



ICOMOS Aotearoa New Zealand Occasional Paper

Occasional Paper 1:

Use of the New Zealand Charter for Policy or Technical Guidance

Approved by the Board of ICOMOS Aotearoa New Zealand in February 2024

Introduction

ICOMOS Aotearoa New Zealand (ICOMOS ANZ) applied to Manatu Taonga Ministry for Culture and Heritage's Cultural Regeneration Fund in 2021. The fund had been established by Manatu Taonga Ministry for Culture and Heritage following COVID, and was to provide support for the cultural sector to create new employment and skill development opportunities, promote innovation and enhance New Zealanders' access to inspiring cultural experiences.

ICOMOS ANZ received funding to undertake a scoping exercise and develop a comprehensive proposal for preparing written guidance ("Practice Notes") for users of the ICOMOS New Zealand Charter to enable appropriate implementation.

A comprehensive report to guide development of Practice Notes was prepared by Moira Smith, of The Heritage Practice and Jim Gard'ner, GJM Heritage.

An appendix to Smith and Gard'ner's report was a detailed literature review of the use of the ICOMOS ANZ Charter in policy or technical guidance documents. This appendix is of great relevance to heritage practitioners, so is published as an Occasional Paper.

A1 -1. NEW ZEALAND HERITAGE POLICY AND TECHNICAL GUIDANCE (INCLUDING ICOMOS CHARTERS GENERALLY)

1.1. ICOMOS NZ & ICOMOS - PUBLICATIONS

PUBLICATION & LINK	DATE	COMMENTS
ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value	2010	<p><i>Following the spirit of the International Charter for the Conservation and Restoration of Monuments and Sites (the Venice Charter - 1964), this charter sets out principles to guide the conservation of places of cultural heritage value in New Zealand. It is a statement of professional principles for members of ICOMOS New Zealand.</i></p> <p><i>This charter is also intended to guide all those involved in the various aspects of conservation work, including owners, guardians, managers, developers, planners, architects, engineers, craftspeople and those in the construction trades, heritage practitioners and advisors, and local and central government authorities. It offers guidance for communities, organisations, and individuals involved with the conservation and management of cultural heritage places.</i></p> <p><i>This charter should be made an integral part of statutory or regulatory heritage management policies or plans, and should provide support for decision makers in statutory or regulatory processes.</i></p> <p><i>Each article of this charter must be read in the light of all the others. Words in bold in the text are defined in the definitions section of this charter.</i></p> <p><i>This revised charter was adopted by the New Zealand National Committee of the International Council on Monuments and Sites at its meeting on 4 September 2010.</i></p>
Te Tūtohunga ICOMOS o Aotearoa mō te Atawhai i ngā Tino Wāhi Ahurea Tuku Iho	2010	<p><i>I runga i te wairua o te kaupapa o Te Tūtohunga o te Ao mō te Atawhai me te Whakaora i ngā Whare Tawhito me ngā Wāhi (te Tūtohunga o Venice – 1964), e whakarārangi ana tēnei tūtohunga i ngā mātāpono hei ārahi i te atawhai o ngā tino wāhi ahurea tuku iho i Aotearoa. He tauākītanga o ngā mātāpono ngaio mō ngā mema ICOMOS o Aotearoa.</i></p>

