (**NES**), NPS, and National Planning Standards. These statutory documents must consider, to varying degrees, the content of the documents above them when they are prepared. These tiers are outlined in Figure 3 below.

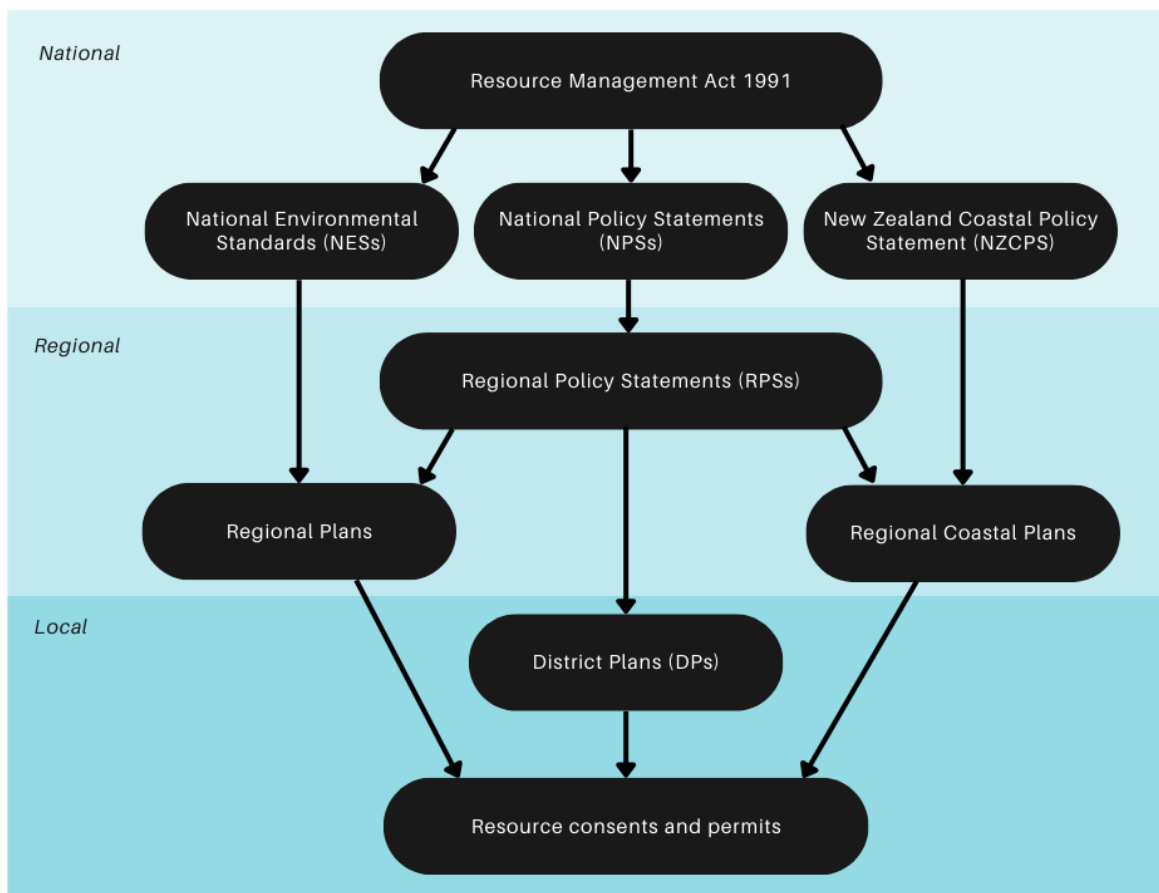


Figure 3. Links between tiers of planning documents established under the RMA 1991 (adapted from Beattie, 2022a, p. 20).

The first tier involves national policies and standards set by national agencies and central government. The Ministry for the Environment (**MFE**) (2021) outlines that national direction should be utilised where it would: provide significant national benefits, costs, or values; provide significant benefits associated with a consistent, nationwide approach; or address technical complexity that would be more efficient or effective with a national approach. Central government provides national direction via NPSs, NESs, and regulations made under section 360 of the RMA 1991. These instruments are discussed further below.

NPSs set a policy framework that states objectives and policies for managing matters of national significance (Beattie, 2022b; Ministry for the Environment, 2021). In deciding whether to prepare a

NPS, the Minister may have regard to a number of matters listed in section 45 of the RMA 1991. NPSs are the most influential form of government guidance, and every **local authority** must comply with NPSs. Regional policy statements, proposed plans, plans, and variations must be amended to give effect to a NPS (section 55). There are two ways for local authorities to put a NPS into practice: amend their policy statements and plans using the standard plan-making process or, if directed by a NPS, incorporate objectives and policies straight into the existing policy statements and plans and provide the public with five working days notice of the amendments. The standard process involves notifying the public of the amendment, receiving submissions, and holding hearings which allows for public engagement in the process (Ministry for the Environment, 2021). NPSs do not state rules, which provides local authorities with flexibility in applying the NPS in a way that best reflects its relevance to their region; this means there may be some variation between local authorities. Decision-makers must also have regard to a NPS when making decisions (Ministry for the Environment, 2021).

Miller & Beattie (2022) note that central government have been reluctant to develop and introduce NPSs. Only the production of the New Zealand Coastal Policy Statement was deemed mandatory in the RMA 1991, with the preparation of further NPSs at the discretion of the MFE. Only five NPSs were produced between 1991 and 2020, with another three produced between 2020 and 2023. There is no NPS for historic heritage.

A NES sets technical and non-technical standards for dealing with specific environmental issues, for example, setting limits on acceptable discharges to air and water quality. These regulations can prescribe standards, methods, and rules for specified matters, including land use and subdivision, use of the coastal marine area and beds of lakes and rivers, discharges, and noise. A NES can also prohibit, allow, or restrict activities. A NES can also allow flexibility for local authorities to make rules that are stricter or more lenient according to local circumstances (Ministry for the Environment, 2021).

The National Planning Standards, introduced in 2019, are also a form of national direction, aimed at improving the efficiency and effectiveness of the planning system by creating a consistent approach to plan structure and layout (Ministry for the Environment, 2019, 2021). Unnecessary plan variation was identified as impacting the planning system by making plans difficult to understand and onerous to prepare. To address this, the National Planning Standards create a standardised approach to plan structure, core content, definitions, and mapping components (Ministry for the Environment, 2017b). All regional and district plans are required to utilise the National Planning Standards for the benefit of plan users (Beattie, 2022b). Under these standards, provisions on historic heritage will be located within the same section of each plan. If addressed, the following matters must be located in the heritage chapter: identification of historic heritage, provisions to protect and manage historic heritage, heritage orders, and schedule(s) of identified historic heritage and heritage orders which may cross-reference an appendix. Mapping standards must be used to identify heritage items and heritage areas (Ministry for the Environment, 2019).

Documents produced by regional councils form the second tier. Regional councils develop and implement policy statements and plans to ensure the integrated management of resources across each region (section 59). Regional Policy Statements (**RPS**) must state the significant resource management issues for the region, objectives sought to be achieved, supporting policies, and methods (excluding rules) to achieve those objectives and implement the policies (section 62(1)). RPSs must be prepared in accordance with the provisions of Part 2 (section 66(1)(b)), of which section 6 the protection of historic heritage is a matter of national importance. This would anticipate the inclusion of managing

heritage issues in a RPS. A regional council must also have regard to entries on the HNZPT List when preparing a RPS (section 61(2)(a)(iia)). As a lower level document, RPSs must give effect to NPSs and NESs (section 61 and 62). Regional councils also prepare regional plans that manage the effects of activities on air and water.

The third tier involves territorial authorities (being city or district councils) producing and implementing plans to control adverse effects of land use and subdivision activities at a local level. Territorial authorities are responsible for developing and administering district plans to manage the effects of land use and subdivision activities (sections 72 to 75). Like a RPS, district plans must be prepared in accordance with Part 2 (section 74(1)(b)) and territorial authorities must have regard to entries on the HNZPT List (section 74(2)(b)(iia)). As such, district plans should contain objectives, supporting policies, and methods to manage adverse effects on built heritage. District plans are also required to give effect to the objectives and policies of the corresponding RPS (section 75(4)).

### **3.1.1.b Regulation of Heritage Resources**

The principal means of heritage protection is through the identification of places of heritage significance and regulating activities affecting these places with rules. Territorial authorities generally identify places of heritage significance in a schedule or register annexed to a district plan. Plan rules can cover a range of activities, for example, alterations to relocation or demolition of a building (Vossler, 2000). Section 87A of the RMA 1991 provides the following classes of activities:

- a. Permitted – Activity does not require resource consent.
- b. Controlled – Consent must be granted, but a local authority can place conditions on the consent to address environmental effects, where the council has reserved control in the district plan.
- c. Restricted discretionary – Consent can be granted or refused but only in respect of matters specified in the district plan.
- d. Discretionary – Consent can be granted or refused, and the council can consider any effect or planning matter they consider to be relevant.
- e. Non-complying – Consent cannot be granted if the proposal is considered to have adverse effects on the environment that are more than minor, or the proposed is contrary to the district plan’s policy framework.
- f. Prohibited – An application cannot be made for the activity and consent cannot be granted.

Where a rule requires resource consent, an application for resource consent must be accompanied by an assessment of the actual and potential effects that the activity will have on the environment (section 88(2)). In the case of an application for an activity affecting built heritage, this assessment of effects will be required to address the heritage effects of the proposal, to the extent that the activity status allows.

Built heritage that has not been scheduled in a district plan is not afforded the same level of protection and assessment under the resource consent process. Land use and subdivision activities are permissive; that is, the activity can be undertaken unless there is a rule that stops it (Beattie, 2022b). Where works are proposed to a building that has not been identified as having heritage value and no rule applies in a district plan for the activity, the works could potentially be undertaken as a permitted activity without resource consent and oversight from the local authority. However, even where an item is not listed, section 6(f) may still apply in favour of protection (*New Zealand Historic Places Trust v Waitaki District Council*, 2008). Local authorities can also utilise non-regulatory methods to encourage

the conservation of built heritage. Economic incentives, such as consent fee waivers, rates relief, and grant funding are often employed by local authorities (Heritage New Zealand Pouhere Taonga, 2022b). Although other options are available to under other legislation, plan makers have tended to use rules over other approaches (Beattie, 2022b).

The RMA 1991 also provides for heritage orders, which can be issued by heritage protection authorities (**HPA**). HPAs are any Minister of the Crown, local authorities, HNZPT, and body corporates that have been approved as a HPA under section 188 of the RMA 1991. Section 189 outlines that heritage orders are intended to protect “any place of special interest, character, intrinsic or amenity value or visual appeal, or of special significance to tangata whenua for spiritual, cultural, or historical reasons.” A heritage order restricts what may be done on a property and no one may undertake work to the place that would “nullify the effect of the heritage order” without the prior written agreement of the HPA (section 193). They are akin to a designation of a heritage property and can confer significant powers on the heritage protection authority (Kenderdine, 2005). They provide a powerful protection tool but are used very sparingly, typically only when a highly valued site’s destruction is imminent, and usually when all other avenues have been exhausted (Ministry for Culture and Heritage, 2018; Vossler, 2000).

### **3.1.2 Heritage New Zealand Pouhere Taonga Act (2014)**

The HNZPTA 2014 established HNZPT, an autonomous Crown entity responsible for promoting “the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand” (section 3). HNZPT’s principal functions include: the regulation of archaeological activities relating to pre-1900 sites and maintaining a list of historic places, historic areas, wāhi tapu, and wāhi tapu areas of national significance (i.e., the HNZPT List). HNZPT also advocates for the conservation and protection of historic places; manages its own historic properties; and disseminates information, advice, and assistance in relation to historic heritage matters (section 13).

The origins of HNZPT are in the Historic Places Act (1954), which established the Historic Places Trust. The introduction of the Historic Places Act has been attributed to a growing interest in New Zealand’s history and a greater appreciation of early New Zealand architecture (McLean, 2000). Subsequent amendments expanded the mandate of the Historic Places Trust, including the care of properties acquired by the government, provision of grants to private owners to encourage conservation, the identification of historic buildings, sites, and areas of significance to Māori and Pakeha on a national register, and the administration of a consenting procedure for the modification, damage, or destruction of archaeological sites (G. Mason, 2008; McLean, 2000). In the 1980s, the Trust was empowered to compel local authorities to protect buildings through protection notices in the district schemes produced under the Town and Country Planning Acts 1953 and 1977. G. Mason (2008) notes that this was significant as the Historic Places Trust had been previously limited to lobbying local authorities without any means of compulsion and this amendment emphasised that the resource management planning system was being increasingly recognised as a vehicle for protecting heritage.

Entries on the HNZPT List are assessed against the heritage value typology listed in section 66(1): aesthetic, archaeological, architectural, cultural, historical, scientific, social, spiritual, technological, or traditional significance or value. HNZPT may add a place to the List where it is satisfied that one or more of these values are represented at the site. Each entry can be prescribed a status – Category 1 or Category 2 – based on a set of criteria, including “the extent to which the place reflects important or representative aspects of New Zealand history” (section 66(3)).

Entry onto the HNZPT List does not provide a historic place with physical ‘protection.’ The purpose of the HNZPT List is to provide recognition of a place’s heritage significance and to be a source of information about historic places for the purposes of the RMA 1991 (HNZPTA 2014, section 65(3)). The act of registration and collation of information about a place is considered to be an act of conservation (New Zealand Historic Places Trust, 1998).

The listing process can be lengthy and there are no legislative requirements that set timeframes for HNZPT to assess nominations for listing. HNZPT added an average of 21 places to the list each year between 2013 and 2017 (Ministry for Culture and Heritage, 2018). Local authorities are required to have regard to the HNZPT List when preparing plans and policy statements (RMA 1991, sections 66 and 74). However, there is no obligation for them to give effect to the List or for the provisions or rules in those documents to prevent a property or site being modified, damaged, neglected, sold, or even destroyed. HNZPT can also make recommendations to local authorities regarding how best to protect and conserve heritage areas; however, local authorities are only required to “have particular regard” to these recommendations (HNZPTA 2014, section 74).

HNZPT also manages the archaeological authority process, which regulates the damage, modification, and destruction of archaeological sites. An archaeological site is defined in section 6 as any place in New Zealand, including any building or structure, that was associated with pre-1900 human activity and provides evidence of the history of New Zealand. An archaeological authority from HNZPT is required prior to the modification or destruction of archaeological sites. This process applies to the demolition of a pre-1900 building, but not to alterations (section 42(3)).

HNZPT may utilise legal instruments to ensure the physical protection of a historic place. For example, HNZPT can enter into heritage covenants with owners of private property to provide for the protection, conservation, and maintenance of the place (section 39). Heritage covenants are voluntary agreements with property owners that are registered on the title of a historic place and place conditions on the management and use of the place. These restrictions act to protect the place for the future and are legally binding on subsequent property owners (Ministry for Culture and Heritage, 2018). As noted above, HNZPT can also act as an HPA under the RMA 1991.

As part of its regulatory role, HNZPT undertakes a triennial review of heritage protection measures employed by local authorities. HNZPT measures plan quality based on key performance indicators including whether a heritage schedule containing all HNZPT List entries, that the destruction or demolition of scheduled Māori heritage or built heritage is a non-complying activity, and whether local authorities provide regulatory incentives for the retention of heritage. The last review undertaken in 2021 and found that there has been an overall increase in the number of heritage items listed in plans; however, only 36% of district plans schedule all HNZPT List entries located within the district, compared to 33% in 2018. The review found that 73% of plans contained non-complying rules for the demolition of scheduled Māori heritage or built heritage (Heritage New Zealand Pouhere Taonga, 2022b).

### **3.2 Resource Management Reform**

The resource management system has undergone some change during the preparation of this thesis. New legislation to replace the RMA 1991 was enacted and then quickly repealed later due to a change of Government. The current National-led Coalition Government has advised there would be a new resource management regime implemented within the Parliamentary term. This Government has

indicated there will be changes to the way historic heritage is dealt with under the resource management system, advising that protection of historic heritage may be dealt with through policy interventions rather than as part of the resource consent process. The proposed new resource management system will also prioritise private property rights (Ministry for the Environment, 2024). Built heritage has been recognised as a ‘public good’ (Ashworth & Howard, 1999), which has been used as justification to control how it is developed and used. There have also been indications and unsubstantiated rumours of national direction on the protection of historic heritage to address some pressing issues, for example, the delisting of scheduled heritage for demolition.

### **3.3 Summary**

Heritage protection in Aotearoa New Zealand is provided primarily through the RMA 1991, where the protection of historic heritage from inappropriate subdivision, use, and development is a matter of national importance (section 6). Protection is provided through the identification of places of heritage significance and regulating activities affecting these places with rules in district plans (McEwan, 2022; McLean, 2000). As a result, district plans play a key role in the protection of built heritage in Aotearoa New Zealand.

The RMA 1991 establishes a three-tier hierarchy of planning documents to manage the sustainable use of our natural and physical resources. A NPS sits on the highest level and is produced by central government to provide policy guidance on matters of national importance. It is the most influential form of government guidance and can be used where it would:

1. Provide significant national benefits, costs, or values;
2. Provide significant benefits associated with a consistent, nationwide approach; or
3. Address technical complexity that would be more efficient or effective with a national approach (Ministry for the Environment, 2021).

Higher-level documents must be considered by lower-level documents and district plans sit on the lowest level of this hierarchy. As such, a NPS is a tool available to central government to guide territorial authorities on heritage protection with the provision of a policy framework.

HNZPT also plays a role in Aotearoa New Zealand’s heritage protection framework. HNZPT largely has an advisory role, advocating for the conservation and protection of historic places by disseminating information, advice, and assistance in relation to heritage matters (HNZPTA 2014, section 13). HNZPT may utilise legal instruments to provide a historic place with physical protection and also maintains the HNZPT List, a list of historic places of national significance. Entries on the HNZPT List can be incorporated into district plans, but there is no requirement (RMA 1991, sections 66 and 74). While this List provides recognition of a place’s significance, entry onto the list does not provide a historic place with physical ‘protection.’

This chapter sets the scene of the institutional framework of heritage protection in Aotearoa New Zealand, within which the theoretical framework outlined in Chapter 2 is applied. It has identified the key bodies in heritage protection and the regulatory framework that they are operating within. It has also provided further definitions and key words for the research method in Chapter 4, building on those identified in Chapter 2 (see Appendix A).

