



ICOMOS NEW ZEALAND

TE MANA O NGA POUWHENUA O TE AO

INTERNATIONAL COUNCIL ON MONUMENTS AND SITES

**Submission to the Environment Committee on:
*Covid-19 Recovery (Fast Track) Consenting Bill***

20 June 2020

Introduction

ICOMOS is an international non-governmental organisation of heritage professionals dedicated to the conservation of the world's historic monuments and sites. The organisation was founded in 1965 as a result of the international adoption of the Charter for the Conservation and Restoration of Monuments and Sites in Venice in the previous year. ICOMOS is UNESCO's principal advisor in matters concerning the conservation and protection of historic monuments and sites. The New Zealand National Committee was established in 1989 and incorporated in 1990.

ICOMOS New Zealand has over 140 members made up of professionals with a particular interest and expertise in heritage issues, including architects, engineers, heritage advisers, archaeologists, lawyers, and planners.

In 1993, ICOMOS New Zealand published the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value. A revised ICOMOS New Zealand Charter was published in September 2010 and is available on the ICOMOS New Zealand website. The heritage conservation principles outlined in the ICOMOS New Zealand Charter are based on a fundamental respect for significant heritage fabric and the intangible values of heritage places.

Our Submission

ICOMOS NZ would like to thank the Committee for the opportunity to submit on the Covid-19 Recovery (Fast-track Consenting) 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; and
- Specifically identified activities for key infrastructure works by public entities that are deemed not to require consent (permitted activities).

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.

Given our specific remit to promote and advocate for the protection and management of historic heritage in New Zealand, we are particularly pleased to see that some consideration of heritage is incorporated in the Bill and support retention of the following clauses:

- **Clause 19 - Referral of Projects**

*‘In considering, for the purpose of **section 18(3)**, whether a project will help to achieve the purpose of this Act, the Minister may consider, at whatever level of detail the Minister considers appropriate, any or all of the following matters:*

- (d) whether the project may result in a public benefit by, for example,—*
- (viii) promoting the protection of historic heritage’*

- **Clause 31(3) - Work on Infrastructure**

‘An activity is excluded if it would 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’*

However, as an adjunct to this we have also identified two additional amendments we consider would help to provide further safeguards for heritage potentially affected by projects referred to the Minister. These are as follows:

- **Clause 18 - Criteria for projects that may be referred**

As noted above ICOMOS NZ is supportive of projects being referred to the Minister that promote heritage protection. However, one key aspect of the Bill we would draw the Committee’s attention to is that clause 18 currently lacks any criteria to deter the referral of projects that may involve the demolition, partial demolition or relocation of places of significant historic heritage value. This includes, for example, places currently included on the New Zealand Heritage List/Rārangi Kōrero administered by Heritage New Zealand as Category 1 (i.e. historic places of *special* or *outstanding* historical or cultural significance or value).

We note that the present drafting of clause 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.

To address this situation we suggest that the clause 18(2) is 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 on the New Zealand Heritage List/Rārangi Kōrero.

- **Schedule 6, clause 17 - Public and limited notification not permitted**

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.

As ICOMOS NZ 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’

ICOMOS NZ would like to again express our thanks to the Select Committee for the opportunity to raise the matters outlined above, and **do not** wish to take up the opportunity to make a further oral presentation to the committee.

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