1.1. ICOMOS NZ & ICOMOS - PUBLICATIONS

PUBLICATION & LINK	DATE	COMMENTS
		<p><i>Hei ārahi anō tēnei tūtohinga i te hunga kei roto i ngā mahi huhua o te atawhai, tae atu ki ngā tāngata nō rātou ngā whenua, ngā kaitiaki, ngā kaiwhakahaere, ngā kaiwhakawhanake, ngā kaiwhakamahere, ngā kaihoahoa, ngā kaipūkaha, ngā tohunga haratau me ērā i roto i ngā mahi hanga whare, ngā kaitiaki rawa me ngā kaitohutohu, tae atu ki ngā āpiha o te kāwanatanga me te kāwanatanga ā-rohe. He tuku tohutohu mō ngā hāpori, ngā whakahaere, me ngā tāngata i roto i ngā kaupapa atawhai me te whakahaere i ngā wāhi ahurea tuku iho.</i></p> <p><i>Me uru tēnei tūtohinga hei wāhanga matua o ngā kaupapa here me ngā mahere whakahaere rawa tuku iho, ā-ture, ā-whakaritenga hoki, me te tuku tautoko ki te hunga whakatau tikanga i roto i ngā whakahaere ā-ture.</i></p> <p><i>Me pānui ia upoko o tēnei tūtohinga i runga i te whakaaro mō ngā upoko katoa. Ko ngā kupu miramira e whakamāramahia ana i te wāhanga whakamārama o tēnei tūtohinga.</i></p> <p><i>I whakamanahia tēnei tūtohinga e te Komiti o Aotearoa mō Ngā Pouwhenua o te Ao i tana hui i te 4 o Mahuru 2010.</i></p>
<p>International Charter for the Conservation and Restoration of Monuments and Sites (The Venice Charter 1964)</p>	<p>1964</p>	
<p>Historic Gardens (The Florence Charter 1981)</p>	<p>1981</p>	<p><i>The ICOMOS-IFLA International Committee for Historic Gardens, meeting in Florence on 21 May 1981, decided to draw up a charter on the preservation of historic gardens which would bear the name of that town. The present Florence Charter was drafted by the Committee and registered by ICOMOS on 15 December 1982 as an addendum to the Venice Charter covering the specific field concerned.</i></p>

1.1. ICOMOS NZ & ICOMOS - PUBLICATIONS

PUBLICATION & LINK	DATE	COMMENTS
Charter for the Protection and Management Of the Archaeological Heritage (1990)	1990	<p><i>It is widely recognised that a knowledge and understanding of the origins and development of human societies is of fundamental importance to humanity in identifying its cultural and social roots.</i></p> <p><i>The archaeological heritage constitutes the basic record of past human activities. Its protection and proper management is therefore essential to enable archaeologists and other scholars to study and interpret it on behalf of and for the benefit of present and future generations.</i></p> <p><i>The protection of this heritage cannot be based upon the application of archaeological techniques alone. It requires a wider basis of professional and scientific knowledge and skills. Some elements of the archaeological heritage are components of architectural structures and in such cases must be protected in accordance with the criteria for the protection of such structures laid down in the 1966 Venice Charter on the Conservation and Restoration of Monuments and Sites. Other elements of the archaeological heritage constitute part of the living traditions of indigenous peoples, and for such sites and monuments the participation of local cultural groups is essential for their protection and preservation.</i></p>
The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance	2013	
Appleton Charter for the Protection and Enhancement of the Built Environment	1983	<p><i>Intervention within the built environment may occur at many levels (from preservation to redevelopment), at many scales (from individual building elements to entire sites), and will be characterized by one or more activities, ranging from maintenance to addition.</i></p> <p><i>Though any given project may combine intervention scales, levels and activities, projects should be characterized by a clearly stated goal against which small scale decisions may be measured.</i></p> <p><i>The appropriate level of intervention can only be chosen after careful consideration of the merits of the following:</i></p>

1.1. ICOMOS NZ & ICOMOS - PUBLICATIONS

PUBLICATION & LINK	DATE	COMMENTS
		<ul style="list-style-type: none"> • <i>cultural significance,</i> • <i>condition and integrity of the fabric,</i> • <i>contextual value,</i> • <i>appropriate use of available physical, social and</i> • <i>economic resources.</i>
Charter on the Protection and Management of Underwater Cultural Heritage (1996)	1996	<i>This Charter is intended to encourage the protection and management of underwater cultural heritage in inland and inshore waters, in shallow seas and in the deep oceans. It focuses on the specific attributes and circumstances of cultural heritage under water and should be understood as a supplement to the ICOMOS Charter for the Protection and Management of Archaeological Heritage, 1990.</i>
The ICOMOS Charter on Cultural Routes	2008	<i>This concept introduces a model for a new ethics of conservation that considers these values as a common heritage that goes beyond national borders, and which requires joint efforts.</i>
International Cultural Tourism Charter: Managing Tourism at Places of Heritage Significance (1999)	1999	<p><i>At a time of increasing globalisation, the protection, conservation, interpretation and presentation of the heritage and cultural diversity of any particular place or region is an important challenge for people everywhere. However, management of that heritage, within a framework of internationally recognised and appropriately applied standards, is usually the responsibility of the particular community or custodian group.</i></p> <p><i>A primary objective for managing heritage is to communicate its significance and need for its conservation to its host community and to visitors. Reasonable and well managed physical, intellectual and/or emotive access to heritage and cultural development is both a right and a privilege. It brings with it a duty of respect for the heritage values, interests and equity of the present-day host community, indigenous custodians or owners of historic property and for the landscapes and cultures from which that heritage evolved.</i></p>
Charter for the Conservation of	1987	