Our resource management system is currently undergoing change, and these changes bring challenges and opportunities for heritage protection. On one hand, the National-led Government has indicated

its intention to remove heritage protection from the resource management system and replace this with targeted policy interventions. It has also outlined its intention prioritise private property rights, which may impact on justifications to regulate how built heritage is used as a 'public good'. On the other hand, the current heritage protection framework is not operating effectively (Ministry for Culture and Heritage, 2018), and many historic issues have persevered under the RMA 1991 (G. Mason, 2008). Reform provides an opportunity to address deficiencies in the current system.

## 4 Constructing the Research Method: Examining Approaches to Heritage Protection

This research sought to answer:

*What is a case for a National Policy Statement on the protection of built heritage, considering approaches to heritage protection by territorial authorities in the Otago region?*

As outlined in Chapter 3, territorial authorities are charged with heritage protection in Aotearoa New Zealand and this is implemented through district plans. In preparing these documents, territorial authorities are required to traverse a complex theoretical environment, where various heritage conservation theories and discourses underpin approaches to heritage conservation. This multiplicity of approaches can cause conflicts in applying heritage protection in planning (see Chapter 2). As noted earlier, local approaches to heritage protection also allow for a lack of uniform standards to emerge (Hobson, 2001), and this is evident in Aotearoa New Zealand (see Ministry for Culture and Heritage, 2018). These unstandardised approaches to heritage protection can serve to undermine the credibility of heritage conservation (Morton, 1991 cited in Hobson, 2001). Consequently, this research focused on exploring conflicts in heritage conservation and how heritage protection is provided in district plans in the Otago region to identify areas that could be addressed by national policy guidance. This chapter describes the overall research strategy selected to achieve the aims and objectives of this research.

### 4.1 Case Study Research

The main research methodology was a document analysis of planning documents for selected case studies in the Otago region, supported by the literature review undertaken in the preceding chapters. Case studies enable the close examination of key characteristics, meanings, and implications of an issue in a real-life context. They seek to capture information which can help in understanding or explaining causal links or patterns and provide contextual knowledge of a subject (Crowe et al., 2011; Gerring, 2007; Swanborn, 2010; Woodside, 2016). As such, case study research was chosen as it offered the in-depth examination of how built heritage was protected in planning documents produced by territorial authorities.

A case study approach was selected as it enabled the selection of a representative sample from which broader generalisations can be made (Crowe et al., 2011; Swanborn, 2010). Territorial authorities were the focus of the case study selection as they have control over creating and operationalising district plans, which are the key documents in protecting built heritage (G. Mason, 2008; McEwan, 2022). There are 11 regional councils, 61 city or district councils, and six unitary councils in New Zealand; it would not be possible to review the approach of each authority within the scope of this thesis. As a result, this research has focused on territorial authorities located within the Otago region, comprising the Dunedin City Council, Clutha District Council, Central Otago District Council, Queenstown-Lakes District Council, and Waitaki District Council, part of which is also located within the Canterbury region (Figure 4). Exploring primarily<sup>2</sup> one region enabled a thorough analysis of the hierarchy of planning documents (see 3.1.1.a) in a particular location.

The case study was selected as it allows for a review of comparable documents, yet achieves variation on the relevant dimensions being analysed (Seawright & Gerring, 2008; Swanborn, 2010). Territorial

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<sup>2</sup> Nb. Part of the Waitaki District falls within the Canterbury Region.

authorities are subject to the same overarching legal requirements, yet have reportedly adopted a diverse range of approaches to the protection of built heritage (Ministry for Culture and Heritage, 2018). A regional approach acted to minimise the number of variables that may affect how built heritage is protected by territorial authorities, and enabled the collection of representative results. There are five different territorial authorities operating in Otago, within a similar geographical area and the region has a similar general colonial history in terms of initial settlement, the early agricultural use of the land, and the impacts of the gold rush. All the case studies are subject to RPSs produced by the Otago Regional Council (**ORC**), with the Waitaki District also subject to the Canterbury Regional Policy Statement.

The selected case studies were also chosen as a result of my lived experience and familiarity with the area. I currently live in Queenstown and work at a heritage consultancy in Arrowtown. My day-to-day role involves work throughout the Otago region and I often provide advice on the application of the heritage provisions contained in district plans. The potential for conflict of interest is discussed at 4.5.

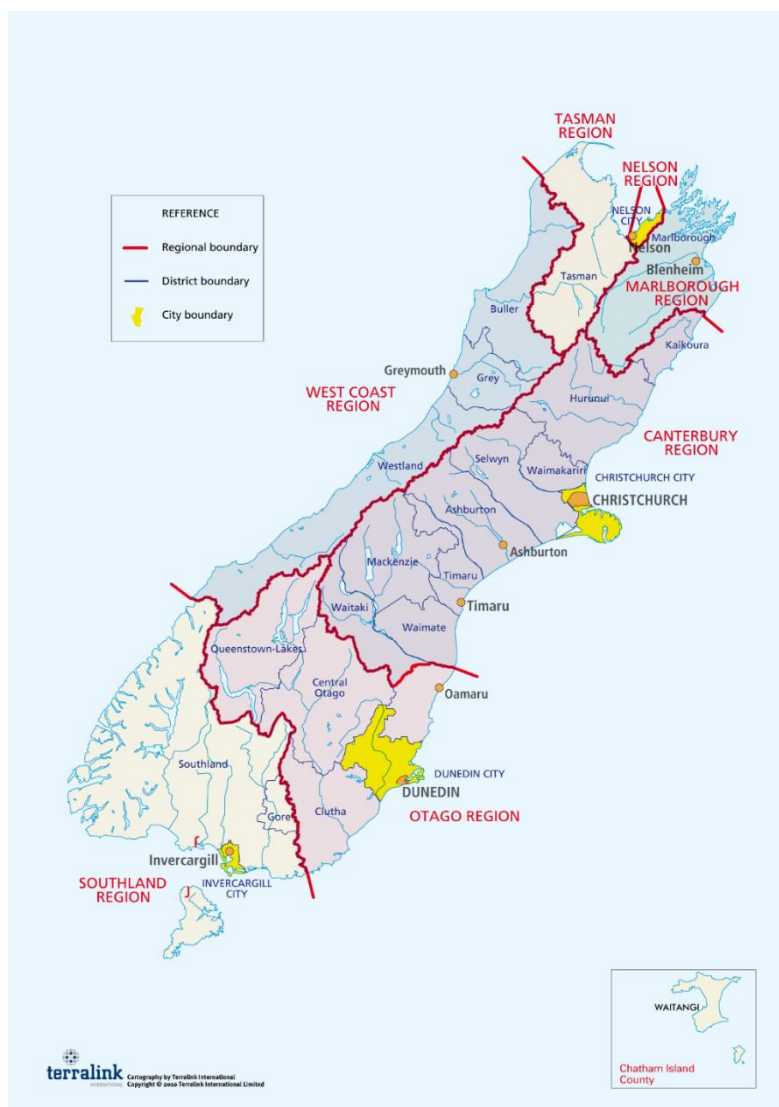


Figure 4. Boundaries for all regional, district, and city councils in the South Island (Terralink International Ltd, reproduced from Local Government New Zealand, 2010).

## 4.2 Document Analysis

This research was focused on examining how heritage conservation is implemented in planning to protect built heritage. District plans were selected as the key documents to be analysed by this research, with a focus on the overall strategic direction and heritage chapters/sections. As outlined in Chapter 3, district plans provide the key mechanisms of built heritage protection (G. Mason, 2008; McEwan, 2022).

Document analysis was chosen as a research method as it allowed for the close examination of how each document applied heritage conservation to protect built heritage. Document analysis examines the content of texts, by systematically analysing documents by categorising characteristics, themes, and concepts present or absent in the text and transforming the results into quantitative data (McMonagle, 2020). It looks at how issues are raised, structured, and organised, assessing these to understand how documents act upon and impact the issues they address (Asdal & Reinertsen, 2022; Rapley, 2018; Yang & Miller, 2008).

Chapter 2 and 3 provided themes and codes for the document analysis process. Chapter 2 identified three co-existing discourses underpinning international heritage conservation practice which influence how heritage protection is implemented in planning. Chapter 3 identified heritage protection methods available within the Aotearoa New Zealand context. Document analysis was utilised to closely examine how these discourses and methods are reflected in planning documents. The analysis has been structured under the three dimensions defined by Chen et al. (2021), which identify three areas where heritage conservation is applied in planning.

District plans have the same purpose and are derived from the same context. Plan making is also a statutory process where certain steps must be followed; this is discussed further in Chapter 3. As a result, these documents are comparable, with the same level of authority and status (Asdal & Reinertsen, 2022).

## 4.3 Initial Data Collection

The district plans were accessed via each territorial authority's website. Initial details of each case study were collected to answer these questions and complete Table 4. Document dates were collected as, at times, the date a document was made operative can explain anomalies in findings.

*Table 4. Details collected for the analysed documents of each case study.*

<b>Territorial Authority</b>	City/District Council name
<b>Document Title</b>	Title of the document
<b>Plan Type (Notification Date)</b>	Operative or proposed (Date the current version of the Plan was notified)
<b>Section Details (Version Date)</b>	Reviewed sections (Date of the current version of the plan section/chapter)
<b>Heritage Provisions Status</b>	Whether the heritage provisions of the reviewed plan are operative
<b>National Planning Standards</b>	Whether the national planning standards had been implemented (Yes/No)

## **4.4 Data Collection**

The document analysis was structured around the three dimensions of heritage conservation in planning as conceptualised by Chen et. al. (2021). The following section provides a brief description of each dimension, supported by the findings of Chapter 2 and 3, and questions used to identify how heritage conservation themes were evident in the documents:

### **(1) Recognition of heritage**

The definition of 'heritage' is important as it determines what is afforded protection (McClelland et al., 2013; Sharkansky, 2004). Drawing from the literature in Chapter 2, this dimension explores how 'heritage' is recognised and defined in each document and what types of built heritage are given recognition.

Questions:

- How is heritage identified?
- How is 'heritage' defined?
- What counts as heritage?
- What types of built heritage are given recognition?

### **(2) Planning tools and methods**

This dimension explores what planning tools and methods are used to frame and pursue heritage conservation in the documents. Tools and methods were sourced from both Chapter 2 and 3 and iteratively throughout the coding process.

Questions:

- What methods are used to frame and pursue heritage conservation in the documents?
- What planning tools are delivering conservation actions?
- What regulatory and non-regulatory methods are employed?

### **(3) Heritage conservation goals**

Heritage conservation is generally regarded as an acceptable and desirable goal of public policy (Brown, 2010; Larkham, 1993). There is debate about what heritage should be protected and the extent to which it should be preserved, reconstructed, or altered, according to the co-existing heritage conservation discourses (Ashworth, 2011; Hobson, 2004; Munoz-Vinas, 2005).

Questions:

- What substantive heritage conservation goals are integrated into planning policy and practice?
- To what extent are heritage conservation discourses reflected in the documents?

#### **4.4.1 Coding and Analysis**

Data was collated using a coding schema based on the above three dimensions. A copy of this coding schema is attached as Appendix A. Coding was both deductive and inductive, adopting a flexible and organic process (advocated for by Byrne, 2022); what is presented below is the end point of the analytical process. A preliminary set of codes for each dimension was generated from Chapter 2 and 3 and during an initial review of each document, which was undertaken to familiarise the researcher

with the data. Codes represent key words, definitions, and phrases linked to the themes identified in the literature review that were used as search terms. These codes were compiled into an initial schema, according to the three dimensions conceptualised by Chen et. al. (2021). This coding list was added to as new codes were identified while undertaking the data collection (Drisko & Maschi, 2015; McMonagle, 2020). A 'catch-all' category was utilised to capture other interesting features of the data, which could then be further coded into new categories and analysed as required.

The third dimension was analysed by identifying the key concepts and characteristics of each discourse derived from 2.2.1, before examining each document and identifying how these concepts are reflected in each. Due to the nature of heritage planning aligning heritage conservation management with broader policy goals, this thematic analysis also focused on the sections of the documents addressing each areas overarching strategic objectives and the objectives and policies of each heritage chapter. This approach was utilised as it allowed for deeper engagement and latent examination of the content of each district plan and allowed for the presence of multiple approaches, which reflected the competing nature of heritage conservation discourses (Ashworth, 1994, 2011).

NVivo, a qualitative analysis software platform, was utilised to code each district plan. Each document was reviewed manually, to consider what concepts and characteristics of heritage conservation were evident. Codes were identified throughout the content of each document and recorded in NVivo. This methodology enabled a close review of how each dimension was described and the surrounding context of each code.

#### **4.4.2 Pilot and Consistency Tests**

A pilot was conducted with the Queenstown Lakes District Council (*QLDC*) Proposed District Plan (*PDP*) to test the coding schema. Pilot testing provides for an opportunity to review the category definitions and classification rules, while also assessing the reliability of the coding process before undertaking further analysis (Bowen & Bowen, 2008; Braun & Clarke, 2006). The pilot enabled definitions to be refined and also identified further codes. It also identified that analysing the substantive conservation objectives and principles would require further analysis to determine which heritage conservation discourses were present each document. Following the pilot test, the coding schema was updated to allow for deeper analysis of the substantive conservation objectives and principles that have been incorporated into each Plan (dimension (3) above).

Consistency tests were also applied to ensure that the codes were consistently interpreted and assigned within the schema, before making inferences about patterns found in the overall body of each district plan (Bowen & Bowen, 2008). In essence, this involved an initial review of each document to briefly identify themes and add new codes to the coding list on a rolling basis. Where new codes were identified and added to the coding list, a further review was undertaken to ensure that the same process was applied to each document and the same data was captured (following a similar application to McMonagle, 2020). A secondary review was then undertaken to confirm or revise the initial interpretation.

#### **4.5 Validity and Limitations of Research Method**

This research has focused on examining the effect that the theoretical foundations of heritage conservation have on the protection of built heritage in the Otago region, to make a case for a NPS based on these approaches. As a result, this research has been limited to examining heritage

conservation theories and their application by territorial authorities under the planning framework created by the RMA 1991. It has not considered the implications of other legislation that may impact heritage protection, for instance, the BA 2004. This thesis also only examines one potential solution that could address the key findings of the results that is available under the RMA 1991; it does not suggest that this is the only solution. Further research into the interaction with these other pieces of legislation would be useful to understand the affects on heritage protection and other policy levers available to improve heritage protection.

It would not be possible to address the many aspects of 'heritage' adequately within the scope of this research. A Pakeha perspective has been adopted, with only European views, theories, and discourses of heritage discussed. The inclusion of te ao Māori into planning is an important topic, and one that should be addressed further. An inclusive approach was identified as a key characteristic of how heritage protection should be implemented in planning frameworks and, for inclusivity to be fully realised, further research should incorporate te ao Māori views.

The research was targeted to specific chapters of each district plan. While these chapters were selected as they outlined the territorial authorities' strategic goals and/or were focused on built heritage, there may have been additional references to the protection of built heritage that were not captured as part of the document analysis. Furthermore, additional documents produced by territorial authorities, for example, long-term plans produced under the LGA 2002, may have also provided some comments on built heritage. The research did not examine the different resourcing or funding of each territorial authority, which may have an impact on the weight placed on heritage protection and could have an impact on the detail of the heritage provisions of each district plan.

It is important to note that this research was undertaken at a single point in time, with the most current version of each district plan reviewed in March 2024. At the time the document review was undertaken, the Dunedin City Council (**DCC**) Second Generation Plan (**2GP**) and QLDC PDP were under appeal and a plan change affecting the heritage provisions of the Central Otago District Council (**CODC**) District Plan (**DP**) had been notified. The Waitaki District Council (**WDC**) had also published a draft District Plan in the middle of 2022. As a result, updated or revised versions of the heritage provisions of these Plans may now be available.

There are also several limitations in the research methodology, including that:

- Some scholars also argue that generalisations cannot be made from case study research, while others claim that inference is possible (Løkke & Dissing Sørensen, 2014). Yin (2014) (cited by Løkke & Dissing Sørensen, 2014) considers that case studies can offer generalisations on a conceptual level, where case studies are used to corroborate, modify, reject, or advance theoretical concepts. Kennedy (1979) and Stake (1978) (cited by Løkke & Dissing Sørensen, 2014) argue that case studies allow for some generalisation to a certain extent, but it is up to the reader to judge whether the findings can be generalised. This research has sought to select representative case studies to enable inferences to be drawn from the results.
- Document analysis is also subject to some weaknesses that researchers need to be aware of. As a discretionary process, document analysis is subjective and can be affected by the different perceptions of different researchers. Latent examination of large content units (for example, themes and paragraphs) requires a more active role from the researcher and can also contain greater variation, therefore a greater chance of ambiguous or conflicting cues. Utilising a

clearly defined and documented coding process and schema can assist in overcoming these difficulties, by providing for consistency in interpretation (Bowen & Bowen, 2008; Braun & Clarke, 2006; McMonagle, 2020). McMonagle also suggests that inter-coding reliability can reduce the level of discretion adopted by a single researcher. This would involve working with another researcher, who also reviews the selected definitions and data. As an individual research project, this approach was not possible to implement.

Researchers also need to be aware of potential researcher bias. Critiques have been made against case studies for having a bias towards verification and a perceived tendency to confirm the researcher's preconceived notions; however, researchers have also reported changing their original conceptions as they gain additional insights during a case study (Flyvberg, 2004, cited in Løkke & Dissing Sørensen, 2014). The nature of document analysis is also highly interpretative and researchers need to be aware of our own pre-understanding which shapes our reading and interpretation (Asdal & Reinertsen, 2022).

#### **4.6 Ethical Considerations**

This research was conducted in accordance with the Massey University Code of Responsible Research Conduct (May 2015)<sup>3</sup> and with reference to the Massey University Code of Ethical Conduct for Research, Teaching, and Evaluations Involving Human Participants (Revised 2017).<sup>4</sup> No ethics approval was required as this research did not involve research participants and all documents reviewed are publicly available.

