

ICOMOS NEW ZEALAND
TE MANA O NGA POUWHENUA O TE AO
INTERNATIONAL COUNCIL ON MONUMENTS AND SITES
CONSEIL INTERNATIONAL DES MONUMENTS ET DES SITES
CONSEJO INTERNACIONAL DE MONUMENTOS Y SITIOS

P O BOX 90 851 VICTORIA STREET WEST, AUCKLAND 1142, NEW ZEALAND.

WWW.ICOMOS.ORG.NZ

**Submission to Manatū Taonga Ministry for Culture and Heritage
Draft Policy for Government Management of Cultural Heritage
5 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

As noted in the discussion document, many locally and nationally significant heritage buildings and places are in the ownership of government agencies.

Given the nature of ICOMOS NZ's membership base, many of our members have had direct involvement with a range of government departments regarding the management and disposal of heritage places. During the course of this involvement we have observed poor management of heritage assets by agencies such as LINZ, DoC, Kainga Ora, the Ministry of Justice, the Ministry of Education, KiwiRail, and District Health Boards. This includes an

inconsistent approach to heritage management across departments, inadequate funding to provide for heritage, a lack of guidance and support for departments managing heritage, poor heritage outcomes and decision making and preventable losses of highly significant heritage places.

Significant losses we have observed include the Aniwaniwa Visitors Centre, DoC huts, hospital buildings and nurses' homes, classrooms, courthouses, and post offices. We also note the considerable deterioration of heritage buildings included in proposed Treaty Settlements, due to a lack of budget allowance for maintenance or repair during the lengthy process.

Scope of this submission

In light of this context ICOMOS NZ welcomes the opportunity to respond to the Draft Policy for Government Management of Cultural Heritage. We note that our response is focussed on key content areas in the draft policy, as the questions posed in the discussion document pertain more towards state sector organisations with cultural heritage assets in their care.

General comments

ICOMOS NZ is broadly supportive of the objective, principles and policy direction outlined in the draft policy document. We consider that it represents a positive improvement on the current policy. This is evidenced, for example, by the language in Principals 3 and 5 around the benefits and leadership that heritage contributes. ICOMOS NZ also supports the central role MCH are taking in this revised policy.

We note that this draft policy presents a major step-change for many state sector organisations. Effective implementation of the policy is predicated on the ongoing allocation of dedicated funding along with the development and delivery of a supporting guidance package to assist government agencies to comply with the draft policy directives, noting that government agencies will need to be upskilled on the policy in order to be able to implement it. The policy will also need to be deliberately and consistently implemented and enforced. Conservation plans, maintenance plans and condition surveys and their implementation need to be budgeted for.

A timeframe for implementation of the policy is critical, particularly the work to comprehensively identify assets with heritage values.

Although ICOMOS NZ is supportive of the policy applying to 'all State Sector organisations' we query the exclusion of Boards of Trustees and note that the relationship between the responsibilities assumed by Boards and the Ministry of Education needs to be clarified for the purposes of the draft policy. While we recognise that Board members personally shoulder responsibility for the health and safety of all those using school facilities, this should not be at the expense of adopting a best practice approach to cultural heritage assets under their control. We consider that the Ministry of Education, as a government agency, should take on the responsibility for heritage assets specifically in line with the policy, leaving the management of non-heritage assets and the development of sites for education in the hands of school boards of trustees.

Some government agencies (eg Kainga Ora) have opposed District Plan scheduling of heritage places in their ownership. In light of this we consider that the revised policy and its implementation should support and enforce regulatory heritage protection of heritage assets managed by government agencies.

ICOMOS NZ recognises that there will be competing interests for heritage assets – for example health or education needs. Consequently, we wish to more fully understand how the policy is intended to be implemented in decision making, and importantly how heritage values will be weighed against other matters in decision making processes. This is something that is not currently addressed in the draft policy.