1.1. ICOMOS NZ & ICOMOS - PUBLICATIONS

PUBLICATION & LINK	DATE	COMMENTS
Historic Towns and Urban Areas (Washington Charter 1987)		
The ICOMOS Charter for The Interpretation and Presentation of Cultural Heritage Sites	2008	
The Nara Document on Authenticity (1994)	1994	
ICOMOS Charter- Principles for the Analysis, Conservation and Structural Restoration of Architectural Heritage (2003)	2003	<i>Structures of architectural heritage, by their very nature and history (material and assembly), present a number of challenges in diagnosis and restoration that limit the application of modern legal codes and building standards. Recommendations are desirable and necessary to both ensure rational methods of analysis and repair methods appropriate to the cultural context.</i>
Charter on the Built Vernacular Heritage (1999)	1999	

1.2. HERITAGE NEW ZEALAND POUHERE TAONGA (HNZPT) - PUBLICATIONS

PUBLICATION & LINK	DATE	COMMENTS	THE CHARTER
Significance Assessment Guidelines: Guidelines for Assessing Historic Places and Historic Areas for the New Zealand List / Rārangi Kōrero	2019	<i>This guide is an internal document to assist Heritage New Zealand Pouhere Taonga ('Heritage New Zealand') staff and governance in applying the statutory criteria for the inclusion of historic places and historic areas on the New Zealand Heritage List/Rārangi Kōrero ('the List'). It also provides useful guidance on writing significance statements.</i>	Charter is cited
		<i>This guide must be followed by Heritage</i>	

1.2. HERITAGE NEW ZEALAND POUHERE TAONGA (HNZPT) - PUBLICATIONS

PUBLICATION & LINK	DATE	COMMENTS	THE CHARTER
		<i>New Zealand staff during the List entry process.</i>	
Heritage redesigned: Adapting historic places for contemporary New Zealand	2011		Charter is cited
Saving the Town: Heritage Toolkit	2020	<i>The purpose of this Saving the Town toolkit is to provide councils and community stakeholders with ideas for, suggestions on and information about a range of strategies, programmes and practical initiatives that can be used to take a proactive approach to facilitating and encourage heritage retention, preservation and reuse.</i>	
Heritage New Zealand Pouhere Taonga Annual Reports Purongo Ā Tau	2019		Charter is cited (2019)
Tapuwae: Nā Te Kaunihera Māori Mō Te Pouhere Taonga Māori The Māori Heritage Council Statement on Māori Heritage	2017		
MĀORI HERITAGE -			
LINK			
Protecting Māori heritage			
Marae Conservation			
Grants and funding			
STATEMENTS OF GENERAL POLICY -			
LINK			

1.2. HERITAGE NEW ZEALAND POUHERE TAONGA (HNZPT) - PUBLICATIONS

PUBLICATION & LINK	DATE	COMMENTS	THE CHARTER
Advocating for the Conservation of Historical and Cultural Heritage	2015		Charter is cited
The Administration of the Archaeological Provisions under the Heritage New Zealand Pouhere Taonga Act 2014	2015		
The Administration of the National Historic Landmarks Ngā Manawhenua O Aotearoa Me Ōna Kōrero Tūturu	2015		Charter is cited
Management and use of Historic Places Owned, Controlled or Vested in Heritage New Zealand Pouhere Taonga	2015		Charter is cited
The Administration of the New Zealand Heritage List/ Rārangi Kōrero	2015		
CONSERVATION PLANS			
Various conservation plans	various		Charter is cited
SUSTAINABLE MANAGEMENT OF HISTORIC HERITAGE - LINK GUIDES			

1.2. HERITAGE NEW ZEALAND POUHERE TAONGA (HNZPT) - PUBLICATIONS

PUBLICATION & LINK	DATE	COMMENTS	THE CHARTER
Guide No. 1 Regional Policy Statements	2007		
Guide No. 2 Regional Plans	2007		
Guide No. 3 District Plans	2007		Charter is cited
Guide No. 4 Resource Consents	2007		Charter is cited
Guide No. 5 State of The Environment Reporting and Monitoring	2007		
Guide No. 6 Building Act 2004	2007		Charter is cited
Guide No. 7 Insurance and Heritage Properties	2007		Charter is cited
Guide No. 9 Heritage Provisions: Dangerous, Earthquake Prone, Insanitary Buildings and Dangerous Dams Policies Building Act 2004	2007		Charter is cited
Incentives for Historic Heritage	2013		
Guidance Series Iwi Management Plans	2012		
Guidance Series Fire Safety and Heritage Places	2012		Charter is cited
Guidance Series Providing for Physical	2011		Charter is cited

