



*The Voice of Heritage
for New Zealand*

Patron: Dame Anne Salmond, DBR, FRSNZ, FBA
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Committee Secretariat
Environment Committee
Parliament Buildings
Wellington

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**Submission to the Environment Committee on
COVID-19 Recovery (Fast-track Consenting) Bill**

This submission is made by Historic Places Aotearoa Inc. (HPA) which welcomes the opportunity to comment on the proposed COVID-19 Recovery (Fast-track Consenting) Bill (C-19 RB)

The reasons for making this submission are that HPA promotes the preservation of historic places in Aotearoa New Zealand. HPA also has an interest to promote the education of the public in the appreciation of heritage values. HPA is a key stakeholder in the consultation process and answerable to its affiliated regional societies and associated membership.

We recognise the need for the Bill in light of the Covid-19 situation, noting the impact that this has and will continue to have on our economy and local communities. Consequently, we are generally supportive of the intent of the Bill.

We note that the Bill seeks to stimulate the economy and generate employment in the wake of COVID-19 by fast-tracking some projects requiring resource consent or designation under the Resource Management Act 1991 (RMA). There are three categories of project envisaged, each with targeted provisions in the Bill:

- Listed projects, which are 11 specifically identified projects to be fast-tracked;
- Referred projects, which are not specifically identified but for which there is a process by which applications can be assessed and sent through a fast track process; and
- Specifically identified activities for key infrastructure works by public entities that are deemed not to require consent (permitted activities).

HPA has reviewed the C-19 RB and considered the impact the proposed Bill will have with respect to this country's heritage buildings and sites.

HPA has a particular interest in the C-19 RB, as it has the potential to allow for the destruction of New Zealand's Built Heritage without the ability of the community to have

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input into the consenting process and thus advocate for the heritage of this country on specific projects. This has the potential for the loss of heritage places and features in New Zealand.

Heritage is a matter of National Importance under Section 6(f) of the Resource Management Act 1991 (RMA). Not all of New Zealand's heritage is appropriately recorded, listed or scheduled. It's protection often relies on local heritage groups and individuals to advocate for it to be protected when it becomes apparent that it is in danger of modification or destruction.

HPA supports the referral of projects for fast-track consenting that *promote the protection of historic heritage* as noted in Section 19 Clause (d) (viii) , although as the Bill stands this is not a required consideration which would be the case if listed under section 18.

Such projects will also:-

- *generate employment*
- *add to the social and cultural wellbeing of current and future generations*
- *minimise waste*
- *contribute to the urban fabric of communities in a positive manner*

HPA supports Section 31 (3) where an activity is excluded from being a permitted activity were it to occur in any of the following places:-

- '(a) a place identified or listed in the relevant plan or proposed plan as:-*
- (i) wāhi tapu; or*
 - (ii) any other site of cultural or historical significance'*

Interpretation

Throughout the Bill there are a number of terms that are not covered in the Section 7 - Interpretation. *Sites of cultural or historical significance* being one such term.

Many of these terms in the Bill are covered by the Resource Management Act 1991 under Part 1 - Interpretation and application.

For clarity, HPA requests that a statement be added that clarifies that all terms in the Bill will have the same Interpretation as the Resource Management Act 1991, unless otherwise expressly stated.

The alternative would be to provide additional interpretation clauses to cover items such as historic heritage.

Section 18 - Criteria for projects that may be referred

As noted previously HPA is supportive of projects being referred to the Minister that promote heritage protection.

However, Section 18 currently lacks any criteria to deter the referral of projects that may involve the demolition, partial demolition or relocation of places of historic heritage value. This includes, for example, places currently included on the New Zealand Heritage List/Rārangī Kōrero administered by Heritage New Zealand Pouhere Taonga as Category 1 or 2 or the many other items that are scheduled on relevant plans.

We note that the present drafting of Section 18 would only deter projects involving demolition or relocation of significant listed/scheduled historic heritage where these activities are specifically prohibited by a regional/district plan or proposed plan. In our experience very few plans contain provisions that specifically prohibit such activities, with most instead resorting to applying a lesser activity status (i.e. restricted discretionary, discretionary, non-complying). Consequently, the current drafting of this clause could unintentionally result in projects being eligible for referral that involve the destruction of places of importance to the nation or local regions.

To address this situation we suggest that the Section 18 Clause (2) be amended by including the following:-

- (e) an activity that involves the demolition, partial demolition or relocation of a place or places listed on the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu List or listed as Category 1 or 2 on the New Zealand Heritage List/Rārangī Kōrero.
- (f) an activity that involves the demolition, partial demolition or relocation of a heritage area, building or site scheduled in a regional/district plan or proposed plan.

We note that not all Heritage New Zealand Listed items are included in relevant regional/district plan schedules and vice versa, so it is important to reference both forms of heritage recognition. Where these items are not included in the relevant plan, section 31 specifically permits their exclusion from consideration.

Schedule 4 - Work on infrastructure: permitted activities and standards.

Effectively only sites of Māori cultural significance are given any relevance. While the Schedule 4 Clause 4 notes that a wāhi tapu or other site of cultural significance need not be identified as such, Schedule 4 only provides for iwi and hapu to be consulted on this matter.

Do sites of cultural significance to others not matter?

These could include sites associated with previous iwi and hapu or other cultural denominations, such as Chinese or European etc.

Environment Court Decision A 13/99 Donnelly vs Gisborne District Council highlighted that not all heritage is listed or scheduled heritage and just because it is not listed or scheduled doesn't mean that it is not of heritage value.

Schedule 4 does not require the relevant agencies to consult with other groups other than iwi and hapu.

HPA would suggest that there be a requirement for the relevant agencies to consult with Heritage New Zealand Pouhere Taonga to confirm if there are any other sites of cultural significance, and that specific action be required to minimise the impact of the proposed work..

Schedule 6 - Applications and decision making for listed and referred projects

Clause 9 (2) refers to a number of documents and policies that any consent application should reference, including national standards, national policy statements etc.

There is currently no National Policy Statement relating to Heritage. The closest document which covers government departments' management of heritage, would be the "*Policy for Government Departments' Management of Historic Heritage - 2004*".

HPA notes that Kiwi Rail, New Zealand Transport Agency, Kāinga Ora-Homes and Communities and any local authority would not normally be constrained by this Policy as they are not Government Departments. HPA also notes that very few government departments would know that the Policy exists or follow any of the requirements of the Policy.

HPA considers that in the absence of a National Standard on Heritage, that reference to the *ICOMOS New Zealand Charter 2010* or the "*Policy for Government Departments' Management of Historic Heritage - 2004*" be added to Clause 9 (2) as item (h).

Under clause 17(1) any applications referred to the expert panel will be exempt from public or limited notification in order to expedite speedier processing timeframes. To compensate for this we note that the Bill includes provision for the panel to invite comment on listed and referred projects, including a number of specified Ministers of the Crown, authorities and entities that it must seek comment from.

While we note and support that heritage interests relating to listed projects are to be monitored and responded to by the Minister of Arts, Culture and Heritage (via the Ministry for Culture and Heritage) there is an obvious absence of any similar arrangement in terms of referred projects.

HPA considers this to be a critical omission given the truncated nature of the consultative processes around such projects. We suggest that Schedule 6, clause 17(6) is amended by including the following:-

- (v) Heritage New Zealand Pouhere Taonga
- (w) Historic Places Aotearoa Incorporated

Historic Places Aotearoa would like to express our thanks to the Select Committee for the opportunity to raise the matters outlined in our submission.

We wish to take up the opportunity to make a further oral presentation to the committee.

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