Researcher bias was especially relevant to the author as I work within the heritage sector and I am based in the Otago region. Bowen & Bowen (2008) outlined that adopting a systematic approach to the research process can assist in ensuring objectivity and generality. This research has followed the process outlined above. This research has been undertaken purely for academic purposes to complete a Master of Resource and Environmental Planning and as a topic I have a personal interest in. It was not commissioned by my employer or any other body.

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<sup>3</sup> Accessed at: <https://www.massey.ac.nz/research/ethics/responsible-research-conduct/> (21 March 2024).

<sup>4</sup> Accessed at: <https://www.massey.ac.nz/research/ethics/human-ethics/#Usingparticipantsinresearch> (21 March 2024).

## 5 Setting the Scene: The Otago Region

This chapter sets the scene of the case study explored in this research, the Otago region. Otago is the second largest region in New Zealand, with five territorial authorities operating within its boundaries. The region has a rich colonial heritage, linked to early settlement, agricultural land use, and the impacts of the gold rush. As noted in Chapter 4, Otago was selected as the case study for this research due to the multiple territorial authorities within the region, operating within the same institutional framework. All territorial authorities are subject to the same overarching regulatory requirements, including RPSs produced by ORC.<sup>5</sup> This chapter begins by introducing the region, its history, and current context of each area, before providing the details of the planning documents analysed as part of this research.

### 5.1 Brief History of Otago: Early European Settlement

European sealers, whalers, and farmers began to colonise the east coast of Otago from the early 1800s. Whaling stations were set up along the Otago coastline and Foveaux Strait, with men arriving from Sydney and Tasmania (Hamel, 2001). Organised European settlement of Otago began in Dunedin in the 1840s, with settlers largely arriving as a result of private enterprise immigration company schemes. The Scottish and Irish were propelled by an urge to leave the economic depression and overpopulation of Europe and escape to New Zealand, which offered prospects of social advancement and promised healthier environments (King, 2003). Small townships were laid out for the colonial settlers; these were initially in or near Dunedin, and later further inland in Central Otago. Some evidence of the initial settlement of these areas remains, with some homesteads dating to the 1850s remaining (Hamel, 2001).

Farming was an important aspect of the early settlement of Otago. Communities were centred around dairy farming, arable farming, small-scale sheep farming on a British pattern, and extensive pastoralism on the Australian pattern. Runholders took up large pastoral runs from the late 1850s and several thousand sheep were driven across Otago. Runholders then had to establish routes to bring in supplies and stores, and to cart out wool. Farmsteads were initially constructed in local materials – stone, earth, and little timber – leaving Otago with a significant collection of historic earth and stone buildings. The profits of these initial farms were enormous, leading to the construction of grander homesteads (Hamel, 2001).

Gold was discovered in Otago in the 1860s, with a significant find at Gabriel's Gully (near Lawrence) credited with starting the 'rush.' Thousands of gold miners arrived in the area, and discoveries soon followed throughout Otago. The gold rush brought economic prosperity and development (Hamel, 2001). By the end of the 1860s, earnings from gold were twice those derived from wool, which had previously been the largest export (King, 2003). Small townships sprung up to service miners, centred around workings or located at critical points on transport routes (Hamel, 2001).

New settlers and miners placed pressure on the large pastoral runs established in the 1850s and these were eventually broken up to allow for further settlement and smaller farms. The division of these large runs strongly affected future settlement patterns. Land holdings shifted from being under the power of a few men, to a complex arrangement of mining and residential licenses (Hamel, 2001).

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<sup>5</sup> Nb. The Waitaki District is also subject to the Canterbury Regional Policy Statement.

The arrival of settlers and associated increase in trade motivated the improvement of early transport routes, with some of the earliest railway lines in New Zealand constructed in Otago. A railway line was laid between Dunedin and Port Chalmers by 1869, and construction began on the Central Otago railway in 1879. Dray tracks and roads were also formed to transport miners and supplies inland. Many of these routes are now followed by modern roads (Hamel, 2001).

## 5.2 Present Otago Region

The Otago region contains 12% of New Zealand’s land area and is the second largest region in New Zealand, stretching 480km along the South Island’s eastern coast and reaching inland to alpine lakes. Otago comprises five territorial authorities (Figure 5): the Dunedin City Council (**DCC**), Queenstown Lakes District Council (**QLDC**), Central Otago District Council (**CODC**), Clutha District Council (**CDC**), and Waitaki District Council (**WDC**). The Waitaki District Council straddles both the Otago and Canterbury regions (Otago Regional Council, 2021a).

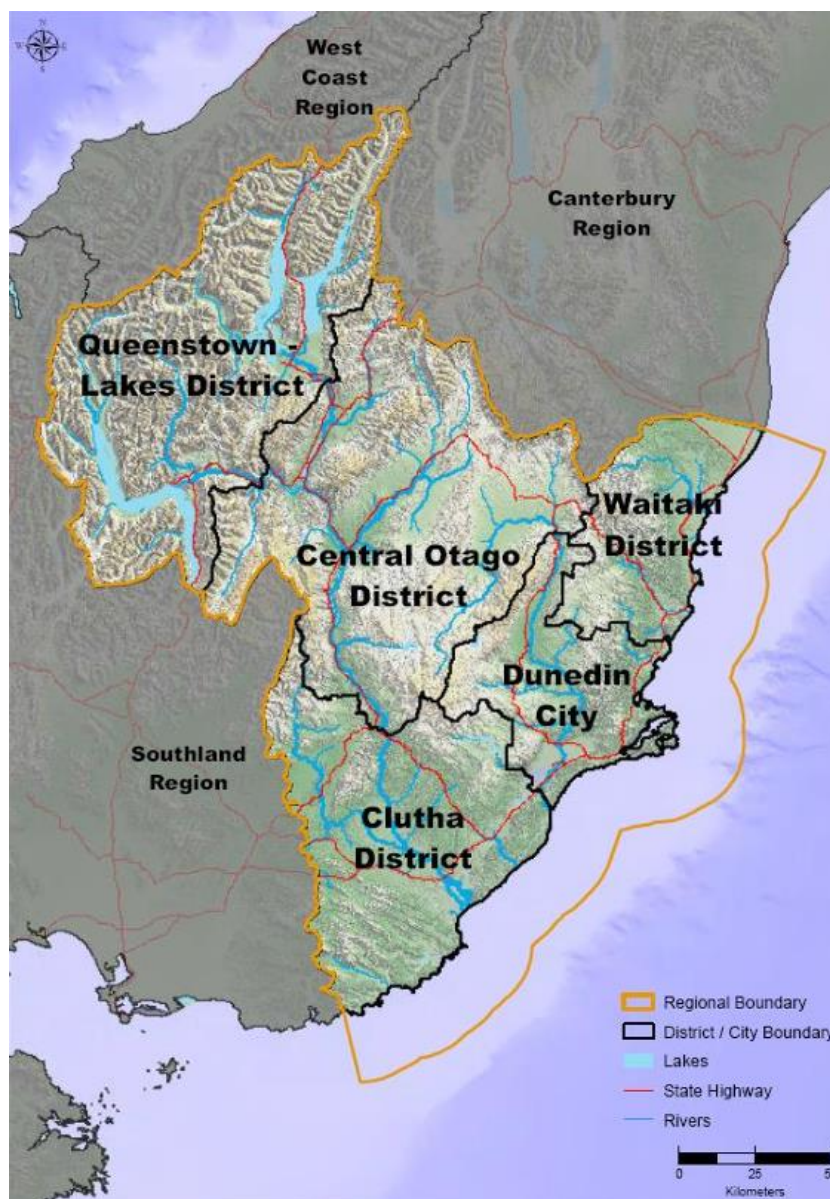


Figure 5. Boundaries of the territorial authorities located within the Otago region (Otago Regional Council, 2021a, p. 3).

Historic colonial activity has left its mark throughout the region, with pastoral homesteads, infrastructure from the gold rush era, and colonial architecture remaining. Agriculture remains a main source of revenue for the region, alongside mining for gold and other minerals. Tourism also provides for around 25% of Otago's Gross Domestic Product, which is the highest proportion for any region in New Zealand (Otago Regional Council, 2021a). Renewable energy generation facilities in the Central Otago, Clutha, and Queenstown Lakes Districts meet a large portion of regional and national energy requirements (Otago Regional Council, 2021b).



Figure 6 (left). University of Otago buildings, Dunedin (Lucy Travis, 2023). Figure 7 (left). Buckingham Street, Arrowtown (Lucy Travis, 2022).



Figure 8 (centre). Hayes Engineering, Otarehura (Lucy Travis, 2023). Figure 9 (right). Harbour Street, Oamaru (Lucy Travis, 2015).

### **5.2.1 Dunedin City**

Dunedin was settled as a Scottish Free Church settlement from 1848. These origins were influential in the city's development and ethos. Early public buildings, constructed in stone and brick, and Queen Anne-style architecture have created an unmistakably Scottish appearance. The city's built heritage is also linked to the Otago goldrush, where Dunedin became the main port through which miners entered New Zealand. Dunedin's population exploded and it became the country's largest city (King, 2003). With the gold rush came the need for better wharves and storage – the harbour foreshore was reclaimed, hills flattened, and large commercial buildings were constructed in permanent materials (Hamel, 2001). The city's commercial pre-eminence was reflected in the number of businesses and banks opening and a monumental building boom, including the construction of the University of Otago, New Zealand's first university, in 1869 (King, 2003).

Today, Dunedin is the largest city within the Otago region (Otago Regional Council, 2021b). Its demographic is linked to tertiary education, with students from the University of Otago and Otago Polytechnic accounting for a large proportion of the city's population. The city's built environment is dominated by structures from its Victorian and Edwardian peak, with one in five dwellings built prior to 1920. Residents value of the city's architecture, and substantial regeneration work has been undertaken within the Warehouse Precinct, Exchange, and Princes Street (Dunedin City Council, 2015). Key issues currently facing the city include aging infrastructure, climate change and effects of sea level rise on areas of low-lying and reclaimed land, low population growth, and changes in modes of transportation (Dunedin City Council, 2015).

### **5.2.2 Queenstown Lakes District**

The Queenstown Lakes area was initially settled by pastoralists of large-scale runs, with William Gilbert Rees establishing his homestead on the shore of Lake Wakatipu, where Queenstown is located today (Hamel, 2001). Gold was discovered in the Arrow River in the early 1860s and mining settlements quickly sprung up throughout the District – Arrowtown, Cardrona, and Skippers (Hall-Jones, 2005). Evidence of the gold mining days remain, with Arrowtown retaining a significant heritage streetscape (Queenstown Lakes District Council, 2015).

The Queenstown Lakes District is the second largest District in Otago, and is the fastest growing (Otago Regional Council, 2021b). With the rapid growth of the area, key issues facing the area are linked to enabling development and creating well-designed communities that can cater for this growth. Creating thriving town centres, enhancing the performance of transport networks, and housing affordability and supply, alongside building resilience to adapt to climate change and natural hazards are priorities for the region (Queenstown Lakes District Council, 2024).

### **5.2.3 Central Otago District**

Central Otago was dominated by large runs, which were broken up in the late 1800s. This led to a flurry of farmstead construction around the turn of the century, including the Morven Hills Station located near the Lindis Pass. As large runs were broken up, small orchards and dairy farms began to develop along the main river valleys of the Clutha (Hamel, 2001). Gold was discovered in the Clutha River, near the junction with the Kawarau River in 1862, setting off a major rush to the area. Rushes followed throughout Central Otago and into the Queenstown Lakes District. Small townships were set up as service centres for the miners. Some towns, such as Naseby and St Bathans, were centred on the

workings while others, such as Cromwell, were located at a critical point on the main transport route (Hamel, 2001).

The impacts of colonial settlement on the Central Otago landscape remain highly visible. Like other areas of Otago, gold miners left a distinctive built heritage, and historic streetscapes are seen in St Bathans, Clyde, and Cromwell. Water races and dams formerly used for sluicing remain and have been repurposed for irrigation. Former mining sites remain an integral part of the District's landscape, particularly in St Bathans, Bannockburn, and Bendigo (Central Otago District Council, 2008). More recently, the Clyde Dam raised the level of the Clutha River in the Cromwell Gorge, generating hydroelectricity but flooding historic sites, scenic reserves, and orchard land (King, 2003).

The area now comprises a variety of small towns, with a strong primary sector linked to construction, tourism, and hydroelectricity. The Central Otago District has experienced population growth over the past 10 years, and the population increases further over the summer months. Key priorities for the area include: improving the District's resilience from climate change, which is expected to affect the intensity and frequency of natural hazards, and seismic events; accessibility in urban centres of Cromwell and Clyde which are experiencing population growth; and upgrades to the Clyde heritage precinct (Central Otago District Council, 2021).

#### **5.2.4 Clutha District**

The European occupation of the Clutha District is linked to whaling at Port Molyneux, Taieri Mouth, and Tautuku from 1788. European whalers arrived and established small settlements from which they shipped products internationally. As with other areas throughout Otago, Clutha was also heavily impacted by the discovery of gold, and the industries supporting the miners. Sawmills were established, supporting a booming logging trade. Cleared land was then used for farming, from which modern dairy farming was established (Clutha District Council, 2024).

The Clutha District comprises the smallest population in Otago. The area is mostly comprised of small service townships for the surrounding rural hinterland, with Balclutha being the main urban area. Primary industries remain a main element of the area's economy (Clutha District Council, 1995). The area has a relatively stagnant and aging population, with little population growth predicted. One of the key priorities for the area is to attract new residents and visitors, and supporting culture and heritage has been identified as a contributor to community development. Investment in infrastructure and resilience to climate change are also identified as issues for the area (Clutha District Council, 2024).

#### **5.2.5 Waitaki District**

The colonial history of the Waitaki District is also linked to early sealing and whaling, followed by extensive pastoral farming (Waitaki District Council, 2013). The easy terrain and shorter distances from Ports made farm development easier in the Waitaki District, resulting in large landholdings with significant homesteads, for example, Campbell Park in the Waitaki Valley (Hamel, 2001). Towns were established to support the surrounding agricultural communities (Waitaki District Council, 2013). Like other districts in Otago, the increased activity and prosperity associated with the gold rush also affected Waitaki. Small settlements were established along the Pigroot and the larger centres also saw prosperity. In Oamaru, buildings were constructed out of the readily accessible limestone. Oamaru quickly became self-sufficient with many industries established in its early years (Waitaki District Council, 2013).

The Waitaki District has also experienced population growth, with most growth occurring in Oamaru. Key issues currently facing the Waitaki District include working with the community to respond to COVID-19 challenges by drawing visitors back to the area, including by enhancing Oamaru's heritage, and obtaining the best value for rates as Waitaki occupies a large land area with a small population. Like other areas, the effects of climate change and natural hazards are identified as a key challenge facing Waitaki (Waitaki District Council, 2021).

The Waitaki District encompasses land on either side of the Otago-Canterbury regional boundary, with the north-west part of the Waitaki District located within the Canterbury region. As a result, the WDC must give effect to the objectives and policies contained in both the ORC and Canterbury Regional Council RPSs (Waitaki District Council, 2013).

### 5.3 Otago Regional Policy Statements

The RPSs produced by the ORC are relevant to this research as they sit in the middle tier of the hierarchy of planning documents, outlined in 3 above. A RPS must give effect to higher order planning documents and each territorial authority is required to give effect to the objectives and policies of the RPS in their district plans. The ORC is currently operating under two Regional Policy Statements – the Partially Operative Otago Regional Policy Statement 2019 (**POORPS 2019**) and the Proposed Otago Regional Policy Statement 2021 (**pORPS 2021**). Both documents are partially operative.

The RPSs provides a high-level policy framework for the sustainable management of Otago's natural and physical resources by identifying regionally significant issues and the objectives, policies, and methods to direct how these resources should be managed (Otago Regional Council, 2021a, 2021b). The protection of built heritage is not specifically identified as an outcome in either the POORPS 2019 or pORPS 2021, but both documents recognise the value of historic heritage resources in their contribution to the region's character, sense of identity, and tourism economy:

*Historic heritage resources are recognised and contribute to the region's character and sense of identity (POORPS 2019, 5.2).*

*Otago's unique historic heritage contributes to the region's character, sense of identity, and social, cultural and economic well-being, and people's understanding and appreciation of it is enhanced, and that it is protected for future generations against inappropriate subdivision, use and development (pORPS 2021, HCV-HH-O3).*

Underpinning policies and methods in both documents seek to identify, protect, and integrate heritage resources into current and future use. Protection measures suggested include:

- assessment criteria,
- development standards to control the scale, intensity, form, and location of activities,
- resource consent conditions providing buffers or setbacks between heritage resources and incompatible activities,
- providing for activities that seek to retain and reuse heritage resources, and
- preparing heritage alert layers.

Both the POORPS 2019 and pORPS 2021 contain criteria for the identification of heritage and its values. These proposed criteria have been reproduced in Appendix B. The pORPS 2021 builds on the POORPS 2019 criteria with the addition of a heritage value typology and also seeks to employ a consistent

methodology in identifying heritage resources (see pORPS 2021, HCV-HH-E2). The use of non-regulatory methods is also suggested, although none are specified.

#### **5.4 Document Details**

Each of the five territorial authorities operating within the Otago region has a district plan to manage the use and development of natural and physical resources. The documents reviewed as part of this research are as follows:

- Dunedin City Council (**DCC**) – Second Generation Plan (**2GP**)
- Queenstown Lakes District Council (**QLDC**) – Proposed District Plan (**PDP**)
- Central Otago District Council (**CODC**) – District Plan (**DP**)
- Clutha District Council (**CDC**) – District Plan (**DP**)
- Waitaki District Council (**WDC**) – District Plan (**DP**)

In the following chapter, the documents have been referred to collectively as the **Plans** or by the acronym identified above. Provisions of each Plan that have been referred to in the text are included in brackets following each reference.

These documents are all at varying stages of the plan making process. While some have been produced more recently, some contain chapters dating back to 1998. The details of the Plans and the chapters that have been reviewed as part of this research are summarised in Table 5 on the following page. The date of each section has been included as, at times, this can explain anomalies in the findings.

#### **5.5 Summary**

The early colonial settlement has had a lasting impact on the architecture and landscape of Otago. Dunedin was an early key port, through which colonial settlers arrived in Aotearoa New Zealand. Initially, pastoralism was an important land use, and early communities were centred around the trade and infrastructure required to run these large land holdings. Later, gold mining brought prosperity and further development to Otago. In the present day, heritage cityscapes and historic townships remain throughout the region.