1.2. HERITAGE NEW ZEALAND POUHERE TAONGA (HNZPT) - PUBLICATIONS

PUBLICATION & LINK	DATE	COMMENTS	THE CHARTER
Access to Heritage Places			
DISCUSSION PAPERS			
Discussion Paper No. 1 Historic Heritage Principles and Issues	2007		Charter is cited
Discussion Paper No.2 Assessment of Effects on the Historic Environment	2007		Charter is cited
Discussion Paper No.3 Heritage Landscape Values	2007		Charter is cited
Discussion Paper No. 4 Urban Design And Historic Heritage	2007		Charter is cited
Discussion Paper No. 5 High Country Tenure Review – Implications For Historic Heritage And Landscapes In The South Island High Country	2007		Charter is cited
Discussion Paper No. 6 Heritage at Risk: Addressing the Issue of the Demolition by Neglect of Historic Heritage in New Zealand	2007		
Discussion Paper No.7 Windfarms and Historic Heritage	2007		Charter is cited
GUIDANCE INFORMATION SHEETS			

1.2. HERITAGE NEW ZEALAND POUHERE TAONGA (HNZPT) - PUBLICATIONS

PUBLICATION & LINK	DATE	COMMENTS	THE CHARTER
Information Sheet 1 Principles for Assessing appropriate or inappropriate Subdivision, Use and Development on Historic Heritage Values	2007		Charter is cited
Information Sheet 2 Assessment criteria to assist in the identification of Historic Heritage Values	2007		
Information Sheet 3 A framework for Historic Heritage	2007		
Information Sheet 4 Historic Heritage Schedules in RMA Regional and District Plans	2007		
Information Sheet 5 Model Heritage Rules for RMA Regional and District Plans (historic buildings)	2007		
Information Sheet 6 Model Heritage Rules for RMA Regional ¹ and District Plans (Historic Sites)	2007		
Information Sheet 7 Model Heritage Rules for RMA Regional and District Plans (Places	2007		

1.2. HERITAGE NEW ZEALAND POUHERE TAONGA (HNZPT) - PUBLICATIONS

PUBLICATION & LINK	DATE	COMMENTS	THE CHARTER
and Areas of Significance to Maori)			
Information Sheet 8 Model Heritage Rules for RMA Regional1 and District Plans (Historic Areas)	2007		
Information Sheet 9 Preparing a Heritage Impact Assessment	2007		Charter is cited
Information Sheet 10 Archaeological Site Advice Notices for RMA plans and consents	2007		
Information Sheet 11 Repairs and Maintenance to Historic Places and Areas	2007		Charter is cited
Information Sheet 12 Alterations and additions to historic buildings	2007		Charter is cited
Information Sheet 13 Relocation of historic buildings	2007		Charter is cited
Information Sheet 14 Partial demolition of historic buildings	2007		
Information Sheet 15 Demolition of historic buildings	2007		
Information Sheet 16 Assessing Impacts on the Surroundings	2007		

1.2. HERITAGE NEW ZEALAND POUHERE TAONGA (HNZPT) - PUBLICATIONS

PUBLICATION & LINK	DATE	COMMENTS	THE CHARTER
associated with Historic Heritage			
Information Sheet 17 Assessing Impacts on Historic Areas	2007		
Information Sheet 18 Assessing Impacts on Places and Areas of Significance to Maori	2007		
Information Sheet 19 Assessing Impacts on Historic Sites, including Archaeological Sites	2007		
Information Sheet 20 Assessing Impacts of Subdivision on Historic Heritage	2007		
Information Sheet 21 Assessing Impacts of Advertising Signs on Historic Heritage	2007		
Information Sheet 22 Assessing Impacts of Designations on Historic Heritage	2007		
Information Sheet 23 Best Practice (Model) Historic Heritage Rule Guidance for Regional Coastal Plans (CMA)	2007		
Information Sheet 24 Monitoring the State of Historic Heritage Sample Form	2007		
ARCHAEOLOGICAL GUIDANCE			

