

ICOMOS NEW ZEALAND
TE MANA O NGA POUWHENUA O TE AO
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Submission to the Environment Committee
Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill
16 November 2021

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 and incorporated in 1987.

ICOMOS New Zealand (ICOMOS NZ) has 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 NZ published the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value. A revised ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value was approved in September 2010 and is available on the ICOMOS New Zealand website.

The heritage conservation principles outlined in the Charter are based on a fundamental respect for significant heritage fabric and the intangible values of heritage places.

Context of this submission

ICOMOS NZ appreciates and acknowledges the housing challenges confronting our major cities and the government's desire to accelerate supply through enabling greater intensification via the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill. However, we note the distinct lack of any explicit recognition of heritage in the Bill and consider this to be a grave matter of concern.

ICOMOS NZ has for many years advocated for strengthened protection of cultural heritage through the production and implementation of a National Policy Statement on Heritage, work

which we understand has now been subsumed into the proposed Natural and Built Environment Bill and the National Planning Framework to be introduced in the coming year. Given the current absence of clear national direction relating to cultural heritage we are deeply concerned that the changes proposed in the Bill will act to undermine this future policy work and leave cultural heritage in an awkward state of flux.

Built heritage makes up approximately 2% of our total built environment, with special character areas identified in some urban areas across the country marginally adding to this percentage.

Currently, heritage is explicitly recognised and provided for in the RMA as a matter of national importance in section 6(f):

“the protection of historic heritage from inappropriate subdivision, use, and development.”

Further to this we note that the November 2021 Report of the Environment Committee on the *Inquiry on the Natural and Built Environment Bill: Parliamentary Paper* recommended:

*“That the purpose clause give more prominence to the built environment, so that the purpose of the NBA is more clearly linked to the outcomes for housing, infrastructure, **and cultural heritage in relation to the built environment.**”*

It is clear from this recommendation that heritage continues to be seen as a matter of national importance. Unfortunately, this is something that the Bill fails to account for, particularly in relation to the protection of scheduled historic heritage, special character areas and places of significance to Māori.

We risk significant loss of cultural heritage and, by extension, the loss of established character and sense of community in our main urban centres if the level of re-development and intensification anticipated by the Bill is realised. For councils currently in the process, or are yet to commence the process, of identifying and recognising special character areas, historic heritage, or cultural landscapes, these places may be lost for good through this process as the task of evaluating heritage as a ‘qualifying matter’ under clauses 77G – 77I and 77L – 77N may be seen as too arduous an undertaking.

Scope of this submission

In light of this context ICOMOS NZ welcomes the opportunity to respond to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill. We note that our response is focussed on the adverse effects to cultural heritage anticipated as a result of the proposed changes, including the expedient nature of their implementation. While we understand and support the need to provide more affordable housing choice in our larger cities, we do not support it at the expense of unnecessarily diluting existing character and community cultural heritage stock.

General comments

ICOMOS NZ is broadly supportive of the general intent of the Bill, particularly in relation to providing more housing to meet the diverse and changing needs of people and communities. However, we do not support unfettered development in circumstances where this could lead to the destruction or significant dilution of existing cultural heritage/landscapes that provide us with a wide-reaching sense of social cohesion and a strong sense of place.

Given the obligations under section 6 of the RMA we would have expected the Bill to have explicitly addressed how development will interact with heritage. In response to this omission we would suggest that further provision is made within the proposed legislation to provide:

- (a) A transition between the level of development proposed and any adjacent cultural heritage or special character area;
- (b) Design guidance to enable a consideration of design quality for any development that fails to meet the permitted activity standards set out in schedule 3A.

ICOMOS NZ is disappointed at the lack of suitable engagement in developing the Bill, particularly with Councils and communities that have already gone through, or are currently going through, changing their planning instruments to recognise areas of cultural heritage value or that exhibit special character. The impact this may have on these well-established, lower density residential areas is the loss of sunlight access and light, loss of privacy from overlooking by high-level neighbours located at closer proximities, an increasing sense of building dominance and higher noise levels – all of which will have a consequential impact on the sense of well-being and place experienced by residents and the wider community.