The comparable nature of the area makes it a useful case study to analyse how heritage protection is addressed by different territorial authorities operating in the region. Each territorial authority is operating within the same institutional context identified in Chapter 3, and produces district plans to manage the effects of land use and subdivision activities within their area; these are key documents in heritage protection (G. Mason, 2008; McEwan, 2022). Within this context, each district is faced with numerous challenges – some common and some unique to each area – which provide important background to how each territorial authority addresses heritage protection within its district.

Table 5. Summary of the details of reviewed district plan sections within the Otago region.

<b>Territorial Authority</b>	<b>Document Title</b>	<b>Plan Type (Notification Date)</b>	<b>Section Details (Version Date)</b>	<b>Status of Heritage Provisions</b>	<b>National Planning Standards applied? (Y/N)</b>
Dunedin City Council ( <b>DCC</b> )	Second Generation Plan ( <b>ZGP</b> )	Proposed (September 2015)	<ul style="list-style-type: none"> <li>Section 1.4 – Definitions (August 2023)</li> <li>Section 2 – Strategic Direction (August 2023)</li> <li>Section 13 – Heritage (February 2024)</li> <li>Appendix A1.1 – Schedule of Protected Heritage Items and Sites (August 2023)</li> <li>Appendix A2 – Heritage Precinct Values (August 2023)</li> </ul>	Deemed operative, with no outstanding appeals	N
Queenstown Lakes District Council ( <b>QLDC</b> )	Proposed District Plan ( <b>PDP</b> )	Proposed (August 2015)	<ul style="list-style-type: none"> <li>Chapter 2 – Definitions (November 2023)</li> <li>Chapter 3 – Strategic Direction (November 2023)</li> <li>Chapter 26 – Heritage (December 2022)</li> </ul>	Deemed operative, with no outstanding appeals	N
Central Otago District Council ( <b>CODC</b> )	District Plan ( <b>DP</b> )	Operative (April 2008)	<ul style="list-style-type: none"> <li>Section 2 – Significant Resource Management Issues of the District (July 2013)</li> <li>Section 11 – Heritage Precincts (February 2023)</li> <li>Section 14 – Heritage Buildings, Places, Sites, Objects, and Trees (November 2012)</li> <li>Section 18 – Definitions (July 2009)</li> <li>Section 19.4 – Register of Heritage Buildings, Places, Sites &amp; Objects, and Notable Trees (July 2009)</li> </ul>	Operative, plan change 20 affecting Section 11 notified	N
Clutha District Council ( <b>CDC</b> )	District Plan ( <b>DP</b> )	Operative (January 1995)	<ul style="list-style-type: none"> <li>Section 2 – Strategic Direction (June 1998)</li> <li>Section 3.5 – Heritage (June 1998)</li> <li>Section 5 – Definitions (June 1998)</li> </ul>	Operative	N

Territorial Authority	Document Title	Plan Type (Notification Date)	Section Details (Version Date)	Status of Heritage Provisions	National Planning Standards applied? (Y/N)
Waitaki District Council ( <b>WDC</b> )	District Plan ( <b>DP</b> )	Operative (June 2013)	<ul style="list-style-type: none"> <li>• Part 2.2 – Heritage Objectives and Policies (August 2010)</li> <li>• Part 3.1 – Definitions (August 2010)</li> <li>• Part 3.11 – Heritage Rules (August 2010)</li> <li>• Part 3.7 – Business (July 2004)</li> <li>• Appendix B – Heritage Items (undated)</li> </ul>	Operative	N

## 6 Assembling the Results: Approaches to Heritage Protection in Otago

This chapter establishes how heritage protection is currently implemented by territorial authorities in the Otago region. As noted in Chapter 4, the research method involves document analysis of planning documents produced by the five territorial authorities operating within the Otago region. District plans were selected as documents for review as they are the key documents protecting built heritage in Aotearoa New Zealand (G. Mason, 2008; McEwan, 2022). This chapter examines and compares how themes and methods of heritage conservation identified in Chapter 2 and 3 are incorporated into each Plan, structured according to the three dimensions identified by Chen et al. (2021). This structure was adopted as it identifies three key areas where heritage conservation is applied in planning. The results of this review show that the contested nature of heritage conservation is reflected in each document. This indicated the need for stronger policy guidance to address how heritage protection is provided by territorial authorities, as is further discussed in Chapter 7.

### 6.1 Recognition of Heritage

The benefits of heritage conservation (discussed in 2.1) appear to be well understood in the Plans. The literature outlined that the importance of heritage conservation is well recognised, both on a national and international level, and the sociocultural, economic, and environmental benefits are known (Gregory & Stoltz, 2015; Kalman & Letourneau, 2021; Ripp & Rodwell, 2016). All Plans reflected this sentiment and identified that built heritage makes an important contribution to the cultural and economic interests of each District; however, further emphasis could be placed on the environmental benefits of heritage and the role heritage can play in creating a sense of place.

There was some variation in the level of importance placed on the protection of built heritage. This finding was inferred from comparing how heritage protection is discussed in each Plan. At one end of the spectrum, the DCC 2GP heritage provisions are substantial. Built heritage is positioned as a central feature of Dunedin, with protecting the city's heritage identified as a key aspect of the strategic direction for the city:

*Dunedin's heritage is central to its identity and is protected and celebrated as a core value of the city, through the heritage conservation and retention of important heritage items, and the maintenance and active use of built heritage (s. 2.4.2).*

The CODC DP, WDC DP, and QLDC PDP place heritage protection in the context of each district. The CODC DP focuses on the economic and cultural contribution that heritage provides for the area and multiple objectives and policies comment on the economic benefits that heritage has for the area in attracting visitors to Central Otago:

*Tourism... is an increasingly important component in the Central Otago economy. The development of the Otago Central Rail Trail... conservation and promotion of heritage values including those associated with the Otago Goldfields Park... are likely to strengthen Central Otago's tourist industry (s. 2.3.4).*

*The Central Otago District contains a rich and varied array of built heritage which makes a significant contribution to the amenity values of the District and act as an important tourist attraction. Of particular significance is the historic township of St Bathans, older parts of Naseby, Clyde and Ophir, and Old Cromwell (situated at Melmore Terrace) (s. 2.7.1).*

Similarly, the WDC DP addresses the character that built heritage creates and the role it plays in attracting visitors:

*Resources of heritage value, by providing distinctive economic, social and cultural opportunities contribute to the present and future environment in many ways. This includes:*

- *a sense of place, identity and continuity for a community;*
- *a pleasant environment for people's activities;*
- *a record of human activity through time, maintaining a link with the District's history as it develops;*
- *contribution to the character of an area or locality;*
- *basis for community well-being and understanding;*
- *interest for visitors and associated economic opportunities (s. 2.2.1).*

The QLDC PDP recognises heritage in the strategic direction of the area in the context of development (see s. 3.1.h), with objectives targeting development that is sympathetic to the heritage values and character of existing communities:

*3.2.3 A quality built environment taking into account the character of individual communities.*

*3.2.3.1 The District's important historic heritage values are protected by ensuring development is sympathetic to those values.*

*3.2.3.2 Built form integrates well with its surrounding urban environment.*

At the other end of the spectrum, built heritage is mentioned once in the strategic direction of the CDC DP. The Plan simply states that the area has built heritage related to the district's identity and past and that the RMA 1991 requires the Council to have regard to the recognition and protection of these features. This brevity was interpreted to signal that the protection of built heritage may not be a strategic priority for the area; however, this chapter of the CDC DP was prepared in 1998 and may not reflect the current context of the area.

Notably, these excerpts show that the role of heritage has been placed within the context of each area. This finding is consistent with Hobson (2001) and Ludwig (2016), who outlined that local authorities are best placed to respond to local circumstances and characteristics. Multiple Plans note that heritage plays an important role in creating identity and leverage heritage tourism, referencing heritage as attracting visitors to the area, for example, the provisions of the DCC 2GP and WDC DP noted above. Development is a pressure facing the Queenstown Lakes District (see 5.2.2), and the QLDC PDP seeks to protect built heritage with ensuring development is sympathetic. In this way, the role of heritage can reflect and respond to local circumstances (see Hobson, 2001; Ludwig, 2016).

### **6.1.1 Heritage Values**

Recognition of the concept of 'heritage values' was expected in each Plan based on the literature outlined in 2.2.3.c above. Identifying 'heritage values,' being qualities and characteristics embodied in built heritage, is a relatively settled concept in heritage conservation (Chen et al., 2021; Chitty & Smith, 2019; McClelland et al., 2013). Value-based methods are the principal approach adopted in the Otago region, with all five plans recognising the concept of heritage values, however, only three of the plans adopted heritage value typologies.

The DCC 2GP, QLDC PDP, and WDC DP all provide heritage values to be used to identify built heritage to be scheduled in each Plan (see Table 6). The QLDC PDP provides further assessment criteria under each value. For example, under 'townscape and context value,' are the following assessment criteria:

- a. whether the feature plays a role in defining a space or street;*
- b. whether the feature provides visual interest and amenity;*
- c. degree of unity in terms of scale, form materials, textures and colour in relation to its setting and/or surrounding buildings (s. 26.6.1.4).*

While the CODC DP and CDC DP do not specify a value typology, these plans recognise the concept of heritage values. The CODC DP referenced heritage values on a more general level, with the recognition and protection of heritage values seen as important:

*11.2.1 To recognise and protect the heritage values and character of the District's heritage precincts.*

*14.2.3 ...there are a large number of isolated buildings and objects throughout the District which have significant heritage values, some of which have been registered by the NZ Historic Places Trust.*

Similarly, the CDC DP also recognises that heritage protection involves the conservation of heritage values:

*Policy HER.4 To conserve the heritage values of those buildings and structures, identified in the Register of Heritage Items contained in Table 13.1.*

Some variation in heritage value typologies was also anticipated based on the literature review where there was little agreement on what heritage values should be recognised in planning frameworks. Sharkansky (2004) identified that heritage values can be amorphous, with most stakeholders, organisations, and scholars having slightly different conceptions of heritage value. This was seen in the plans produced for districts in Otago.

While there were some commonalities in the three plans that adopted typologies, the chosen terms to identify heritage value differed. All three plans recognised historic and social, spiritual and cultural, and technological or scientific significance or value. The QLDC PDP added townscape and contextual, rarity and representative, and archaeological values (see s. 26.6.1) and the WDC DP also recognised group and landmark values (see s. 2.3.4). The value typologies adopted in these three plans are summarised in Table 6.

Table 6. Heritage value typologies recognised in each Plan.

Heritage Values	DCC 2GP	QLDC PDP	WDC DP
Archaeological		✓	
Architectural (Design) <sup>6</sup>	✓	✓	✓
Group			✓
Historic and Social	✓	✓	✓
Landmark			✓
Rarity and Representative		✓	
Spiritual and Cultural	✓	✓	✓
Technological or Scientific <sup>7</sup>	✓	✓	✓
Townscape and Contextual		✓	

Although different terms were adopted, there is some overlap in meaning. All plans recognised some variation of architectural value, with the DCC 2GP including ‘design’ significance in its typology (see s. 2.4.2.1). Although ‘design’ significance is not defined in the 2GP, the term could be seen to align with architectural value. Similarly, ‘group,’ ‘townscape,’ and ‘contextual’ values could be seen to recognise streetscape or townscape values of built heritage. As noted above, section 26.6.1 of the QLDC PDP outlines that townscape and contextual value includes “whether the feature plays a role in defining a space or street” and the “degree of unity in terms of scale, form, materials, textures, and colour in relation to its setting and/or surrounding buildings.” ‘Group’ and ‘landmark’ value are not defined in the WDC DP, but the ordinary meaning of these words implies a similar meaning to the elements listed in section 26.6.1 of the QLDC PDP.

The heritage value typology provided in the definition of ‘historic heritage’ in the RMA 1991 was largely adopted in the Plans, with some additional values aligning with the HNZPTA 2014, and pORPS 2021. Section 2(1) of the RMA 1991 defines ‘historic heritage’ as having archaeological, architectural, historical, cultural, technological, or scientific value. A combination of these values was largely adopted in the typologies outlined in each Plan, for example, all Plans referenced ‘historic and social’ value. The HNZPTA 2014 identifies historic places as having aesthetic, archaeological, architectural, cultural, historical, scientific, social, spiritual, technological, or traditional significance or value. The same typology has been adopted in the pORPS 2021. Table 7 lists the typologies contained in these higher order documents and indicates whether each value has been adopted in each Plan. The POORPS 2019 has not adopted a value typology, and instead contains a list of criteria to identify places of heritage value. As such, it has not been included in Table 7 below.

<sup>6</sup> ‘Design’ has been included under architectural value.

<sup>7</sup> The WDC DP recognised only technological significance, while the DCC 2GP and QLDC PDP recognised technological and scientific value together.

Table 7. Heritage value typologies recognised in each Plan, compared to the RMA 1991, HNZPTA 2014, POORPS 2019, and pORPS 2021.

RMA 1991	HNZPTA 2014	pORPS 2021	DCC 2GP	QLDC PDP	WDC DP
	Aesthetic	✓			
Archaeological	Archaeological	✓		✓	
Architectural	Architectural	✓	✓	✓	✓
Cultural	Cultural	✓	✓	✓	✓
Historic	Historic	✓	✓	✓	✓
Scientific	Scientific	✓	✓		
	Social	✓	✓	✓	✓
	Spiritual	✓	✓	✓	✓
Technological	Technological	✓	✓	✓	✓
	Traditional	✓			

The pORPS 2021 is a higher order document in the hierarchy of planning documents and, as such, greater consistency and alignment was expected between the typologies contained in these documents and the Plans. Section 75(4) of the RMA 1991 also requires that the Plans give effect to the objectives and policies of the pORPS 2021. As noted earlier, this anomaly can be explained by the notification dates of the Plans. A closer review identified that all the Plans were notified before the pORPS 2021 and, as such, would not have taken the typology outlined in the RPS into consideration.



Figure 10. Heritage values referenced in the POORPS 2019, pORPS 2021, and Plans.

The Plans show variation in the adopted heritage value typologies. Although there are some commonalities, a broad range of values are recognised in both the pORPS 2021 and within the Plans. Figure 10 provides a graphical representation of the frequency in which each value appeared in each heritage value typology – the larger the word, the more common the value was across the documents. This variation could be addressed by a NPS on built heritage.

### 6.1.2 Types of Built Heritage

Individual buildings are identified and protected in all the Plans, demonstrating the preservationist and conservationist approaches to heritage protection outlined in Chapter 2. Upon an initial review, the identification of individual buildings appears to reflect the early preservationist approach to heritage

protection, where the individual and monumental was the focus of heritage conservation practice (see Ashworth, 2011; Harrison, 2010). However, looking through these individual entries shows a representative mix of built heritage recognised in each Plan, ranging from cottages and dwellings to museums. For example, section 26.8 of the QLDC PDP recognises a fish smoker near Lake Hayes, miners’ cottages lining Anglesea Street in Arrowtown, the Edith Cavell Bridge at Arthur’s Point, to a historic slipway and cradle on the shore of Lake Whakatipu. A diverse range of built heritage is recognised in these Plans, demonstrating both the exceptional and representative aspects of Otago’s colonial history. This was expected given the shift of heritage conservation practice from the late 1960s (as described by Jokilehto, 2018), outlined as Policy Shift 1 in 2.2.3.a.

Heritage precincts and areas also feature in the Plans. The inclusion of heritage precincts/areas in the Plans demonstrates Policy Shift 2 (see 2.2.3.b). Conservation efforts have broadened from their focus on individual buildings and sites, to include historic landscapes and areas. Heritage precincts/areas are generally understood to be locations that have retained a sense of their original settlement, for example, dwellings of a similar style, and the conservation of heritage precincts/areas should focus on considering the area as a coherent whole (Jokilehto, 2018). Although different terminology is adopted across the Plans, the sentiment of the identified heritage precincts, areas, streetscapes, or townships is the same. In general, these precincts/areas were identified as locations that have high streetscape values due to the concentration of unified buildings that contribute to the streetscape. The description and objectives of identifying heritage precincts/areas identified in each Plan is summarised in Table 8 below.

*Table 8. Definition and purpose of identifying heritage precincts/areas in each Plan.*

Plan	Description	Objectives
DCC 2GP	...areas with concentrated collections of high quality period buildings, whose appearance and character contributes significantly to the streetscape (s. 13.1)	<ul style="list-style-type: none"> <li>Protect the heritage streetscape character... by identifying important heritage precincts and zoning these as heritage precincts and using rules to: manage the design and materials used in additions and alterations to character-contributing buildings and scheduled heritage buildings, and major additions and alterations to non character-contributing buildings within heritage precincts; and manage the design of new buildings to ensure they are sympathetic to the heritage streetscape character and contribute to the amenity of the CBD (s. 2.4.3.2)</li> </ul>
QLDC PDP	No description provided	<ul style="list-style-type: none"> <li>The diversity of historic heritage features, heritage precincts, heritage overlay areas and values associated with them, are recognised (s. 26.3.3)</li> </ul>
CODC DP	...areas worthy of special attention for the retention of heritage values based on one or more of the following criteria:	<ul style="list-style-type: none"> <li>Building development in these precincts must be controlled to retain the character and values of these areas (s. 14.2.2)</li> </ul>

	<ul style="list-style-type: none"> <li>• A particular unified scale, style, and character of buildings,</li> <li>• A particular diversification and representative scale, style, and character of buildings,</li> <li>• A particular historic association, and/or</li> <li>• A particular townscape quality (s. 14.4.1)</li> </ul>	<ul style="list-style-type: none"> <li>• To recognise and protect precincts, buildings, and objects that contribute to the character, amenity, and heritage values of the District to enable the District’s communities and people to provide for their social, economic, and cultural wellbeing (s. 14.3.1)</li> <li>• Identifying and developing specific provisions for development in these areas will best promote the sustainable management of what is a valuable resources (s. 14.5.1)</li> </ul>
CDC DP	...areas of the District with a marked concentration of historical buildings, structures, or features (HER.5)	<ul style="list-style-type: none"> <li>• To identify and, where appropriate, protect areas of the District with a marked concentration of historical buildings, structures, or features (HER.5)</li> <li>• To maintain the historical character of a place (HER.5)</li> </ul>
WDC DP	No description provided	<ul style="list-style-type: none"> <li>• Specific controls to maintain and enhance the special visual qualities of the area and retain the architectural integrity of the buildings as a group (s. 7.1.7)</li> </ul>

The QLDC PDP and WDC DP do not provide a description of how a ‘heritage precinct/area’ has been identified in each Plan. While the term is left undefined, in general, heritage precincts identified in the QLDC PDP were areas that were identified as containing a collection of historic buildings with group and townscape values. For example, the Queenstown Courthouse Heritage Precinct was noted as representing “the historically significant civic centre of Queenstown and contains a number of important heritage buildings” (s. 26.7.2). The ‘group’ value of the buildings within the Precinct are identified as a key feature to be protected (s. 26.7.3). Similarly, the description of the Business Heritage Zone in the WDC DP “recognises the aesthetic, cultural, historic, and architectural qualities of buildings in the area” (s. 7.1.7).