1.2. HERITAGE NEW ZEALAND POUHERE TAONGA (HNZPT) - PUBLICATIONS

PUBLICATION & LINK	DATE	COMMENTS	THE CHARTER
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Generally -
[Archaeology |](#)
[Protecting Heritage |](#)
[Heritage New Zealand](#)

**Guidelines and
 Templates - [LINK](#)**

AGS1 Guidelines for investigation and recording of buildings and standing structures	2018		
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AGS2 Guidelines for writing archaeological assessments	2019		
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AGS3 Research strategies for archaeological authority applications	2019		
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AGS6 Dealing with overdue authority reports	2007		
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AGS7 Guidelines for the finding of artefacts	2019		
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AGS8 Guidelines for koiwi tangata/human remains	2014		
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AGS9 Guidelines for midden sampling and analysis	2014		
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AGS10 Guidelines for approval of person to carry out activity (Section 45)	2017		
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1.2. HERITAGE NEW ZEALAND POUHERE TAONGA (HNZPT) - PUBLICATIONS

PUBLICATION & LINK	DATE	COMMENTS	THE CHARTER
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AGS11 Guidelines for the declaration of an archaeological site

ARCHAEOLOGICAL TEMPLATES

ATS1 Archaeological assessment template

ATS2 Archaeological interim report template

1.3. OTHER NEW ZEALAND GOVERNMENT AGENCIES - PUBLICATIONS

PUBLICATION & LINK	DATE	COMMENTS	THE CHARTER
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DEPARTMENT OF CONSERVATION (DoC)

[Caring for Archaeological Sites: Practical guidelines for protecting and managing archaeological sites in New Zealand.](#)

2007

This manual has been written by archaeologists who believe that conservation of archaeological sites is an important task, for iwi Māori, for the public, and for all those people in professional employment who are privileged to advise on conservation. One of the first rules to be followed in planning conservation is to analyse the different values that relate to a site. To whom does the place matter, and why? Like many Māori, archaeologists believe that the sites, whether they are tapu or open to the public, are a valuable resource that deserves to be protected and conserved for future generations. Everyone has an interest in their protection. They are important as icons, symbols and resources for the identity of Māori and Pākehā New Zealanders. They are also places of

1.3. OTHER NEW ZEALAND GOVERNMENT AGENCIES - PUBLICATIONS

PUBLICATION & LINK	DATE	COMMENTS	THE CHARTER
		<p><i>education and research that deserve the best protection that our new techniques presented here can provide. However, we must always remember that future generations may judge us harshly if we have rushed to intervene where it was not necessary, or carried out protective measures that have done more harm than good. This work deserves your attention, your questions, and your support</i></p>	
<p>Bannockburn Heritage Landscape Study.</p>	<p>2004</p>	<p><i>The primary purpose of this study was to trial a newly-developed methodology for investigating heritage at a landscape scale (Appendix 1). A secondary purpose was to produce a heritage landscape report on the Bannockburn area of Central Otago (Fig. 1).</i></p>	
<p>MINISTRY FOR THE ENVIRONMENT (MfE)</p>			
<p>Guidance: Securing parapets and facades on unreinforced masonry buildings: Advice for building owners, councils and engineers</p>	<p>2018</p>	<p><i>Following the Hurunui/Kaikōura earthquake on 14 November 2016 there was an expected increase in the risk of further earthquakes from Amberley in the South Island, to Lower Hutt in the North Island over the next 12 months. The Government made an Order in Council, amending the Building Act 2004, to address the increased risk to public safety from unreinforced masonry (URM) buildings and contribute to overall public confidence in the performance of these buildings in Wellington City, Hutt City, Marlborough District and Hurunui District Council areas.</i></p> <p>The guidelines include discussion on an approach to strengthening heritage buildings.</p>	

1.3. OTHER NEW ZEALAND GOVERNMENT AGENCIES - PUBLICATIONS

PUBLICATION & LINK	DATE	COMMENTS	THE CHARTER
MANATŪ TAONGA MINISTRY FOR CULTURE AND HERITAGE (MCH)			
Heritage EQUIP website		A programme for funding and supporting works to strengthen earthquake-prone buildings. Includes advice on: <ul style="list-style-type: none"> • Planning and managing projects. • Funding projects. • Finding project professionals. • Case studies. 	
MINISTRY FOR THE ENVIRONMENT (MfE) et al			
Quality Planning: The Quality Planning Resources		<p><i>The Quality Planning website (QP) exists to 'promote good practice by sharing knowledge about all aspects of practice under the RMA'.</i></p> <p><i>It is a useful resource for:</i></p> <ul style="list-style-type: none"> • <i>resource management practitioners</i> • <i>council planners</i> • <i>private practitioners</i> • <i>consultants and</i> • <i>environmental managers.</i> <p><i>Launched in 2001 this successful partnership is backed by the Ministry for the Environment, New Zealand Planning Institute, Resource Management Law Association, New Zealand Institute of Surveyors, Local Government New Zealand and New Zealand Institute of Architects.</i></p>	Charter is cited

