



ICOMOS NEW ZEALAND
TE MANA O NGA POUWHENUA O TE AO
INTERNATIONAL COUNCIL ON MONUMENTS AND SITES

To: Ministry for the Environment (in relation to certification for RMA decision makers)
Clerk of the Environment Court
Christchurch City Council Heritage Team

ICOMOS New Zealand is deeply concerned about comments made in a recent Commissioner Hearing Decision report about the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Significance (“the Charter”).

Our concerns relate to comments contained in the decision for the reinstatement of the Christ Church Cathedral issued on 22 December 2020.

In this decision Commissioner Maasen stated:

[56] I disagree with [expert witness] that the ICOMOS Charter is an appropriate reference document for the assessment of the Application. None of the governing statutory instruments refer to the ICOMOS Charter. Also, the ICOMOS Charter appropriately applies to buildings where the law has earmarked them for complete preservation and is not therefore apt for a building that is in the state the Cathedral is in. The inapplicability of the ICOMOS Charter is also evident from the text of the statutory instruments and the activities they envisage. Further [expert witness] is incorrect in saying that clause 9(a) expects that a heritage professional's advice will be followed and that clause 9(c) requires that works be undertaken in a way that heritage values are maintained. Those matters addressed in clause 9 are matters of control and therefore only define the parameters within which conditions can be made. The framing of the conditions within those parameters is to be determined in light of relevant provisions of the RMA, case law, and the statutory instruments specific to this project. For example, the need for reasonable flexibility in the implementation of the project to achieve the positive effects that follow from the fulfilment of the project will be an important matter in the framing conditions.

Our concerns relate to two aspects of the Commissioner's comments:

- Disregard for the charter as a tool for guiding decisions by heritage professionals
- Statement that the Charter is only ever applicable in the context of full restoration.

These comments clearly misrepresent the purpose and intent of the Charter.

ICOMOS makes the following statements in relation to its charter:

- The Charter is given legal effect through incorporation by reference. Section 17(b)(v) of the Heritage New Zealand Pouhere Taonga Act 2014 provides a statutory power and function for Heritage New Zealand to make general policy statements. Their general policy statement on advocacy states:

"HNZPT recognises that the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage should recognise the purpose and principles of the ICOMOS New Zealand Charter".

- The Charter is recognized as the benchmark for conservation best practice and standards in New Zealand. It is a statement of professional principles for members of ICOMOS New Zealand and an important document that guides their work on heritage places.
- The Charter is widely used by a range of agencies and organisations within New Zealand. It is used by central government ministries and departments to formulate policies, and by local bodies in district plans and heritage management. Heritage New Zealand Pouhere Taonga, the Ministry of Culture and Heritage and the Department of Conservation use the charter to guide their heritage conservation work. It was used by Ngai Tahu in their Deed of Settlement. The Lotteries Grants Board uses the charter for guidance in its deliberations.
- It is completely incorrect to state that the Charter and its principles apply only to buildings where the law has earmarked them for complete preservation. There is nothing in the Charter that states or implies this.
 - The Charter offers a range of possible conservation strategies, ranging from preservation through to reconstruction and adaptation.
 - Whilst preference is given to the least degree of intervention, which is generally associated with preservation, other courses of action and the principles that should guide these are discussed in detail within the Charter.

- The Preamble to the Charter states clearly that each article of the Charter must be read in the light of all the others. This concept supports an approach based on consideration of all possible options

We encourage you to disseminate this information to Court Judges, Commissioners and other decision-making officials to ensure that the ICOMOS Charter is appropriately recognised and interpreted when making future deliberations concerning New Zealand's historic heritage.

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