While all five Plans identify heritage precincts/areas, some are more detailed in their description and protection. The DCC 2GP is the most comprehensive, identifying 19 heritage precincts throughout the city. Each precinct has a detailed description, which includes key values to be protected, threats to these values, and characteristics that could be incorporated into new structures within each precinct (see DCC 2GP, Appendix A2). The QLDC PDP, CODC DP, and WDC DP also provide brief descriptions of each heritage precinct, with the QLDC PDP including a list of key features to be protected. The QLDC PDP and CODC DP both identify five heritage precincts, with the WDC DP identifying a single heritage area.

The CDC DP appears to take a slightly different approach to the identification and protection of heritage precincts. No description of heritage precincts/areas are provided in the CDC DP and it is unclear from the reviewed sections of the CDC DP whether any heritage precincts/areas are protected by the Plan. The explanatory note under Policy HER.7 states:

*Council recognises that it is not always appropriate or necessary to formally protect historic or significant buildings although such buildings may contribute to the character and amenity values of an area. In order to retain these buildings of lesser historical importance but which make a*

*valuable contribution to a neighbourhood, Council will actively promote their retention and preservation.*

As such, rules are not applied to these buildings that make a contribution to the heritage streetscape of a neighbourhood. No further detail is provided as to how CDC might promote their retention and preservation.

The DCC 2GP and QLDC PDP also distinguish between buildings that are deemed to contribute, or not contribute, to the character of the heritage precinct. In the DCC 2GP, character-contributing buildings were those that contributed to the heritage streetscape character of the precinct due to their architectural design or style being consistent with the predominant features of the heritage precinct. Non character-contributing buildings were those that did not provide a significant contribution to the precinct or were inconsistent with the predominant character of the area. Different rules were applied to control additions, alterations, and demolition of these buildings, recognising that the removal of a non character-contributing buildings may have little effect on the heritage values of the precinct. The QLDC PDP also identifies contributory and non-contributory buildings within each precinct.

Although there are various approaches to identifying heritage precincts/areas in the Plans, there is consistency in the overall intention of these areas. As outlined in Table 8, the focus in the identified heritage precincts/areas is to protect the collective, visible character of the area created by the collection of individual buildings. A NPS on built heritage could provide definitions of common terms to reduce variation between the Plans. There is also consistency in how protection is provided for these identified areas – through rules to control impacts on the identified values of each precinct/area; however, different activity statuses were applied. This is discussed further below under 6.2.2.

## **6.2 Planning Tools and Methods**

### **6.2.1 Schedules/Lists**

All Plans had schedules, registers, inventories, or lists identifying built heritage, reflecting the settled international approach outlined by Ashworth & Howard (1999), Brown (2010), and Chen et al. (2021). These schedules identified built heritage within each area, where resource consent would be required for certain activities affecting the buildings contained in the list. There was significant variation in the length of the heritage schedules, which ranged from seven in the CDC DP to 74 pages in the DCC 2GP, with additional pages for character-contributing buildings and heritage precincts.

The level of detail in each schedule also varied. R. Mason (2002) outlined that protected heritage values and physical attributes of built heritage need to be clearly articulated. This implies there should be sufficient detail in the Plans to understand the heritage values embodied in the site and how these are represented in tangible materials or aspects. Only the DCC 2GP specified building elements that were protected, with different rules applying to ‘protected’ and ‘unprotected’ parts of the building. The level of protection ranged from interior features and the entire external building envelope, to just the street front façade. Some scheduled items had a detailed list of building elements, for example, the Dunedin Railway Station at 20 Anzac Avenue, where the “entire external building envelope and foyer, stained glass windows featuring locomotives, Royal Doulton facings at the ticket offices, Royal Doulton frieze of cherubs and foliage, wrought iron balustrades, and mosaic floor” are protected (Schedule A1, Site No. B005).

Three of the five Plans adopted categories to identify the relative levels of importance of each heritage item, with different levels of protection afforded to each category. Adopting hierarchical categories to protect built heritage is a common approach seen internationally (see Ashworth & Howard, 1999) and this approach is also present in the HNZPTA 2014, where HNZPT can assign categories based on a set of criteria which assess the site's relative importance to New Zealand history (see HNZPTA 2014, section 66(3)). The QLDC PDP identified "the District's most significant known listed heritage features" in an inventory and categorised these "according to their relative level of importance" which allows different levels of regulatory protection to be applied (s. 26.2.1). For listed heritage features there are three categories:

*Category 1 Heritage Features warrant the highest level of protection as they are very significant nationally or regionally. Category 1 shall include all places of the highest historical or cultural heritage significance including, but not limited to, all features in Category 1 of the Heritage New Zealand 'New Zealand Heritage List/Rarangi Kohero' [sic].*

*Category 2 Heritage Features warrant permanent protection because they are very significant to the District and/or locally.*

*Category 3 Heritage Features are significant to the District and/or locally and their retention is warranted. The Council will be more flexible regarding significant alterations to heritage features in this Category. Category 3 shall include all other places of special historical or cultural value (s. 26.2.2).*

The WDC DP also classified heritage items into two different categories, according to their significance:

#### *Category A*

*The heritage item warrants permanent preservation because of its exceptional significance to the District. The Council would be unlikely to approve any significant alteration (but would take steps to arrange compensation or acquisition if the owners' property rights are unreasonably restricted). Category A shall include all places of special or outstanding historical or cultural heritage significance that are included in Category 1 of the N.Z. Historic Places Trust's Register. It shall also include all heritage buildings in the Business H Zone, regardless of their category on the register. This is in recognition of the importance of the heritage values in this Zone.*

#### *Category B*

*Preservation of the heritage item is encouraged. The Council will be more flexible regarding significant alterations. Category B shall include all places of special or outstanding historical or cultural heritage significance that are included in Category 2 of the N.Z. Historic Places Trust's Register (s. 2.3.4).*

The CODC DP did not adopt its own categories, but instead incorporated the categories of the HNZPT List to determine the level of protection afforded to each heritage feature. Items that were included in the HNZPT List as Category 1 features were provided a greater level of protection than Category 2 features and other listed items on the CODC DP schedule. For example, any alteration to a Category 1 building required resource consent as a discretionary activity (see s. 14.7.1(a)), while the Plan is silent on alterations to the interior of a Category 2 building, implying resource consent is not required and can be undertaken as a permitted activity.

Although articulating protected heritage values and physical attributes can create clarity (see R. Mason, 2002), it may act to fix these values in time, conflicting with the amorphous nature of heritage values by fixing these in time. Multiple Plans recognised that the schedule of built heritage contained in the Plan represented a certain point in time. For example, the WDC DP recognised that “the state of these resources will always be in a state of flux as new items are identified and development occurs” (s. 2.1). The QLDC PDP also noted that the inventory of listed heritage comprised the District’s ‘known’ heritage features at the time the plan was reviewed and that this list may subsequently change (s. 26.2.1). This is interesting because this sentiment indicates recognition of heritage is not static and unchanging over time; as the literature highlighted, heritage may be ascribed different values over time, affected by the contemporary context that affects it (Ashworth, 2011; R. Mason, 2002). This may explain why adopting categories is the predominant approach in the Otago region. Categories can allow for a general level of value to be ascribed to built heritage, which is associated with a level of protection (see Ashworth & Howard, 1999), without specifying exact physical attributes and values that may change over time.

All Plans included reference to the HNZPT List (or its predecessor the Historic Places Trust). Section 74(2)(b)(iia) of the RMA 1991 requires territorial authorities to have regard to the HNZPT List when preparing a district plan, but there is no obligation for territorial authorities to *give effect* to the List. This optional approach proposed in the RMA 1991 is reflected in the Plans. For example, the DCC 2GP references the HNZPT List categories in the schedule of built heritage; however, no further reflection on these categories is provided. In comparison, the QLDC PDP and CODC DP outlines that Category 1 features on the HNZPT are nationally significant. The CDC DP and WDC DP states that each schedule comprises all the HNZPT List entries. However, the Plans do not contain all entries on the HNZPT List, which is updated on a rolling basis. The latest review undertaken by HNZPT in 2021 confirmed that not all district plans across New Zealand contain all HNZPT List entries (Heritage New Zealand Pouhere Taonga, 2022b). Some of the heritage chapters also continue to refer to the Historic Places Trust, which was replaced by HNZPT in 2014.

There is also variation in where these schedules, registers, and lists were located within each Plan. Most were located within an appendix to the plan, while some were located within the heritage chapter. Although the intention of the National Planning Standards is to reduce unnecessary plan variation and standardise plan structure (Ministry for the Environment, 2017b), this variation will not be addressed by the Standards, which state that a schedule may be cross-referenced as an appendix (Ministry for the Environment, 2019).

### **6.2.2 Rules**

All Plans adopted rules to control activities that may affect built heritage, and these activities reflect the spectrum of heritage conservation processes identified by Kalman & Letourneau (2021). The following activities affecting built heritage were regulated by rules in most of the Plans:

- Repairs and maintenance,
- Restoration,
- Additions and alterations,
- Relocation, and
- Demolition or removal.

While there was some variation in the terminology adopted in the Plans, there were commonalities in application. For instance, the DCC 2GP and CDC DP both reference restoration of original features. The DCC 2GP defines ‘restoration’ as “return[ing] the fabric of a building or structure to a known earlier form by reassembling and reinstating components using new or original materials” (s. 1.4) while the CDC DP refers to the “restoration of any original features, details, or fabrics” (s. 3.5.4, HER.1). The activities regulated in the Plans are outlined in Table 9, ordered by level of intervention into heritage fabric (as described by Kalman & Letourneau, 2021).

In general, the level of intervention of each activity defined the activity status. More enabling rules were applied to activities that involved less intervention into heritage fabric and vice-versa. Figure 11 provides a breakdown of how these activities are regulated across the Plans. The rules of each Plan were reviewed and categorised according to activity and activity status. Some Plans contained multiple rules for each activity, for example, additions and alterations to a ‘higher-ranked’ (e.g., Category 1 or Category A) and ‘lower-ranked’ (e.g., Category 2 or Category B) heritage building. As such, the total references to each activity as depicted in the below figure will not add to five, being the total number of Plans reviewed. Figure 11 shows that, in general, more enabling rules were applied to repairs and maintenance, restoration, and other works that would improve the safety or accessibility of heritage buildings. Activities resulting in irreversible changes, for example, relocation, demolition, and other additions and alterations were subject to greater levels of control.

*Table 9. Activities affecting built heritage addressed in the Plans.*

	Activity	Plans	Commonalities in Application
Low    Level of intervention	Repair and Maintenance	DCC 2GP QLDC PDP WDC DP	<ul style="list-style-type: none"> <li>• Work to make good decayed fabric</li> <li>• Using like-for-like materials (i.e. replaced elements are the same or closely similar to those being repaired)</li> </ul>
	Restoration	DCC 2GP CDC DP	<ul style="list-style-type: none"> <li>• Assembling or reinstating original features</li> </ul>
	Relocation	DCC 2GP QLDC PDP	<ul style="list-style-type: none"> <li>• Removal and repositioning of a building in a new location</li> <li>• Can be on the same or different site</li> </ul>
	Additions and Alterations	DCC 2GP QLDC PDP CODC DP CDC DP WDC DP	<ul style="list-style-type: none"> <li>• Changes to the form and fabric of a building</li> </ul>
High	Demolition or Removal	DCC 2GP QLDC PDP CODC DP WDC DP	<ul style="list-style-type: none"> <li>• Complete or partial destruction of a building</li> </ul>

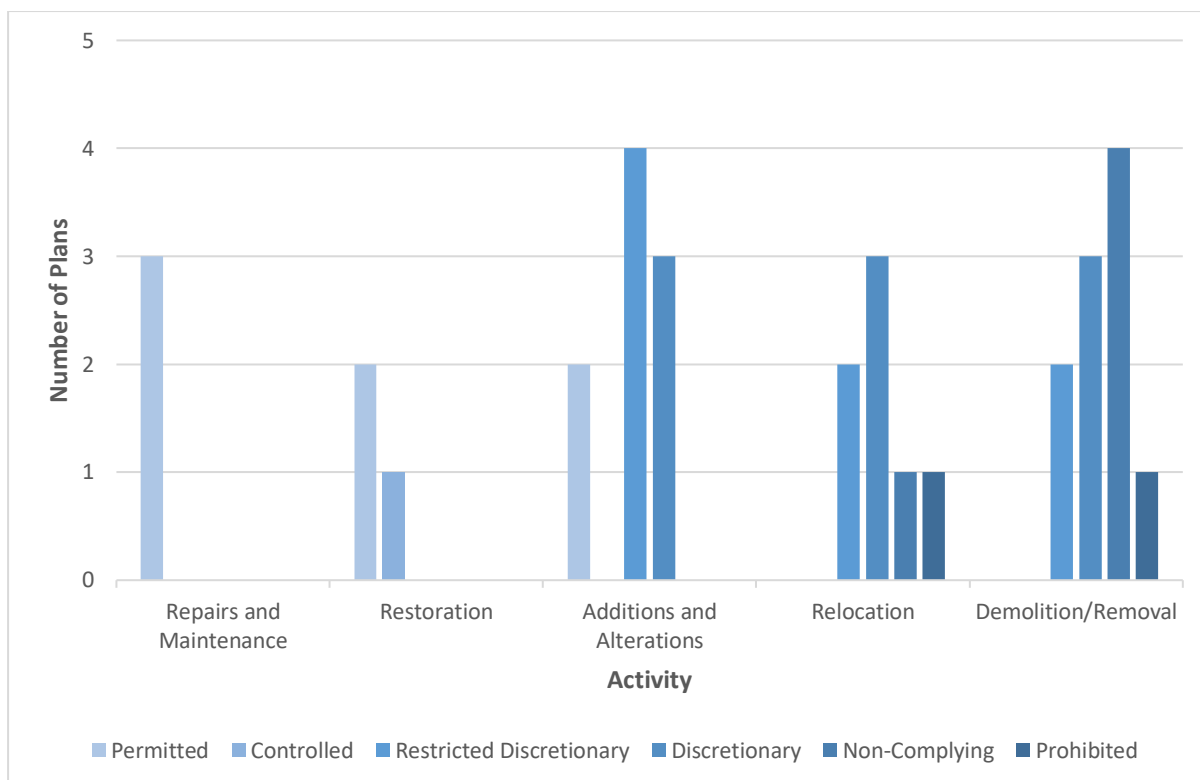


Figure 11. Activity status of activities affecting built heritage in the Plans.

Repairs, maintenance, and restoration were afforded more enabling rules, indicative of the settled practice that repair, maintenance, and restoration or reconstruction of lost features are acceptable heritage conservation processes (Ashworth, 2011). These processes also involve the lowest level of intervention into heritage fabric (see Kalman & Letourneau, 2021). In three plans, repairs and maintenance were a permitted activity where repaired materials were replaced with similar, or closely matching materials. The other two Plans were silent on the treatment of repairs and maintenance, implying that resource consent would not be required for these activities. Where the requirements of each Plan are met, building owners are able to undertake repairs and maintenance without resource consent. The restoration or reinstatement of original features was a permitted activity in two plans, and controlled in one plan for ‘higher-ranked’ heritage buildings that were identified as items of national significance on the HNZPT List. The approach seen in these Plans reflects the preservation mode that dominated early heritage conservation practice, where certain works were allowable to enable the retention of built heritage for future generations (Ashworth, 2011).

More restrictive rules were applied to additions and alterations, compared to repairs, maintenance, and restoration. This appears to be a remnant of the preservationist discourse which was hesitant to provide for change to built heritage and reuse was only tolerated where changes were not required to enable a new use (Ashworth, 2011). However, the approach seen in the Plans appears more flexible – as restricted discretionary and discretionary activities, consent can be granted (or declined) for the proposed additions and alterations. Assessment matters included effects on heritage values or heritage character, visual effects, and benefits on long term protection and future use. The QLDC PDP and CODC DP also allowed internal alterations to lower-ranked heritage items as a permitted activity.

Relocation and demolition had the most restrictive activity types, with four Plans identifying the demolition of scheduled heritage buildings as a non-complying activity. This activity status would

require close consideration of the proposed demolition. Section 104D of the RMA 1991 provides that consent could not be granted if the proposal was considered to have more than minor adverse effects or was contrary to the District Plan's policy framework. The QLDC PDP adopted a prohibited activity status for the relocation or demolition of a Category 1 heritage item (s. 26.5.3), meaning that an application for consent cannot be made for this activity; this is particularly restrictive considering the push for development within the Queenstown Lakes District referred to in 5.2.2. These more restrictive rules may be a reflection of early heritage conservation practice which developed in response to shock experienced by the destruction and loss of historic structures, which is permanent and irreversible (Jokilehto, 2018).

Additional rules were identified in some Plans. For instance, the DCC 2GP utilised development performance standards to set a baseline for works to heritage buildings, including seismic strengthening and building colours. Contraventions of these standards are a restricted discretionary activity. The DCC 2GP also provided for safety alterations, for example, seismic strengthening, classified as additions and alterations in the 2GP but as a controlled activity, a less restrictive activity status, where development standards were met (s. 13.4.2.1). The QLDC PDP also took steps to protect the setting of built heritage by requiring resource consent as a restricted discretionary or discretionary activity for new buildings and structures within the curtilage of scheduled heritage buildings (s. 26.5.9).