1.3. OTHER NEW ZEALAND GOVERNMENT AGENCIES - PUBLICATIONS

PUBLICATION & LINK	DATE	COMMENTS	THE CHARTER
MINISTRY FOR JUSTICE Practice note Environment Court of New Zealand	2014	<i>Environment Court of New Zealand Practice Note 2014.</i> This includes the Code of Conduct for Expert Witnesses, their duty to the Court, and Evidence of an expert witness.	

1.4. OTHER NEW ZEALAND NGOS - PUBLICATIONS

PUBLICATION & LINK	DATE	COMMENTS
NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION (NZAA) Various publications on heritage policy and technical guidance - LINK		
NEW ZEALAND INSTITUTE OF LANDSCAPE ARCHITECTS (NZILA) Conference - Looking forward to heritage landscapes - LINK	2005	<i>Landscapes are a never-ending conversation. Within them we weave our living and senses of belonging. Also gathered there are the past actions and meanings of the many people who have lived and died before. And it's in these landscapes that those who come after us will dwell. How might these pasts that are bound to our heritage landscapes engage in the future? How might future landscapes be enriched by the past? What strategies could be pursued in such work? Or, as the conference theme suggests: how are we 'looking forward to Heritage Landscapes'?</i> <i>This conference, hosted by New Zealand Institute of Landscape Architects, arose from a desire to address these questions. Case studies, papers and design-led approaches on the following themes were invited: what is meant by heritage landscapes; living with</i>

heritage landscapes; and local examples of resources and responses.

A1 -2. THE USE OF THE ICOMOS NZ CHARTER IN HEARINGS

This table is adapted from initial work by ICOMOS NZ that identified hearing decisions that include reference to the ICOMOS NZ Charter. The document *ICOMOS Charter Citations – Environment Court & High Court Decisions* unpublished report was prepared by Mary O’Keeffe in February 2021.

Case	Key issues	Status of the Charter - for example it is not referred to in any statutory instruments.	Concerns about the Charter, or the way it has been applied.	Positive comments on the Charter, or its use by Expert Witnesses.
All Saints Church, Palmerston North (Independent Hearings Commissioner’s Decision) 2021. ¹	The demolition of the existing baptistery; the addition of a new lobby and reception area; new entrances; an office space; and a new roof.	Included in District Plan and Conservation Plan.		Impartiality of the “ICOMOS witnesses” was questioned and the Commissioners found that there was no conflict (4.26 – 4.30).
Canterbury Museum (Independent Hearings Commissioner’s Decision) 2021 ²	Comprehensive redevelopment of the Canterbury Museum complex including the Robert McDougall Art Gallery.			<i>The ICOMOS charter and conservation plans for both the museum and the RMAG were discussed by a number of witnesses. They have informed [the Independent Hearings’ Commissioner’s] decision-making. (275)</i>
Christ Church Cathedral,	Reinstatement	This is noted in the decision.	[the Charter] <i>appropriately applies to</i>	

¹ Independent Hearings’ Commissioner, *Application for Resource Consent LU 5331: Being an application for land use consent for additions and alterations of All Saints Church, including: the demolition of the existing baptistery; the addition of a new lobby and reception area; new entrances; an office space; and a new roof. 338 Church Street, Palmerston North City. Notice of Decision by Independent Hearings Panel. 27 April 2021* [Commissioner Recommendation \(pncc.govt.nz\)](https://www.pncc.govt.nz) ; see also [All Saints Church additions and alterations \(pncc.govt.nz\)](https://www.pncc.govt.nz) for full resource consent application and witness statements.