We note that there is heavy reliance in the draft policy on provision of specialist heritage advice by HNZPT and suggest that additional resources and expertise would need to be directed to the agency in order to enable it to effectively fulfil this intended function.

We note that the Parliamentary Speaker has absolute control over what happens to the Parliamentary Buildings and grounds, and question how the policy will apply in this type of instance.

Equally, we also observe that although the policy has as an outcome regarding the appropriate management of places of significance to Māori, this is not strongly or specifically provided for throughout the draft policy in order to support the outcome.

Specific Comments

Interpretation

ICOMOS NZ recommends that in addition to the definitions provided, the following terms should also be defined to increase interpretive clarity and improve the effectiveness of policy delivery:

- 'Best practice', particularly clarifying what this looks like in a cultural heritage context (e.g. condition surveys, conservation plans, cyclical maintenance programmes).
- 'Suitably qualified and experienced heritage professionals.'
- 'Appropriate expertise for conservation disciplines and tradespeople.'
- Extend the definition of Conservation to include "into the foreseeable future" or "in perpetuity" so as to highlight that it is not a finite or static process.
- Include a definition of "Repair" such as that contained in the ICOMOS NZ Charter - *means to make good decayed or damaged fabric using identical, closely similar, or otherwise appropriate material.*
- Include a definition of "Maintenance" such as that contained in the ICOMOS NZ Charter - *means regular and on-going protective care of a place to prevent deterioration and to retain its cultural heritage value.*
- Provide definitions to clarify "professional, trade, and craft skills" and "appropriate expertise for conservation disciplines and tradespeople."
- Historic heritage –add social, spiritual values, and a broader range of types of sites of significance to Māori.

Policies

Policy 1

- We recommend that a specific timeframe is included to provide clarity to agencies concerning the deadline for compliance with the policy.

Policy 3

- ICOMOS NZ notes that 'appropriately qualified people' will be involved 'where necessary' and recommend that the term 'where necessary' is either deleted from the policy or the conditions/circumstances where this applies are specified.
- We note that relevant employees will be made 'aware' of heritage principles and related heritage values and recommend that this is replaced with 'upskilled/educated.'
- In addition to a definition of 'suitably qualified and experienced heritage professionals', we note that a certification standard and process could be introduced, such as that incorporated into the Christchurch District Plan for 'Heritage Professionals.' We recognise that a separate process may also be required to identify appropriate advisors for sites of significance to Māori.

Policy 4

- The draft policy is unclear regarding the circumstances under which public participation is considered "appropriate" or "inappropriate". ICOMOS NZ recommends that the conditions/circumstances where this applies are specified.
- We suggest there needs to be a current list of buildings of heritage significance under crown agency care and a clear requirement that this list is regularly updated. The list also needs to reflect the current New Zealand Heritage List/Rārangi Kōrero and District Plan heritage schedules. ~~OBJ:OBJ:OBJ:OBJ:OBJ:~~
- Conservation plans, maintenance plans, condition surveys etc. should be filed and accessible from a central repository with regular updating required as part of the audit. The policy needs to provide for the implementation of these documents to be monitored.
- "Voluntary notification of resource consent applications" should be applied to all cultural heritage assets under government ownership, as part of a 'best practice' approach.

Policy 5

- We recommend that in addition to individual agencies holding records of the cultural heritage under their stewardship, associated documentation is also supplied to MCH, with the Ministry acting as a central repository of relevant cultural heritage records.

Policy 6

- ICOMOS NZ supports compliance monitoring on an annual basis.

- We note that annual reporting on the extent of compliance with the policy is to be undertaken by individual agencies. Our concern with this approach is that reliance on 'self-reporting' presents a risk of inaccuracies, with the level of accuracy and veracity dependent on the capability and capacity of those charged with monitoring compliance. ICOMOS NZ recommends that compliance would benefit from independent auditing and enforcement and that it be undertaken by an independent monitoring and reporting agency (e.g. a monitoring unit within MCH), otherwise different approaches and inconsistencies between audits is likely to arise.
- We suggest a penalty should be applied to non-compliance with any remedial actions recommended by the independent auditor.