### **6.2.3 Development within Heritage Precincts**

All Plans also contained rules that controlled development and change within heritage precincts, reflecting the conservationist view that collections of heritage buildings are worthy of protection (described by Ashworth, 2011; Jokilehto, 2018). Jokilehto outlined that the protection of heritage precincts/areas should be focused on considering the character of the area as a coherent whole. As such, rules addressed the removal of buildings, additions and alterations to buildings that were considered to contribute to the heritage streetscape, and new buildings and structures. The majority of rules were for restricted discretionary or discretionary activities with some controlled and permitted activities for buildings deemed to be non-contributory within the precinct. There were no non-complying or prohibited activities. This implies there is more flexibility in development within heritage areas, provided there is little effect on heritage streetscape character.

Design guidelines to control new development in heritage precincts were also referenced in every Plan; however, different approaches were adopted within each Plan. In the DCC 2GP, design criteria formed part of the Plan and were detailed for each heritage precinct (DCC 2GP, Appendix A2). In all other Plans, design guidelines were incorporated by reference: the QLDC incorporates the Arrowtown Design Guidelines 2016 (s. 10.2.1.2), the CDC DP referenced the provision of "design information" (HER.7), and the WDC DP referenced guidelines to assist in the alteration, renovation or restoration, and building development to complement and enhance the historic character of the Oamaru CBD (s. 11.1.1). For changes to buildings within heritage precincts, the CODC DP also required an assessment against the relevant design guidelines (s. 11.4.1A). Although design guidelines were not identified as a planning tool during the literature review, the reference to these documents by all five Plans suggests that these can be useful tools to manage development within heritage precincts.

#### 6.2.4 Other Regulatory and Non-Regulatory Methods

Rules were the main method adopted to protect built heritage, despite a wide range of regulatory and non-regulatory methods for heritage protection described in Chapter 2. These methods include funding grants, financial incentives, rebates, and development bonuses for retaining or enhancing heritage elements. Although other options are available to instigate heritage protection, plan makers have tended to use rules over other approaches (Beattie, 2022b). This overall reliance on rules to manage heritage protection is not a new strategy and was seen in studies conducted in the 1990s (cited by G. Mason, 2008); these studies found that heritage provisions of plans produced under the RMA 1991 relied on regulation and rules rather than non-regulatory incentives. Since then, HNZPT has advocated for the use of non-regulatory incentives to encourage heritage conservation and provide a full package of assistance to the owners of built heritage (Heritage New Zealand Pouhere Taonga, 2022b).

Beyond utilising rules to protect heritage, in general, few Plans referenced other methods (Figure 12). The second most common method referenced was ‘consultation’ – this category captured references to consultation, discussion, and liaison with stakeholders in the Plans. Three of the Plans recommend discussions with relevant stakeholders, including HNZPT, the Department of Conservation, historical societies, and the local community. For example, section 14.5.4 of the CODC DP states that consultation could assist in “identify[ing] and highlight[ing] opportunities and the best means for the adaptive reuse and development of heritage buildings.” Utilising consultation can aid in ensuring community values and opinions are incorporated in the identification and assessment of heritage (Kalman & Letourneau, 2021; Nummi, 2018), which has been increasingly understood as socially constructed (see Ripp & Rodwell, 2015).

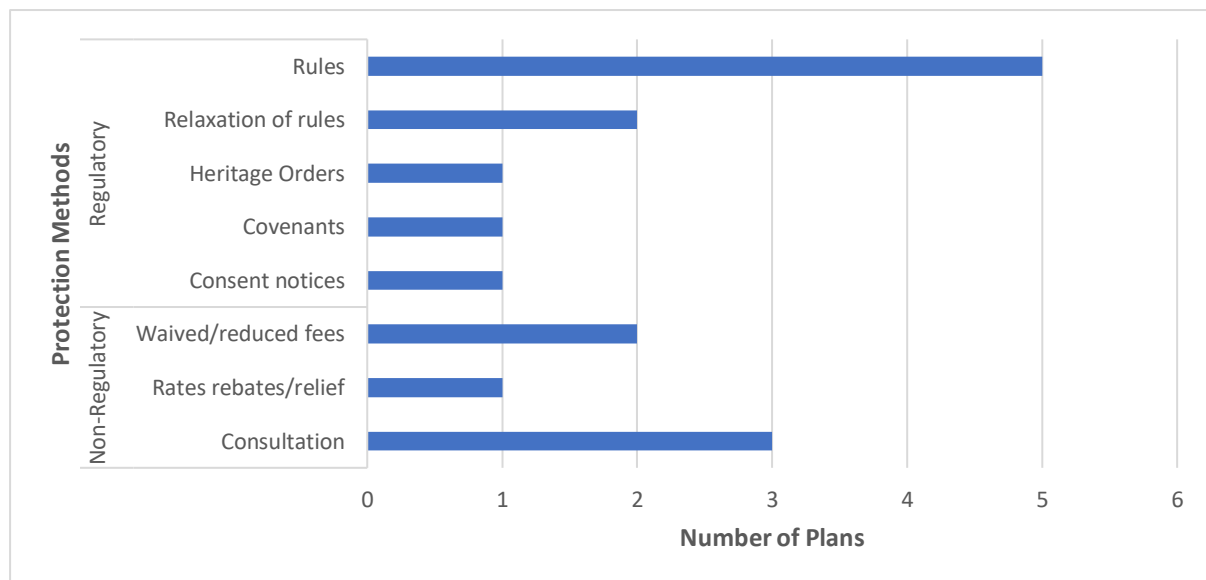


Figure 12. Methods of heritage protection referenced in the Plans.

There was limited evidence of financial support or incentives in the Plans. Two Plans noted that fees could be waived or reduced for applications involving built heritage. A notable omission from all Plans was the provision of financial incentives, for instance, in the form of funding/grants, which HNZPT (2022a) identify as forming a key aspect of the toolkit to incentivise heritage conservation. This is not to say that funding is not available – it may be provided by a territorial authority regardless of being

referenced in the Plans. For example, both QLDC and DCC have heritage funds that may be accessed by owners of heritage buildings scheduled in their respective Plan.

Few further regulatory methods were referenced in the Plans, beyond implementing rules. Other regulatory methods identified in Chapter 3 included procedures and powers provided under the RMA 1991 and HNZPTA 2014, including heritage orders, heritage covenants, and consent notices. Each of these methods was referenced in one or two Plans. Heritage orders and heritage covenants are considered to be powerful protection tools, but have been used sparingly (Ministry for Culture and Heritage, 2018; Vossler, 2000). Although two Plans recorded heritage orders within their District, only one Plan referenced the use of heritage orders as a protection mechanism that could be used to protect significant heritage features that were under threat from demolition or major modification.

Heritage New Zealand Pouhere Taonga (2022b) also suggests allowing for the relaxation of rules to encourage behaviours that would protect built heritage. Some zone rules can inhibit the development or adaptive reuse of built heritage, for example, carparking or setback requirements. Allowing for these zone rules to be relaxed can incentivise investment and support heritage sensitive development by prioritising the protection of heritage values over compliance with other requirements. The DCC 2GP enabled adaptive reuse of central city built heritage by exempting built heritage from carparking requirements:

*Policy 2.2.4.2*

*Encourage new residential housing development in the central city and larger centres, through rules that:*

*a. provide for residential development in the central city and centres; and*

*b. enable adaptive re-use of heritage buildings for apartments, including by exempting scheduled heritage buildings from minimum mobility parking requirements.*

The QLDC PDP noted that it would “provide incentives for improved outcomes for heritage values through the relaxation of rules elsewhere in the District Plan where appropriate, on a case-by-case basis” (para. 26.3.4.2) in order to enhance the heritage value of scheduled built heritage.

It should be acknowledged that some of the regulatory methods discussed above may be also addressed in other documents produced by territorial authorities, such as long-term plans under the LGA 2002. The Plans were the only documents reviewed as part of this research. Other methods of heritage protection may be employed by the territorial authorities but are not referenced in the reviewed documents. These methods have been discussed as there is scope for these methods to be included in the content of a district plan. Section 75(2)(b) of the RMA 1991 allows for “methods, other than rules, for implementing the policies for the district.” Further research is warranted to understand the full suite of protection methods available to, and applied by, territorial authorities.

### **6.3 Heritage Conservation Goals**

Overall, the Plans reflected an ‘evolving discourse of heritage’ as described by Ludwig (2016). While various aspects of a preservationist approach are adopted in the Plans (for example, scheduled heritage includes monumental and grand-scale objects of special historical significance), conceptualisations of a conservation discourse are also included (for example, recognition of representative and vernacular architecture and heritage precincts/areas). This reflects a settled

practice of preservation and conservation discourses applied in parallel, as outlined by Ashworth (2011).

While most Plans acknowledged the benefits that heritage brought to each District, there is little evidence that heritage planning ideas have been fully integrated into the Plans. This is not surprising as this discourse has evolved more recently and some of the Plans heritage provisions are dated in the 1990s. The DCC 2GP provides the most evidence of heritage planning ideology, where the importance of built heritage to the city is acknowledged in the strategic direction of the city. The city's built heritage is noted to provide a key contribution to residents' and visitors' appreciation and enjoyment of the city. Multiple policies address heritage protection as a core value of the city, "through the heritage conservation and retention of important heritage items, and the maintenance and active use of built heritage" (s. 2.4.2.1). However, restrictive rather than enabling language is used for activities affecting built heritage:

*Policy 13.2.1.5 Only allow for other additions and alterations that affect a protected part of a scheduled heritage building... where:*

- a. adverse effects on heritage values are avoided or minimised as far as practicable;*
- b. ...*
- c. the benefit in terms of long term protection and future use of the building outweighs any loss of heritage values.*

While Policy 13.2.1.5 anticipates some alteration to built heritage, the use of "only allow" is restrictive: change is only allowed in certain circumstances. The use of this language does not encourage the use of built heritage, except in the ways described. This wording is adopted in many of the policies in the DCC 2GP.

The QLDC PDP also includes some heritage planning ideas to a lesser extent, where the purpose of the heritage provisions are "to promote the sustainable management of the District's historic heritage features" (s. 26.1). Built heritage is placed within the context of the surrounding urban environment:

*26.3.1.3 Protect historic heritage values while managing the adverse effects of land use, subdivision and development, including cumulative effects, taking into account the significance of the heritage feature, area, or precinct.*

Unlike the DCC 2GP, some parts of the QLDC PDP recognise that development is inevitable. Objectives and policies adopt more permissive language:

*26.3.1.4 Where activities are proposed within the setting or extent of place of a listed heritage feature, to protect the heritage significance of that feature by ensuring that:*

- a. the form, scale and proportion of the development, and the proposed materials, do not detract from the listed heritage feature located within the setting or extent of place;*
- b. the location of development does not detract from the relationship that exists between the listed heritage feature and the setting or extent of place, in terms of the values identified for that feature;*
- c. existing views of the listed heritage feature from adjoining public places, or publicly accessible places within the setting or extent of place, are maintained as far as is practicable;*

- d. *hazard mitigation activities and network utilities are located, designed, or screened to be as unobtrusive as possible.*

26.3.2.1 *Encourage the ongoing economic use of heritage features, sites, and areas by allowing adaptations and uses that in accordance with best practice, and:*

- a. *enhance heritage values in accordance with Policy 26.3.1.2;*
- b. *do not result in adverse cumulative effects through successive alterations over time;*
- c. *provide an economically viable use for the protected heritage feature, subject to any works being undertaken in a manner which respects its heritage values;*
- d. *recognise the need for modification through works which increase the resilience of heritage buildings by way of necessary repairs and upgrades, subject to these works being undertaken in a manner which respects heritage values.*

The WDC DP also recognised that communities need to develop and change to meet the requirements and needs of current and future generations. The Plan noted that balance needs to be achieved with the protection and enhancement of heritage values, as “many of the District’s heritage resources are in private ownership and balances need to be reached between the needs and economic requirements of owner’s use of their properties and the interest of the community in retaining and preserving heritage features” (s. 2.2.1).

Other plans were far more generic in recognising the benefits of heritage protection and the contribution of heritage to economic, social, and environmental wellbeing. The CODC DP provided a description of the important role heritage plays in Central Otago by contributing to the distinct character of the area. The contribution of built heritage to community wellbeing through its historical and cultural values and economic value to the tourism industry is also acknowledged (ss. 2.7.1, 14.2.2, 14.3.1).

Policies addressing adaptive reuse, a key element of the conservation discourse, are contained in four of the Plans. The DCC 2GP encourages the adaptive reuse of heritage buildings through various policies (ss. 2.2.4.2, 2.4.2.1, 2.4.2.3), for example, utilising heritage buildings for apartments in the central city. The 2GP outlines that adaptive reuse can assist in the retention of heritage buildings that might otherwise be neglected. Policies in the QLDC PDP, CPDC DP, and WDC DP encourage the ongoing and continued use of built heritage (ss. 26.3.2.1, 14.2.3, and 2.4 respectively).

As outlined above under 6.2.2, the activities and activity status anticipated by the Plans appear to reflect a preservationist approach, where accepted heritage conservation processes are afforded more enabling rules. The repair and maintenance of built heritage are largely permitted activities. Some restoration, being the reconstruction of a lost building element with new or original activities, is also allowed under some Plans under a more restrictive activity status. For instance, the DCC 2GP allows restoration as a controlled activity.

## **6.4 Summary**

This chapter has identified that while there are some commonalities in how built heritage is protected, there are differences in the detail of how heritage conservation is employed within each Plan. For instance, each Plan utilised a list, register, or schedule to identify built heritage for protection, but each Plan had a varying level of detail. Similarly, value-based approaches were adopted in each Plan, but there was variation in the typologies recognised in each Plan. The most common protection method

employed in each Plan to protect were rules, used to control activities that may affect built heritage. These activities aligned with heritage conservation processes identified in Chapter 2. Few other regulatory and non-regulatory methods were referenced in the Plans.

The Plans also display the contested nature of heritage identified in Chapter 2. There are three discourses underpinning heritage conservation and its application in planning. Each discourse has differing opinions on acceptable heritage conservation processes and these views are reflected in the Plans, which show a settled practice of preservation and conservation discourses applied in parallel. There was less evidence of heritage planning ideas. Although all Plans identified heritage as making an important contribution to the cultural and economic interests of each District, echoing the sentiment evidenced in section 2.1 above, there was little substantive action to integrate these benefits into heritage protection. Most policies and rules focused on physical changes to built heritage with few assessment criteria taking into account the potential benefits of the changes.

Analysis of the Plans revealed the following key findings:

1. Acknowledgement that built heritage provides an important contribution to each area within the Otago region, particularly in terms of its sociocultural and economic benefits.
2. There are some areas of consistency across the Plans, particularly in terms of how built heritage is recognised.
3. Value-based methods are the principal approach to identifying built heritage, but there is variation in heritage value typologies.
4. Heritage is placed in the context of local circumstances, allowing for local responses to heritage protection.
5. Rules are the main protection method and show a general trend that more substantial or permanent changes to built heritage are more controlled with a more restrictive activity status.
6. An acceptance of preservationist and conservationist views, with less evidence of heritage planning ideas, demonstrating that local practice in Otago has not kept pace with international developments in heritage conservation.
7. Few non-regulatory methods and economic incentives for heritage protection were promoted within the Plans.
8. A varying level of detail and terminology in the identification, description, and protection of built heritage.

The following section considers how a NPS could address these key findings, taking into account the best practice principles identified in section 2.3.4.

## 7 Foundations for a National Policy Statement on Built Heritage: Otago Region

This research shows that there are varied approaches to the identification and protection of built heritage in district plans produced by territorial authorities in the Otago region. There is an opportunity to address these approaches with national policy guidance to guide a more cohesive direction for heritage protection and to align local practice with international developments. This chapter discusses these findings in light of Aotearoa New Zealand's institutional context (outlined in Chapter 3) where territorial authorities are required to apply the contested theoretical foundations of heritage conservation (see Chapter 2) within planning documents to protect built heritage. This chapter makes a case for a NPS on the protection of built heritage, based on the approaches seen in the Otago region.

Otago's experience echoes that of other territorial authorities. Anecdotally, the inconsistency and uncertainty around the application of heritage conservation in planning is found in other parts of New Zealand (see Ministry for Culture and Heritage, 2018). While this research was focused on the experience of the Otago region, the results are likely to be transferable elsewhere. As noted in Chapter 4, the Otago region was selected as it limited variables that may affect the outcome of the research – it represented a discrete area of Aotearoa New Zealand which had a similar colonial history, shaped by early pastoral land use and the later gold rush creating a distinct heritage landscape. As these territorial authorities, operating within a single region, are inconsistent in their approach to heritage protection then this can be expected nationwide.

This chapter considers the purpose of a NPS and how this could address the key findings of this research contained in Chapter 6. A NPS can be produced for matters of national significance (RMA 1991, section 45). NPSs set objectives and policies and can also include more specific direction on how to apply the stated objectives and policies, for example, methods that must be used. The protection of historic heritage from inappropriate subdivision, use, and development is a matter of national importance specified in section 6 of the RMA 1991. As such, a NPS on built heritage could be implemented.

A new NPS may be appropriate where:

*For an issue to be considered for a national direction, it should either involve significant national-level benefits, costs, or values; provide significant benefits with a consistent, nationwide approach; or involve technical complexity that makes it more efficient or effective to be addressed at a national level. Central government can also provide guidance through other tools, including best practice guidelines and economic instruments (e.g. funding which encourages certain decisions over others) (Ministry for the Environment, 2021, p. 6).*

For built heritage, a NPS provides an opportunity to clarify aspects of heritage protection where it is desirable to address local variation, address technical complexity created by the multiple heritage discourses operating in parallel, promote heritage planning ideas, solidify settled practice, encourage interdisciplinary approaches, and ensure goals of heritage conservation are achieved. The following chapter discusses the foundations for a NPS on the protection of built heritage, based on the experience of the Otago region, taking into account the best practice principles identified in the literature review at 2.3.4.