² Independent Hearings’ Commissioner, BEFORE THE CHRISTCHURCH CITY COUNCIL IN THE MATTER OF THE Resource Management Act 1991 and IN THE MATTER OF Resource Consent Application RMA/2020/2852 by Canterbury Museum Trust Board for a comprehensive redevelopment of the Canterbury Museum complex including the Robert McDougall Art Gallery. 26 July 2021

Case	Key issues	Status of the Charter - for example it is not referred to in any statutory instruments.	Concerns about the Charter, or the way it has been applied.	Positive comments on the Charter, or its use by Expert Witnesses.
reinstatement (Independent Hearings Commissioner's Decision) 2020. ³			<i>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.</i>	
Erskine College, proposed demolition (Interim Decision) 2018. ⁴	Demolition	<i>The Charter is not a set of rules promulgated after processes akin to Schedule 1 of the RMA.</i>	<i>...focusses strongly on retention and preservation of places of cultural heritage value in quite a pure sense.</i> [and] The Charter is considered to be a set of guidelines, rather than rules. <i>...we are not happy with the inclination of some witnesses to cherry-pick various of its provisions and treat them like rules.</i>	<i>...it is however no doubt a document prepared with great care, following international best practice consideration by heritage conservation experts, and is often held in high regard.</i>
Archaeological authority appeal regarding the proposed demolition of McLean's Mansion (2016). ⁵	Archaeological Authority, demolition			The Charter is referred to as "best conservation practice".

³Independent Hearings' Commissioner, *IN THE MATTER of an application by Christ Church Cathedral Reinstatement Limited (CCRL) for the reinstatement of the Christ Church Cathedral and associated facilities and the management of other heritage items AND UNDER the Christ Church Cathedral Reinstatement Act 2017 and the Christ Church Cathedral Reinstatement Order 2020 and the Resource Management Act 1991*, Resource Consent Decision, Christchurch City Council, 2020.

⁴*The Wellington Co. Ltd v Save Erskine College Trust* [2018] NZEnvC 006
<https://www.environmentcourt.govt.nz/assets/Documents/Decisions/2018-NZEnvC-006-The-Wellington-Co.-Ltd-v-Save-Erskine-College-Trust.pdf>

⁵*Taggart Earthmoving Ltd v Heritage New Zealand Pouhere Taonga* [2016] NZEnvC 123

Case	Key issues	Status of the Charter - for example it is not referred to in any statutory instruments.	Concerns about the Charter, or the way it has been applied.	Positive comments on the Charter, or its use by Expert Witnesses.
Euphrasie House, proposed demolitions and alterations to St Mary's Chapel, Hamilton (2014). ⁶	Demolition			Chapel restoration proposal would adhere to the conservation principles of the Charter.
Auckland plan design guidelines (2013). ⁷	District Plan Change			<i>At 3.5 The ICOMOS Charter – the reference to the ICOMOS Charter is clearly intended to be relevant to conservation area and scheduled buildings and we can see no objection to it being included in these Guidelines.</i>
Harcourts (T&G) Building, proposed demolition, Wellington (2013). ⁸	Demolition			Charter seen as a “ <i>useful guide to heritage values</i> ” Proposed demolition would not achieve purpose of charter.
Auckland plan change – Britomart (2013). ⁹	District Plan Change			Charter was referenced.
Ashburton Railway Station, proposed demolition (2011). ¹⁰	Demolition	Noted.		<i>It is not a statutory document, but it is widely regarded as highly relevant to the issues, and as a statement of professional practice for relevant disciplines. It is</i>

⁶ *Hamilton East Community Trust v Hamilton City Council* [2014] NZEnvC 220

⁷ *New Zealand Heavy Haulage Association Incorporated v Auckland Council* [2013] NZEnvC 240

⁸ *Lambton Quay Properties Nominee Limited v Wellington City Council* [2013] NZEnvC 238

⁹ *Kiwi Property Holdings Limited v Auckland Council* [2013] NZEnvC 303

¹⁰ *Redson Corporation Holdings Limited v Ashburton District Council* [2011] NZEnvC224

Case	Key issues	Status of the Charter - for example it is not referred to in any statutory instruments.	Concerns about the Charter, or the way it has been applied.	Positive comments on the Charter, or its use by Expert Witnesses.
				<i>helpful to consider some of the points it contains.</i>
Masonic Hotel, proposed adaptation and partial demolition, Devonport (2010). ¹¹	Reassembly, reconstruction and restoration.			Refers to Charter definitions including “reassembly”, “reconstruction” & “restoration”.
Spinks Cottage, proposed relocation, St John’s Church, Wellington (2008). ¹²	Relocation.			Charter cited as an “important reference”. Charter sections: “setting”, “relocation”, & “adaptation” were considered.
Canterbury Museum, proposed redevelopment (2006). ¹³	Redevelopment, conservation plans.			Charter is cited at length.
Proposed restoration and relocation of a cottage, Queenstown (2006). ¹⁴	Relocation			Charter was used by an expert witness to assess heritage values, including the value of the original location and orientation.
Leinster House, proposed relocation, Christchurch (2005). ¹⁵	Relocation. Charter provisions for removal and relocation are noted.			The Decision notes the <i>ICOMOS charter for best practice conservation</i> .