Policy 7

- Rather than researching and identifying heritage places 'from time to time', ICOMOS NZ recommends that the policy require comprehensive research and identification of heritage places under agency care as a matter of urgency, including an associated timeframe. This will need to be prepared using a consistent assessment framework that includes standards, criteria, methodology and thresholds for heritage significance.
- We support the use of thematic/typological studies to assist with cultural heritage value identification and recommend that a consistent approach to deliver these needs to be developed (e.g. thematic/typology framework).
- The policy should require that independent, appropriately qualified heritage professionals undertake this work, and that it be commissioned and reviewed by MCH.

Policy 8

- We note that inventories will be centrally published but recommend that explicit reference is made to MCH or another suitable agency as the central repository.
- Material deposited at the central repository should also be publicly available.

Policy 9

- ICOMOS NZ supports the general intent to publicly recognise the cultural heritage values of places of cultural heritage value managed by government agencies but queries whether 'support' of initiatives to recognise associated values is sufficient and recommends that this term is replaced by 'initiate' or 'activate.'

Policy 10

- We support the preparation, update and implementation of plans and strategies to facilitate the long-term conservation of places of cultural heritage value but recommend the inclusion of further detail as to how this will be operationalised and enforced.
- Refer comments relating to Policy 3 regarding who is deemed to be 'appropriately qualified'.

- ICOMOS NZ questions the intended standard of associated document preparation and suggests the development of a crown agency standard to ensure uniformity and consistency across agencies.

Policy 12

- We note the directive to 'ensure' that heritage places continue to retain their original/long-term use or are adaptively reused but query how this is intended to be achieved and recommend the inclusion of further detail as to how this will be operationalised and enforced.
- The policy and its implementation needs to be informed by robust consideration of a full range of adaptive reuse options under the 'manage' component of the management cycle prior to determining discontinuation of an existing use and movement to the 'dispose' stage.
- We recommend that the policy requires agencies to adopt, as a minimum, an 'active maintenance' approach to the management of heritage places not in active use to ensure that they are not left in a state of disrepair/neglect, resulting in costly and extensive future repairs.
- We suggest the use of the term "compatible" to the building typology in conjunction with "sympathetic" to cultural heritage value.

Policy 14

- ICOMOS NZ notes reference to 'periodic monitoring', and queries what this entails. We recommend the inclusion of a specific condition monitoring timeframe (e.g. annual/bi-annual condition survey).

Policy 15

- We note references to 'regularly maintain' and 'appropriately repair' and query what this entails. Our recommendation is that the conditions/circumstances where this applies are specified, including a need for, and link to, regular condition surveys and associated asset management plans.

Policy 16

- ICOMOS NZ notes the lack of clarity regarding the term 'unrecognised cultural heritage' and how it will be identified prior to any earthworks/demolition. We recommend the inclusion of further detail as to how this will be operationalised and enforced. We note that identifying heritage values at the disposal stage can often be too late – and results in heritage losses. For this reason, a comprehensive identification and assessment programme to identify all assets with heritage value (not just those already recognised in District Plans or the New Zealand Heritage List/Rārangī Kōrero) is recommended as an urgent action. In addition, sufficient time and budget needs to be built into the disposal phase to provide for heritage protection.
- We strongly recommend that Heritage Conservation Covenants are required to be registered against the Certificates of Title for properties with heritage values prior to on-sale.

Conclusion

ICOMOS NZ wishes to thank the Ministry for the opportunity to raise the matters outlined within this submission. We would also be more than happy to meet with Ministry officials to further discuss the matters raised if this would assist.

ICOMOS NZ wishes to acknowledge that they have seen the submission prepared by Historic Places Aotearoa, and supports the content of their submission.



Pamela Dziwulska

Chairperson, ICOMOS New Zealand

icomosnzsecretary@gmail.com