ICOMOS NZ recognises that there are competing interests when it comes to considering the protection of cultural heritage relative to enabling greater levels of housing density - an example of this is affordable housing. What we are unclear about however is how the directives in the Bill will achieve this outcome, particularly in high value inner-city suburbs where the cost of land will invariably lead to existing housing stock being replaced by 'higher end' alternatives well beyond the reach of first home buyers. We note that this is an issue on which the Bill is currently silent and one that is not well canvassed in either the supporting Regulatory Impact Statement or cost-benefit analysis.

We also note with concern the extension of decision-making powers to the Minister of the Environment regarding rejection by Councils of recommendations made by independent hearings panels. ICOMOS NZ considers this an unjustifiable and unwarranted undermining of democratic process and would instead recommend that such situations be addressed through an avenue like the Environment Court.

Specific Comments

The Bill in its current form allows for city-wide intensification and rapid replacement of existing housing stock, an outcome counter to the 'sustainable management' purpose embedded in the RMA.

The proposed standards, along with their accompanying permitted activity status, will inevitably accelerate the loss of existing housing stock and lead to the further erosion of heritage and character within our main centres. Much of this housing stock has not yet reached the end of its useful life and is still fit for purpose or could be upgraded to remain fit for purpose. We are fearful that under this proposal there is the potential for significant uncontrolled demolition and redevelopment to occur at a city wide scale, with this leading to an oversupply of some housing types and unoccupied dwellings which have replaced existing, lived in, homes.

The existing housing stock includes thousands of heritage and character homes, both on individual sites and in clusters which form coherent streetscapes in several city suburbs across the country. They reflect a variety of building typologies and eras of urban

development and make a strong contribution to the identity of their respective city/district and sense of place experienced by residents and visitors alike.

Qualifying matters

ICOMOS NZ notes with concern that protection of heritage and character in the Bill is solely reliant on the 'qualifying matters' mechanism outlined in clauses 77G – 77I and 77L – 77N. This includes satisfying a scheduling threshold that demands a high level of detailed analysis and documentation combined with a truncated timeframe within which such work needs to be completed.

This concern is further compounded by the fact that councils which currently offer limited heritage/character area protection in their district plans will have incredibly demanding timeframes to complete the requisite level of analysis, documentation and hearing processes necessary to enhance existing area protection before the city/district wide impacts of the proposed intensification provisions are felt.

In light of this ICOMOS NZ recommends the following to reduce the impact of the Bill on heritage and character values:

- Give further consideration to the important role that maintaining existing housing stock plays in providing for the social, economic and cultural wellbeing of communities. Controlling the rate of change to existing housing stock provides for resource efficiency and in turn maintains the housing stock's contribution to city/district identity.
- Reduce the geographic reach of the proposed density provisions to better align with planned intensification areas identified in operative/ proposed district plans. This would facilitate a more purposeful, co-ordinated approach to the intensification and future urban form of our main centres, including the significant contribution that character and heritage housing stock makes to achieving a diverse, high quality urban form.
- Introduce a longer implementation timeframe to address qualifying matters, particularly given the a high level of detailed analysis and documentation necessary to satisfy the requirements of clauses 77G – 77I and 77L – 77N.
- As an extension to clause 77I, that the assessment of existing characteristics is evaluated on the basis of existing forms of heritage assessment (such as Auckland Council's or HNZPT's), and includes consideration of the value of retaining existing housing stock from a 'carbon accounting' and waste mitigation perspective (e.g. reduction in unnecessary building waste).

Schedule 3A

- Include in Schedule 3A bespoke building height, height in relation to boundary, and boundary set-back standards that would act to provide a transition between the level of development anticipated in the Bill and any adjacent cultural heritage or special character area identified as a qualifying matter.

Conclusion

ICOMOS NZ would like to thank the Environment Committee for the opportunity to raise the matters outlined within this submission. We are available to expand on these should the committee wish to explore any of the above matters further.



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