¹¹ *Atkinson v North Shore City Council* [2010] NZEnvC 224

¹² *Wellington Boys' And Girls' Institute INC v The Wellington City Council W010/2008* [2008] NZEnvC 49

¹³ *Canterbury Museum Trust Board v Christchurch City Council C059/2006* [2006] NZEnvC 154

¹⁴ *Cassidy v Queenstown-Lakes District Council C039/2006* [2006] NZEnvC 112

¹⁵ *Tuscany Limited v Christchurch City Council C099/2005* [2005] NZEnvC 263

Case	Key issues	Status of the Charter - for example it is not referred to in any statutory instruments.	Concerns about the Charter, or the way it has been applied.	Positive comments on the Charter, or its use by Expert Witnesses.
Pataua South, proposed rezoning (2005). ¹⁶	District Plan Change. Cultural Landscape, setting, sites of significance to Māori.			UNESCO/ICOMOS Expert Group is noted.
Wellington Inner City Bypass appeal of archaeological authority. ¹⁷	Archaeological authority, demolition and relocation.			Noted
Christchurch Proposed District Plan and the Taylor's Mistake baches. ¹⁸	District Plan Change. Establishing values and significance.			Noted
Demolition of Fleming House and McKellar House on Park Terrace, Christchurch by the Christchurch Central Methodist Mission. ¹⁹	Demolition			Noted
Wellington Inner City Bypass appeals. ²⁰	Demolition and relocation	<i>The status of the Charter was addressed by Transit in submissions,</i>		Noted

¹⁶ *Harrison v Whangarei District Council W034/2005* [2005] NZEnvC 124

¹⁷ *Te Aro Heritage Trust v New Zealand Historic Places Trust (Pouhere Taonga) W52/2003* [2003] NZEnvC 286

¹⁸ *Save the Bay Limited v Christchurch City Council C50/2002* [2002] NZEnvC 159 (2 May 2002)

¹⁹ *New Zealand Historic Places Trust / Pouhere Taonga v Christchurch City Council C173/2001* [2001] NZEnvC 350

²⁰ *Estate of PA Moran v Transit New Zealand W55/99* [1999] NZEnvC 513

Case	Key issues	Status of the Charter - for example it is not referred to in any statutory instruments.	Concerns about the Charter, or the way it has been applied.	Positive comments on the Charter, or its use by Expert Witnesses.
		<p><i>and this position was not opposed by CBC. In light of those submissions, and having reviewed recent judicial decisions on the matter, we find that the Charter has no binding influence on matters to be determined under the RMA. However, we do note that a number of local authorities have recognised the Charter as an important document for recommending the care of heritage buildings, and we also have found the Charter to be a useful guide in these matters.</i></p>		
Demolition of Warner's Hotel, Lyttleton Times	Demolition			ICOMOS NZ Charter noted by one of the expert witnesses.

Case	Key issues	Status of the Charter - for example it is not referred to in any statutory instruments.	Concerns about the Charter, or the way it has been applied.	Positive comments on the Charter, or its use by Expert Witnesses.
Building and the Old Star Building, Cathedral Square, Christchurch. ²¹				
Construction of a new house in a Rural H (Historical) zone in Queenstown. ²²	Construction of new house.			Charter is noted

Reference to source report:

Smith, M and J Gard'ner. 2021. ICOMOS New Zealand Charter Practice Notes and Best Practice Guidelines, Scoping Report. Unpublished report to ICOMOS New Zealand

(This Occasional paper is Appendix 1 of this report)

²¹ *A A McFarlane Family Trust v Christchurch City Council C046/99 [1999] NZEnvC 126; [1999] NZRMA 365 (1 April 1999)*

²² *Crichton v Queenstown-Lakes District Council W012/99 [1999] NZEnvC 130*