## 7.1 Policy Guidance

A NPS can provide policy guidance on contentious issues in heritage conservation and their application in planning. Heritage conservation can be contested and the results of this research, contained in Chapter 6, have established how heritage conservation is implemented in a sample of planning documents. Chapter 2 outlined that there are multiple discourses existing in parallel, with each adopting a slightly different approach to heritage conservation practice and management (Ashworth, 2011). Each discourse has different opinions on acceptable heritage conservation processes and these differing views have been translated into the Plans. In brief, these ideas include the recognition of a broad range of built heritage, repairs and maintenance as allowable heritage conservation processes, and the incorporation of the concept of heritage values. Chapter 6 provides further discussion on how preservationist and conservationist ideas are manifested within the Plans. A NPS can address this complexity by providing clear policy guidance on acceptable heritage conservation practice and how these processes should be incorporated into district plans.

Although preservation and conservation ideas have been incorporated into the Plans, there was less evidence of a heritage planning approach. All Plans identified heritage as making an important contribution to the cultural and economic interests of each District, echoing the sentiment evidenced in section 2.1 above; however, there was little substantive action to integrate these benefits into development or to encourage development of built heritage. Most policies and rules focused on physical changes to built heritage with few assessment criteria taking into account the potential benefits of the changes. There was also limited evidence of non-regulatory methods being employed to incentivise heritage conservation. While there is some evidence of scope creep, particularly in the DCC 2GP and QLDC PDP, overall this falls short of a transformative change in practice throughout the Otago region towards heritage planning ideas.

The main opportunity for a NPS lies in the promotion of 'heritage planning' ideas. Under the heritage planning discourse, built heritage becomes an element of development rather than being regarded as a barrier. It becomes central to development and the creation of identity, where residents can connect to meaningful narratives about history, culture, and heritage (Kaufman, 2009). Heritage planning concepts have been seen in frameworks created by the MCH and can be seen to align with the government's well-being goals. Table 2, referred to in Chapter 2, described how built heritage can be situated within achieving these broader social and economic goals. The current National-led Coalition government has also indicated its preference for development (Ministry for the Environment, 2024). As such, the promotion of the heritage planning ethos would not be out of context within this political environment.

A NPS could contain objectives and policies directing development to implement heritage planning ideas. For example, objectives could link built heritage to broader well-being goals, recognising the role heritage conservation can play in sociocultural, economic, and environmental well-being. Policies addressing development involving built heritage should position it as a source of inspiration to recognise its role in placemaking and allow for more enabling development of built heritage where certain outcomes are achieved, for example, encouraging adaptive reuse by relaxing zone rules to enable development. Supporting methods should also include financial incentives to encourage desirable outcomes for built heritage (see Heritage New Zealand Pouhere Taonga, 2022b, 2022a).

## 7.2 Consistency

A NPS could coordinate a consistent approach to targeted areas of heritage protection, by providing clear definitions and frameworks. Local approaches have allowed for a lack of uniform standards and approaches to heritage conservation practice to emerge (Hobson, 2001), which can act to undermine the credibility of heritage conservation. MCH (2018) has also attributed failures within the current heritage system to a diverse range of local approaches, among other factors. On the other hand, it is important to note that local approaches allow for a tailored response to built heritage, within the context of each area, as local authorities are best placed to respond to local circumstances and characteristics (Hobson, 2001; Ludwig, 2016). Any definitions and frameworks contained in a NPS will need to be balanced against the benefits of local autonomy.

The variation in heritage values seen in the Plans speaks to the suggestion from R. Mason (2002) that a typology should be adopted; this should be addressed in a NPS. The National Planning Standards appear to anticipate that built heritage should be scheduled with a description of values, by including that schedules should include “site type (including description of values)” (p. 42). Although all the Plans recognised the concept of heritage values, the typologies adopted in each Plan differed and some Plans did not specify a typology. Utilising heritage values as an assessment method has become an accepted international practice (see Chen et al., 2021; Chitty & Smith, 2019; McClelland et al., 2013); however, it is clear in the literature that there is little agreement on what heritage values should be and this was reflected in the Plans. A single typology would provide a clear way of identifying different heritage values and provide an agreed, neutral starting point (R. Mason, 2002). For this to be successful, the typology would need to incorporate multiple different viewpoints. For example, while the definition of ‘historic heritage’ in section 2 of the RMA 1991 provides a set of values, this definition is missing some aspects of heritage that have emerged over time, including group or contextual value and representative value. It is recommended that further research be undertaken within a Kaupapa Māori research paradigm to ensure that any heritage value typology is inclusive.

Specificity, in terms of what is protected, was identified as an important component of heritage conservation management (R. Mason, 2002). Protected heritage values and physical attributes need to be clearly articulated in planning frameworks. It is clear from the results of this research that this principle is not reflected in all the Plans. While some Plans clearly identified physical attributes that were protected, others were less clear (see 6.2.1). A NPS should direct territorial authorities to provide a sufficient level of detail outlining exactly what is protected, for example, heritage values, certain architectural features of an identified building, or certain qualities of a defined streetscape. However, any requirement for specificity must be balanced with the fluid nature of heritage values, which can change over time or be perceived differently (see Sharkansky, 2004). While this approach would require upfront investment in terms of assessing heritage values of built heritage, it would provide clarity in decision making.

A NPS could also provide definitions for common terms and activities that must be provided for in each District Plan to address unnecessary variation. The reviewed Plans incorporated similar concepts, yet adopted different terminology to describe the same activity. For instance, accepted heritage conservation best practice includes the repair and maintenance of built heritage (Ashworth, 2011). This activity was defined in three of the Plans, with each Plan adopting a definition that had similar application. Likewise, additions and alterations, comprising changes to the form and fabric of a

building, were provided for in all the Plans. Heritage precincts/areas, as locations that have retained a sense of their original development, are also recognised in each Plan.

A NPS would act to solidify settled heritage conservation practice. Chapter 6 above has identified that there is some consistency in how built heritage is protected across the Plans and an acceptance of preservation and conservation discourses, reflecting settled areas of practice. All Plans contain schedules of built heritage where resource consent is required for alterations to these buildings, and recognise both individual and collections of heritage buildings. A NPS that provides definitions for common terms and activities and provides for certain outcomes would solidify these areas of settled practice.

### **7.3 Application of Best Practice Principles**

A NPS on built heritage should be informed by the approach to heritage protection described in the best practice principles outlined at 2.3.4. That section described six prominent principles and characteristics of what heritage protection in planning policy and practice should look like. Some of these principles address the possible content (e.g., specificity in protected heritage values and building features and an inclusive approach), while the remainder are characteristics that describe what heritage protection in planning should look like (e.g., decision making by local authorities). The following section discusses characteristics of heritage planning in policy and practice as the basis for discussion to consider the appropriateness of a NPS. Specificity, in terms of content, has been discussed above. Although literature provides an outline of best practice principles and characteristics, little detail was provided about the actions required to put these into practice allowing for some flexibility in how these principles may be applied.

A NPS should contain objectives and policies recognising the role communities play in identifying heritage. Community engagement was a key principle cited in the literature as essential in the identification of heritage and its value (see 2.3.4.a), yet only three Plans referenced consultation with stakeholders in local heritage. This reflects the views of Ripp & Rodwell (2016) that local communities are not empowered to play a key role in defining and managing their heritage. The literature identified that there were opportunities to empower communities to become stakeholders in their heritage and to improve the disjoint between what is valued by communities and what is protected in planning frameworks. Methods include steering groups, surveys, and public meetings where communities can have their voices heard (see R. Mason, 2002; Ripp & Rodwell, 2016). Policies could encourage the use of community engagement for the identification of built heritage and what is valued by local communities. Residents would also be able to submit on change to heritage provisions in District Plans through the plan change process (see RMA 1991, Schedule 1).

Additional objectives and policies in a NPS on built heritage should also address stakeholder identification and engagement. As previously noted by R. Mason (2002) and Ripp & Rodwell (2015), meaningful participation needs to be seen as a valuable part of the planning process to ensure accurate assessments of heritage. As noted above, only three Plans referenced consultation with stakeholders. Policy guidance should require Plans to empower active participation of relevant stakeholders in the process. This can include incorporating heritage values into a typology that provides all stakeholders with footing in the process of value elicitation.

A NPS could assist in integrating heritage conservation into mainstream planning by improving the accessibility of heritage conservation practice. In turn, this will improve interdisciplinary approaches.

The literature identified that heritage conservation needs to be integrated into daily planning practice to reach its full potential (Nyseth & Sognnæs, 2013; Ripp & Rodwell, 2015). This requires that heritage practitioners and planners are able to critically engage with heritage conservation and recognise its alignment with wider strategic priorities. However, there remains a perception that heritage conservation is an exclusive, specialist sphere that is peripheral to planning and resists change (McClelland et al., 2013; Ripp & Rodwell, 2015). In line with the heritage planning approach, a NPS could provide a framework outlining the alignment of heritage conservation with wider strategic priorities to assist planners understanding how to achieve balance between these elements. Utilising interdisciplinary approaches can assist in fully comprehending the opportunities of heritage and situating it within contemporary contexts and recognising the role it can play in placemaking.

A NPS on built heritage could retain local autonomy. If a NPS was introduced, decisions on local built heritage would continue to be made by District Councils as part of the resource consent process. Local decision making for local assets was identified as an important factor as it provides local autonomy and local authorities are more familiar with local attitudes and can respond to local circumstances (Hobson, 2001; Ludwig, 2016). Decisions would continue to be made locally by each District Council within the guidance provided by the NPS. Furthermore, NPSs do not provide rules that must be incorporated into a District Plan. Each District would retain some autonomy in apply the NPS and prescribing activity status to each activity.

#### **7.4 Other Options**

The focus of this research has been on a case for a NPS on built heritage; however, other planning documents and strategies could also target some of the key findings of this research stated at 6.4 above. These include the National Planning Standards aligning the structure of District Plans, utilising the pORPS 2019 and POORPS 2021 to provide regional policy guidance, and the use of non-regulatory mechanisms. These are discussed in brief below. While there are additional options available, such as, long-term plans under the LGA 2002 or amendments to the BA 2004, these fall outside the scope of this research which has focused on the RMA 1991.

The National Planning Standards, introduced in 2019, can be expected to go some way towards creating consistency in how built heritage is addressed practically in district plans. These Standards have not yet been implemented by any of the territorial authorities in Otago. Under these Standards, provisions on historic heritage will be located within the same section of each district plan and mapping standards must be used for the identification of heritage items and heritage areas. The Standards also provide definitions that must be adopted for commonly used terms. These definitions include that ‘historic heritage’ has the same meaning as section 2 of the RMA 1991. As noted above, the qualities listed in this definition do not directly recognise group or contextual value, rarity, or representative value. No definitions are provided for commonly used terms seen in the Plans, for example, ‘heritage area’ or ‘heritage values.’

The Standards do not provide policy guidance. This research has identified the opportunity to promote objectives and policies that adopt a heritage planning approach by providing built heritage with a central role in development. This has the potential to change landscape of heritage protection within Aotearoa New Zealand. As such, the Standards will not address all the key findings of this research.

A RPS could also be utilised to address some of the key findings of the results, but would create a regional approach to heritage protection and would not address nationwide inconsistency (noted in

Ministry for Culture and Heritage, 2018). RPSs provide an overview of significant resource management issues for the region and methods to achieve integrated management of the region's resources (RMA 1991, section 59). A RPS contains objectives and policies and, as such, could provide policy guidance to the applicable region. As higher order documents, section 75(4) of the RMA 1991 requires that district plans give effect to the RPS relevant to their region. In Otago, the incorporation of the POORPS 2019 and pORPS 2021 into each Plan would address some inconsistency. For instance, these documents contain a heritage value typology which, when incorporated into the Plans, would align the assessed heritage values across the region. This could provide clarity to practitioners operating in regional areas, but there is no certainty that other regions would adopt the same typology.

Other options to facilitate heritage protection include the use of non-regulatory mechanisms (e.g., funding grants, financial incentives, and rebates). There was little evidence of non-regulatory mechanisms seen in the Plans reviewed as part of this research, although these approaches have been recognised as playing a valuable role in heritage conservation (Aigwi et al., 2021; Heritage New Zealand Pouhere Taonga, 2022b). A NPS could encourage the use of non-regulatory mechanisms to facilitate the retention and ongoing use of built heritage. As previously noted, non-regulatory methods may be employed by territorial authorities through other means and further research is needed in this area.

Guidance, education, and training could also support a shift in how heritage is perceived and therefore protected in planning frameworks. Guidance documents can lack official weight in policy development (Chitty & Smith, 2019); however, they can provide assistance in understanding heritage requirements. HNZPT has a statutory role to advocate for the conservation and protection of built heritage (see section 13(1)(c)) and produces guides to assist local authorities in their preparation of heritage content for planning documents. International bodies, such as UNESCO and ICOMOS, also produce guidance; however, standards for heritage conservation practice and protection are not universal as each country is operating within its own socioeconomic and political contexts (Chen et al., 2021; Ludwig, 2016). Documents produced by UNESCO and ICOMOS are also regarded to have a preserving preservationist view of heritage conservation practice, with these ideas continuing into modern guidance documents (see Jokilehto, 2018). Ultimately, the integration of heritage conservation within planning requires upskilling planning practitioners to be able to critically engage with heritage conservation and to keep pace with international developments, to fully understand the role that built heritage can play in placemaking and its wider economic benefits.

## **7.5 Summary**

This research has examined selected planning documents produced by territorial authorities in the Otago region to determine that the contested nature of heritage conservation affects how heritage protection is implemented in planning. A NPS on built heritage provides an opportunity to stipulate policy guidance on the application of heritage conservation in planning to protect built heritage in the following ways:

- **Promote heritage planning ideas**

The primary opportunity of a NPS on built heritage is to provide policy guidance on the adoption of heritage planning ideas within Aotearoa New Zealand's planning documents. This research has confirmed that local practice has not kept pace with international developments in heritage conservation. Traditional models of heritage conservation (described as preservation and conservation) are reflected in the Plans and there is less evidence of

contemporary heritage planning ideas. These traditional models of heritage conservation can conflict with contemporary planning goals, and have led to built heritage being viewed as a barrier to development (Pendlebury, 2013). The opportunities of built heritage under a heritage planning model could be promoted within a NPS, to assist in situating built heritage within current contexts.

- **Consistent approaches to identification and protection**

Variation was seen in definitions, heritage value typologies, and regulatory methods used to protect built heritage. Local variation can act to undermine the credibility of heritage conservation practice (Hobson, 2001). A NPS could coordinate a consistent approach to targeted areas of heritage protection to reduce unnecessary variation, including specifying a heritage value typology, how protected physical attributes and values should be identified, and providing common terms and activities that must be provided for in a District Plan. Consistency would need to be targeted to ensure some local autonomy remains to address local circumstances.

- **Provide for community engagement**

Community engagement is considered to play a key role in identifying heritage and its values. The case studies do not reflect the literature in terms of the importance of community engagement in value elicitation. A NPS should provide for community engagement to ensure relevant stakeholders are identified and empowered to identify built heritage.

- **Improve the accessibility of heritage conservation**

Planners need to be able to critically engage with heritage conservation to integrate it into daily planning practice. A framework outlining the alignment of heritage conservation with wider strategic goals and priorities could assist planners in understanding how to achieve balance between these elements.

- **Confirm settled practice**

There were areas of consistency seen in the Plans, for instance, an acceptance of preservation and conservation discourses and some heritage conservation processes. A NPS could act to solidify areas of accepted practice.

- **Encourage non-regulatory methods of protection**

Although these approaches have been recognised as playing a valuable role in heritage conservation (Aigwi et al., 2021; Heritage New Zealand Pouhere Taonga, 2022b), little evidence of non-regulatory methods was seen in the Plans.

## 8 Conclusion

Heritage conservation has rapidly evolved over a relatively short period of time. 'Heritage' was initially perceived as monumental and grand-scale buildings to be preserved for the future, and was gradually recognised as including the vernacular and every day. The value of built heritage was initially intrinsic, fixed, and tied to the physical fabric of the building, but is now also understood to be extrinsic and socially constructed (Ashworth, 2011; Jokilehto, 2018). Protection of built heritage shifted from preservation to enabling a useful purpose through adaptive reuse, where the significance of the place could be maintained (Kerr, 2013).

More recently, there has been a growing awareness of the practical benefits and functional values of heritage conservation in regulatory frameworks (Strange & Whitney, 2003). This has changed the role of heritage conservation, transforming built heritage from being preserved as a relic of the past, to becoming an active agent of change in the present. In this way, built heritage can play a key role in placemaking, becoming a source of inspiration for development, rather than being viewed as a constraint (see Mualam & Alterman, 2018; Nyseth & Sognnæs, 2013; Stegmeijer et al., 2021).

These multiple discourses exist in parallel, requiring the interaction and consideration of each point of view, making the protection of built heritage contested and understood in conflicting ways. A preservationist focus would 'freeze' a building time, while a conservationist approach would allow for renewal in accordance with architectural character, and a pragmatic heritage planning approach would frame heritage as a driving force of development (Mualam & Alterman, 2018; Nyseth & Sognnæs, 2013). This co-existence and competition can lead to contradictions in heritage conservation practice (Ashworth, 2011) and, as a result, it can be difficult to transition heritage conservation concepts into planning to protect built heritage (Larkham, 1993).

Theories underpinning heritage conservation have influenced how it is understood and implemented in planning frameworks. Internationally, planning policy and practice reflect this evolving AHD (Jokilehto, 2018; Ludwig, 2016), and preservationist and conservationist views have become accepted practice. The development of international policy also provides important reflections on the nature of heritage conservation practice. Historically, planning policy has adopted a Eurocentric focus that prioritises tangible heritage and excludes other cultural values (Smith, 2006). While policy has progressed to include a broader recognition of heritage, a preservationist approach remains in key international documents guiding the application of heritage conservation in planning (see Ashworth, 2011).

The principal means of heritage protection in Aotearoa New Zealand is provided under the RMA 1991, through the identification of places of heritage significance and regulating activities affecting these places with rules in district plans (G. Mason, 2008; McEwan, 2022). Decision-making responsibility has largely been devolved to local authorities under the RMA 1991. Under this framework, territorial authorities are responsible for the day-to-day protection of built heritage resources through the resource consent process, while also resolving development pressures on heritage resources (G. Mason, 2008; McEwan, 2022).

Despite there being some general consensus on key principles and methods that should be applied in planning policy and practice, due to the contested nature of heritage conservation, there can be varied approaches to heritage protection. Local authorities have been recognised as being best placed to make decisions on heritage (see Ashworth & Howard, 1999; Hobson, 2001), yet local approaches have

also allowed for a lack of uniform standards to heritage protection to emerge and can undermine the credibility of heritage conservation (Morton, 1991 cited in Hobson, 2001). This variation is also seen in district plans across Aotearoa New Zealand (Ministry for Culture and Heritage, 2018).

