

NZ Local Government Heritage Planners Forum

Discussion topics for working groups

The following issues were identified at the initial meeting of the forum as important discussion topics and group facilitators are noted as recalled but needs to be checked.

1. **National policy initiatives (Facilitator: George Farrant)**
2. **The scope of heritage under the RMA (Facilitator: ?)**
3. **Archaeological provisions and the RMA (Facilitator: Vanessa Tanner)**
4. **The relationship between local government (regional and local councils) under the RMA and the NZHPT under the HPA (Facilitator: ARC?)**
5. **Heritage education and advocacy (Facilitator: ?)**

Proposed Process

There is a need to progress discussion and position papers in the period between national meetings of the Forum.

The following process is proposed: -

1. All Forum topics should be the responsibility of identified facilitators
2. Forum issues may be contributed to by e-mail, fax, telephone or direct contact by members
3. All Forum members should contribute to any topic where they have a professional interest, whether in proposing questions, identifying issues or potential solutions.
4. Facilitators will be responsible for collation, direction and the preparation of discussion papers for national forum meetings.
5. Facilitators will also identify potential actions and target groups to further advocate the national role for cultural heritage policy and practice from the perspective of TA's under the RMA, the LTCCP or by non-regulatory means.
6. Facilitators should pre-circulate contributions 2 weeks prior to Forum Meetings. These may be in the form of identification of issues, specific questions, discussion papers, potential actions or proposed solutions.
7. A Forum co-coordinator for facilitators will be available to ensure that the continuing, pertinent discussion of immediate issues and further potential issues/actions will be provided to maximize the benefits to both the Forum as a group and to individual members.
8. Where day to day advice on heritage issues/practices is required by members then contact may be through the appropriate facilitators, the Forum coordinator or to individual members who can contribute through direct experience. Where these issues/practices are of general interest these should also be cc'd to the appropriate facilitator or to the Forum co-coordinator.

The general issues identified at the initial meeting should be expanded in scope. Here are some more specific suggestions.

1. National Policy issues

- A National Policy Statement on Heritage – how politically realistic is this?
- Can an NPS on heritage be effectively included within a National Policy Statement on Biodiversity as suggested by MfE?
- If Forum members can contribute to, publish and apply nationally appropriate heritage perspectives/practice is this more valuable than an NPS?
- What are the opportunities for the Forum to achieve national recognition?
- How can the Forum effectively contribute to the MfE/Quality Planning Website?
- Is the MfE Urban Design Protocol an appropriate model for national heritage practice?

- How can we best influence Crown agencies in adopting national Forum strategies and practices? Eg DOC Draft Conservation Policies on the Reserves and associated Acts administered by DOC? The Ministry of Culture and Heritage's mandate to provide consistency in inter-governmental agency heritage policy?
- What is the role and status of ICOMOS(NZ) at a national level and how can we facilitate co-operative action?
- How can we best target politicians and key governmental agencies to promote our professional interests? How could LGNZ contribute effectively?

2 The scope of Heritage under the RMA

- What is the significance of s6(f) that heritage is a matter of national importance? How does this affect the formulation of Regional and District Plan provisions?
- How does this affect the weighing of decisions under s5 of the RMA?
- How does the specific wording of s6(f) affect its application – "*The protection of historic heritage from inappropriate subdivision, use and development*"? (see "Identifying our Heritage" by Peter Skelton for the NZHPT, who discusses this issue under a section on Part II of the RMA). How this being interpreted by Planning Hearing Panels/Commissioners (and in the future by the Environment Court)? How can we best influence these decisions?
- Are there adverse implications to the exclusive definition of 'historic heritage' in s2 of the RMA which specifically excludes 'social' values and 'cultural landscapes'? The deletion of 'cultural landscapes' in the definition was a last minute change to the Bill, intended to limit potentially very broad application of heritage provisions.
- What range of heritage entities should be considered in District and Regional Plan provisions? Under what circumstances can regulatory control be considered appropriate?

3 Archaeological provisions and the RMA

- The RMA Amendment Bill proposed to remove all regulatory provisions under the RMA from the NZ Historic Places Trust. This included all provisions relating to archaeological activities.
- The RMA Amendment Act No 2 (2003) retained the regulatory provisions of the Historic Places Act (HPA), but then included archaeology within the definition of 'historic heritage' under the RMA. As a matter of national importance, Regional and District Plans must address archaeology. How can this best be achieved?
- Should the HPT/HPA be relied on for post discovery archaeological provisions?
- What is 'archaeology', other than a discovery process, and how is it differentiated from heritage in the broad sense of the significance of heritage values?
- Should the types of sites be differentiated by prescription ie above or below ground?
- How do the values and processes of archaeology differ for Maori, (including wai tapu, and wai tapu sites) from European sites? Eg how does the concept of 'significance' apply in these instances? How relevant are these distinctions? What are the essential differences? Are European communities more specific about sites of cultural significance?
- Can the concepts of 'disclosure', 'hidden files' and 'oral history' be reconciled? Is European based archaeology too site specific? Could it benefit from the broader compass of cultural heritage significance?
- What status should be given to the Archaeological Association site records regarding inclusion for regulatory purposes in District or Regional Plans?
- What are the alternative forms of archaeological identification, other than specific sites eg alert areas, specific controls on excavation?

4 The relationship between local government (regional and local councils) under the RMA and the NZHPT under the HPA/RMA

- While the NZHPT is required to be advised of all notified heritage applications (RMA s 93(2)(b)) does this confer affected party status under s94(1), as has been claimed by the HPT? When should the NZHPT be regarded as an affected party? Should all TA applications regarding heritage issues be referred to the NZHPT? Peter Skelton in his report for the HPT repeated several times that affected party status was a discretion of TA's
- Should the HPT have a clearer understanding about the scope of its role with applicants where it has been deemed to be an affected party? How are TA's dealing with this issue?
- Would 'consultation' with the HPT resolve inappropriate disputes, provide for full co-operation, but provide TA's with the final responsibility for decisions on applications where the HPT were not regarded as an affected party? (The RMA has legal precedence over the HPA)
- Does the recognition of a NZ heritage inventory lie with the cumulative values of local and regional registers substantiated through public RMA and LTCCP processes, or the NZHPT Register under the HPA?

5 Regional and Local Councils

- What are the statutory requirements of Regional or Unitary Councils in meeting RMA s(6) responsibilities through RPS and Regional Plans?
- Should regional authorities be cognizant of national as well as local initiatives in promoting heritage responsibility under the RMA?
- Should regional authorities provide advice, support and direction to local authorities in relation to RPS and Regional Plans to ensure consistency and promote best practice models? How can this be best achieved?
- What current NZ practice models can we learn from?

6 Heritage Education and Advocacy

- National heritage tertiary qualification and accreditation programs for Local Government practitioners? ICOMOS(NZ) as accreditation agency?
- Should the accreditation program for planning hearing panels/planning commissioners include an understanding of heritage issues?
- How can we obtain leverage/education through other national organizations eg NZTPI, NZIA, RMLA etc? Publication/guidelines/CPD
- Best practice in deficient applications (s88) and information requests (s93) for assessment for heritage RC applications? How consistent are individual Authorities in practice? Should consent planners determine application requirements?
- Best practice in heritage applications re assessments of effects under the RMA 4th Schedule and District Plans. Scope of alternatives, sustainability and economic efficiency. Adaptive re-use?
- Need for regular inter-departmental/councilor seminars within local government
- Best practice in heritage asset management, conservation and maintenance programs including grants, covenants and agreements.
- Best practice in heritage risk assessment and risk management strategies.