There are levers within the RMA 1991 that could address current approaches to heritage protection. The RMA 1991 creates a hierarchy of planning documents, with a policy framework sitting at a national level to provide guidance on the management of natura and physical resources. Regional documents form the second tier, providing regional objectives, policies, and methods that can be employed to manage significant resource management issues for the region. District plans sit at a local level. Lower-level documents must give effect to those above (see RMA 1991, ss. 61, 62, 75). Within this structure, central government has the ability to provide national policy guidance to create a nationwide approach to heritage protection.

The resource management system is currently in a state of change, bringing challenges and opportunities for heritage protection. Flip flop lawmaking has created uncertainty about the future of heritage protection within our resource management system (see Ministry for the Environment, 2024), yet reform could also create a heritage protection framework that better aligns with the international evolution of heritage conservation and its application in planning. Regardless of the current political climate, protecting built heritage remains important.

The main aim of this research was to explore how heritage conservation is implemented in planning documents to consider:

*What is a case for a NPS on the protection of built heritage, considering approaches to heritage protection by territorial authorities in the Otago region?*

This final chapter provides concluding statements of this research, its outcomes, and recommendations for implementing heritage conservation practice within planning documents and future research opportunities.

## **8.1 Key Findings**

This research utilised document analysis of a case study, the Otago region, to examine how heritage conservation is currently implemented in district plans produced under the RMA 1991 to protect built heritage. There are three key areas where heritage conservation is applied in planning policy and practice (Chen et al., 2021): how heritage is recognised, which determines what is afforded protection; what planning instruments and tools are used to pursue heritage conservation; and what substantive goals and objectives of heritage conservation are integrated into planning policy and practice. The results show that the contested nature of heritage conservation is reflected in these documents, through varied approaches to heritage protection.

Comparison of approaches in the Otago region has demonstrated:

1. Acknowledgement that built heritage provides an important contribution to each area within the Otago region, particularly in terms of its sociocultural and economic benefits.
2. A varying level of detail and terminology in the identification, description, and protection of built heritage, although there are some areas of consistency, particularly in terms of how built heritage is recognised.

3. Value-based methods are the principal approach to identifying built heritage, but there is variation in heritage value typologies.
4. Built heritage is placed in the context of local circumstances, allowing for local responses to heritage protection.
5. Rules are the main protection method and show a general trend that more substantial or permanent changes to built heritage are more controlled with a more restrictive activity status.
6. An acceptance of preservationist and conservationist views, with less evidence of heritage planning ideas, demonstrating that local practice in Otago has not kept pace with international developments in heritage conservation.
7. Few non-regulatory methods and economic incentives for heritage protection are promoted within the Plans.

A NPS is considered to be the most appropriate option to address these key findings. A NPS provides a national framework and would create national consistency, while also allowing for local autonomy in implementing the content of the NPS and decision making on activities affecting local heritage. In this manner, a NPS on built heritage can address these key findings by providing policy guidance on how heritage conservation should be implemented in planning documents to protect built heritage. Matters to address include providing for consistent approaches to identification and protection methods, providing for community engagement, improving the accessibility of heritage conservation, and encouraging non-regulatory methods of protection. A NPS can also act to confirm areas of settled practice.

The principal opportunity for a NPS lies in integrating heritage planning ideas to transform heritage protection; such a shift in practice would require national policy guidance. Internationally, heritage conservation has been recognised to be at a turning point where its purpose and practices need to be reconfigured to be effective as a contributor to urban renewal and regeneration (Strange & Whitney, 2003). There was little evidence of heritage planning ideas being incorporated within the Plans. The results show that some creep in the discourse towards heritage planning ideas is evident, but overall, this falls short of a transformative change in practice. A NPS promoting the heritage planning ethos could shift the Aotearoa New Zealand heritage discourse to the forefront of international practice.

While these findings are significant and provide insight into how a NPS could address the application of heritage conservation in planning, this research was focused on the experience of the Otago region. Although limited to a regional level, a range of approaches to heritage protection was seen on this small scale. Anecdotally, these findings are also reflected at a national level (see Ministry for Culture and Heritage, 2018); however, further research is required to confirm these findings nationwide.

While this research provides some conclusions, it is a starting point for further work that needs to be done in this area. This research forms one aspect of conversations occurring in the heritage space, and presents a case for a NPS; it does not represent all policy objectives that could be addressed by a NPS on 'historic heritage,' as defined in the RMA 1991. As noted in Chapter 1, this research would inform only part of a NPS addressing the protection of built heritage. For instance, this thesis was focused on examining how heritage conservation is applied in planning frameworks to protect built heritage. Built heritage forms only one aspect of 'heritage' and, as such, further research would need to be undertaken to inform a NPS that addresses all aspects of heritage that form part of the definition of 'historic heritage' in the RMA 1991.

Further research is also required to fully address the Aotearoa New Zealand context. Notably, a Pakeha lens was adopted by this research. Built heritage protected in district plans is primarily European or colonial (Heritage New Zealand Pouhere Taonga, 2022b). Future studies need to incorporate te ao Māori. For a NPS on built heritage to be fully inclusive, it needs to incorporate Māori values; this should be explored through a Kaupapa Māori research paradigm.

Furthermore, the RMA 1991 was the focus of this research. While a NPS offers some solutions and opportunities for heritage protection, it is not the only option available. Additional regulatory and non-regulatory methods are available through other means (e.g., long-term plans under the LGA 2002). Further research is warranted to understand the full suite of protection methods available to, and applied by, territorial authorities and how these might target the key findings of this research.

## **8.2 Concluding Comments**

This research has explored the international evolution of heritage conservation and its implementation under the RMA 1991 to protect built heritage. Focusing on the experience of the Otago region, it confirms that there are varied approaches to the protection of built heritage in district plans produced by territorial authorities in this region. Anecdotally, this variation is experienced nationwide (Ministry for Culture, 2018). While further research is required to confirm this, as variation was seen on such a small scale, this can be expected nationwide.

This research also identifies areas of opportunity to improve how heritage conservation is applied in planning policy and practice. Internationally, there is consensus on key principles that should be applied in planning policy and practice to protect built heritage. These include utilising non-regulatory methods of protection, providing specificity of what is protected, enabling community engagement, integrating heritage conservation into mainstream planning, and retaining local autonomy. While these principles were reflected to some extent, there is room for improvement.

Most notably, this research shows that local practice in the Otago region has not kept pace with international developments in heritage conservation. The theoretical foundations of heritage conservation have evolved rapidly over time. As a result, heritage conservation practice is underpinned by competing and co-existing discourses, leading to difficulties in applying it in planning policy and practice to protect built heritage (Larkham, 1993). While traditional models of heritage conservation are reflected in the Otago region, there is less evidence of contemporary heritage planning ideas.

Stronger policy guidance is required to guide a more cohesive direction for heritage protection. Policy guidance can introduce consistency, where appropriate, in the protection of built heritage. It can also implement an approach to heritage protection that applies the key principles listed above. Most importantly, it could stimulate a shift in practice to align our local practice with international developments, promoting built heritage as taking on an active role in change.

Our resource management system is currently in a state of change. This presents challenges and opportunities for the protection of built heritage, which has traditionally been regarded as a barrier to development. Regardless of any proposed legislative change, this research reaffirms that protecting built heritage remains important. However, as with international practice, local approaches to heritage protection need to evolve for built heritage to continue to be regarded as something worth protecting.

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## Appendix A: Coding Schema

Code	Description
<b>Q1. Recognition of Heritage</b>	<ul style="list-style-type: none"> <li>• How is heritage identified?</li> <li>• How is 'heritage' defined?</li> <li>• What counts as heritage?</li> <li>• What types of built heritage are given recognition?</li> </ul>
<b>Benefits of heritage conservation</b>	Plans discuss/identify the sociocultural, economic, and environmental benefits of heritage conservation
<b>Definition of historic heritage</b>	What types of built heritage are given recognition?
<b>Heritage areas or precincts</b>	An area or coherent collection of buildings that have significance due to, for example, a shared architectural style or historic event
<b>Character-contributing</b>	Use of 'character-contributing' buildings to protect heritage character - buildings that contribute to heritage streetscape character due to their design
<b>Heritage fabric</b>	Physical material of a place that contributes to its heritage significance
<b>Heritage overlay</b>	Mapping or zoning to identify a heritage area or precinct
<b>Heritage values</b>	Qualities and characteristics perceived, represented, or embodied in buildings or sites
<b>Setting or curtilage</b>	Recognition that the area/land around built heritage can be linked to its function, meaning, and relationships
<b>Viewshaft</b>	Unobstructed view towards/away from built heritage
<b>Recognition of heritage</b>	How is heritage recognised in the content of the Plans? Is it a identified as a key element/worthy of protection?
<b>General</b>	Heritage acknowledged in Plan
<b>Heritage as central</b>	Heritage positioned as a key factor of a place's identity/character

<b>Code</b>	<b>Description</b>
<b>Q2. Planning Tools &amp; Methods</b>	
<ul style="list-style-type: none"> <li>• <b>What methods are used to frame and pursue heritage conservation?</b></li> <li>• <b>What planning tools are delivering conservation actions?</b></li> <li>• <b>What regulatory and non-regulatory methods are employed?</b></li> </ul>	
<b>Assessment</b>	A framework to assess potential heritage effects of an activity requiring resource consent
<b>Consent notices</b>	Covenants between the council and the land owner and can only be imposed through a subdivision consent, relating to conditions that must be complied with on a continuing basis by the owner and subsequent owners after the deposit of the survey plan (s221 of the RMA)
<b>Consultation</b>	Recommendations to undertake discussions/enter dialogue with relevant interested parties
<b>Covenants</b>	An interest in land according to the Property Law Act 2007 and registered on the title of a property, to limit or restrict the owner and any future owners as to how they use the land/property
<b>Design guidelines or advice</b>	Guidelines to control development and maintain heritage character/values
<b>Heritage Order</b>	Order restricting what can be done on a property without consent from a HPA
<b>Non-regulatory</b>	Non-regulatory methods to incentivise protection of built heritage
<b>Financial incentives</b>	Monetary incentive to encourage and assist owners to manage built heritage, e.g., rates relief and consent fee waivers
<b>Funding grants</b>	Payments toward the costs of managing a heritage building, usually associated with application criteria
<b>Relaxation of rules or exemptions</b>	Relaxation of zone rules to allow for flexibility with activities proposed to scheduled heritage buildings
<b>Rules (Heritage Areas or Precincts)</b>	Planning rules applying to heritage areas or precincts to control development within these areas
<b>Additions and alterations</b>	Rules relating to additions and alterations (changes) of buildings located within heritage areas/precincts
<b>Demolition</b>	Rules applying to the demolition or removal of buildings within heritage areas or precincts
<b>New structures or development</b>	Rules applying to new structures, buildings, or development within heritage areas/precincts
<b>Relocation</b>	Rules applying to the relocation or removal of buildings located within heritage areas or precincts
<b>Rules (Scheduled Buildings)</b>	Planning rules applying to a defined activity affecting scheduled buildings
<b>Additions and alterations</b>	Rules applying to additions and alterations (changes) to scheduled buildings
<b>Safety alterations</b>	Alterations allowing for seismic strengthening or fire and accessibility upgrades
<b>Demolition</b>	Rules applying to the demolition or removal of scheduled buildings

Code	Description
<b>Development within heritage setting or curtilage</b>	Rules applying to development within the setting of a scheduled heritage building
<b>Relocation</b>	Rules applying to the relocation of a scheduled heritage building
<b>Repair and maintenance</b>	Rules applying to works that make good decayed or damaged building fabric
<b>Restoration</b>	Rules applying to the restoration of a scheduled heritage building, i.e., returning a place to a known earlier form
<b>Reconstruction</b>	Rules applying to the reconstruction of a scheduled heritage building, i.e., rebuilding with new materials
<b>Subdivision</b>	Rules applying to the subdivision of land occupied by a scheduled heritage building
<b>Schedule or list</b>	A compiled list of built heritage that has been determined to be worthy of protection
<b>Categories</b>	Presence of categories of built heritage (e.g., Category A, Category B)
<b>HNZPT List reference</b>	Reference to the HNZPT List

Code	Description
<b>Q3. Heritage Conservation Goals</b> <ul style="list-style-type: none"> <li>• What substantive goals are integrated into planning policy and practice?</li> <li>• To what extent are heritage conservation discourses reflected in the Plans?</li> </ul>	
<b>Preservation</b>	<ul style="list-style-type: none"> <li>• Focus on the individual, monumental, grand-scale</li> <li>• Approach to protection influenced by the value of heritage as intrinsic and resting in authenticity of heritage fabric (e.g., maintenance of current condition and reconstruction of lost original elements is allowable)</li> </ul>
<b>Conservation</b>	<ul style="list-style-type: none"> <li>• Recognition of value of groups/collections of heritage buildings and representative heritage</li> <li>• Goal is for purposeful preservation: to provide heritage with an ongoing and useful purpose/contemporary function</li> <li>• Greater level of intervention is allowable (c.f. preservation discourse) to provide an adaptive reuse</li> </ul>
<b>Heritage Planning</b>	<ul style="list-style-type: none"> <li>• Contemporary use of the past within the present by enabling and managing change of built heritage within contemporary contexts</li> <li>• Alignment of heritage protection with wide social, economic, and sustainability goals</li> <li>• Linked to sustainable and resilient communities, as a central aspect of 'placemaking' and recognition of utilitarian benefits of heritage in regulatory frameworks</li> </ul>

## Appendix B: Excerpts from the Partially Operative Otago Regional Policy Statement 2019 and Proposed Otago Regional Policy Statement 2021

### Partially Operative Otago Regional Policy Statement 2019, Schedule 5:

The identification of items, places, and areas of historic heritage value will be based on but not limited to the following criteria:

1. The extent to which the item, place or area reflects important or representative aspects of Otago or New Zealand history.
2. The association of the item, place or area with events, persons, or ideas of importance in Otago or New Zealand history.
3. The potential of the item, place, or area to provide knowledge of Otago or New Zealand history.
4. The importance of the item, place, or area to tangata whenua.
5. The community association with, or public esteem for, the item, place, or area.
6. The potential of the item, place, or area for public education.
7. The technical accomplishment, value or design of the item, place, or area.
8. The symbolic or commemorative value of the item, place, or area.
9. The importance of identifying historic items, places or areas known to date from an early period of New Zealand settlement.
10. The importance of identifying rare types of historic items, places, or areas.
11. The extent to which the item, place, or area forms part of a wider historical and cultural item, place, or area.

### Proposed Otago Regional Policy Statement 2021, Appendix 8:

#### 1. Identifying Areas and Places with Historic Heritage

A place or area is considered to have historic heritage if it meets any one or more of criteria below:

<b>Archaeological</b>	The place provides, or is demonstrably likely to provide, physical evidence of human activity that could be investigated using archaeological methods. Evidence obtained from an archaeological investigation could be expected to be of significance in answering research questions, or as a new or important source of information about an aspect of New Zealand history.
<b>Architectural</b>	The place reflects identifiable methods of construction or architectural styles or movements. When compared with other similar examples, or in the view of experts or relevant practitioners, it has characteristics reflecting a significant development in this country's architecture. Alternatively, or in conjunction with this, the place is an important or representative example of architecture associated with a particular region or the wider New Zealand landscape.
<b>Cultural</b>	The place reflects significant aspects of an identifiable culture and it can be demonstrated that the place is valued by the associated cultural group as an important or representative expression of that culture.
<b>Historic</b>	The place contributes to the understanding of a significant aspect of New Zealand history and has characteristics making it particularly useful for

<b>Scientific</b>	enhancing understanding of this aspect of history, especially when compared to other similar places.
	The place includes, or is demonstrably likely to include, fabric expected to be of significance in answering research questions or a new or important source of information about an aspect of New Zealand's cultural or historical past through the use of specified scientific methods of enquiry.
<b>Social</b>	The place has a clearly associated community that developed because of the place, and its special characteristics. The community has demonstrated that it values the place to a significant degree because it brings its members together, and they might be expected to feel a collective sense of loss if they were no longer able to use, see, experience or interact with the place.
<b>Spiritual</b>	The place is associated with a community or group who value the place for its religious, mystical or sacred meaning, association or symbolism. The community or group regard the place with reverence, veneration and respect, and they might be expected to feel a collective sense of loss if they were no longer able to use, see, experience or interact with the place.
<b>Technological</b>	The place includes physical evidence of a technological advance or method that was widely adopted, particularly innovative, or which made a significant contribution to New Zealand history OR The place reflects significant technical accomplishment in comparison with other similar examples or, in the view of experts or practitioners in the field, has characteristics making the place particularly able to contribute towards our understanding of this technology.
<b>Traditional</b>	The place reflects a tradition that has been passed down by a community or culture for a long period, usually generations and especially since before living memory, and has characteristics reflecting important or representative aspects of this tradition to a significant extent.

## 2. Identification of Special or Outstanding Heritage Values or Qualities

Where, for example, in a resource consent or notice of requirement process, a place or an area that has been identified as having historic heritage values or qualities, and is required to be assessed to determine whether those values or qualities are special or outstanding, that assessment must:

- (1) utilise the following criteria:
  - (a) the extent to which the place reflects important or representative aspects of Otago or New Zealand history,
  - (b) the association of the place with events, persons, or ideas of importance in Otago or New Zealand history,
  - (c) the potential of the place to provide knowledge of Otago or New Zealand history,
  - (d) the importance of the place to mana whenua,
  - (e) the community association with, or public esteem for, the place,
  - (f) the potential of the place for public education,
  - (g) the technical accomplishment, value, or design of the place,
  - (h) the symbolic or commemorative value of the place,

- (i) the importance of identifying historic places known to date from an early period of Otago's or New Zealand's settlement,
  - (j) the importance of identifying rare types of historic places, and
  - (k) the extent to which the place forms part of a wider historical and cultural area, and
- (2) apply the method set out in "Part Two: Applying the section 66(3) criteria" of Assessing Historic Places and Historic Areas for the New Zealand Heritage List/Rārangī Kōrero (2019).