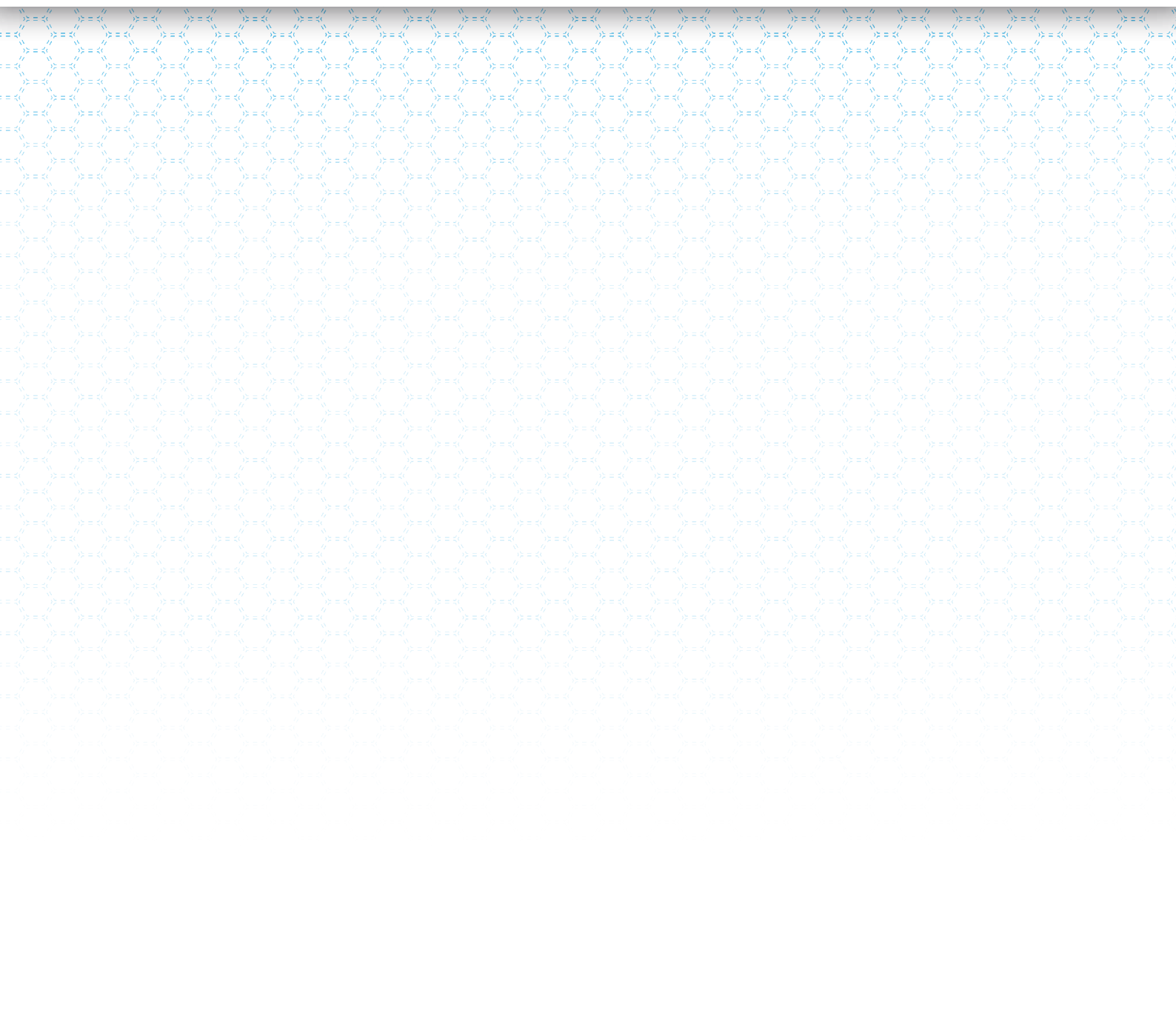




**Local Government  
New Zealand**  
*te pūtahi matakōkiri*



SUBMISSION TO THE LOCAL GOVERNMENT AND ENVIRONMENT SELECT  
COMMITTEE

IN THE MATTER OF HERITAGE NEW ZEALAND POUHERE TAONGA BILL

FROM *LOCAL GOVERNMENT NEW ZEALAND*  
JULY 2012

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## Introduction

1. *Local Government New Zealand* thanks the Local Government and Environment Select Committee for the opportunity to make this submission in relation to the Heritage New Zealand Pouhere Taonga Bill.
2. *Local Government New Zealand* makes this submission on behalf of the National Council, representing the interests of all local authorities of New Zealand.

It is the only organisation that can speak on behalf of local government in New Zealand. This submission was prepared following consultation with local authorities. Where possible their various comments and views have been synthesised into this submission.

In addition, some councils will also choose to make individual submissions. The *Local Government New Zealand* submission in no way derogates from these individual submissions.

3. *Local Government New Zealand* prepared this submission following:
  - an analysis of the Heritage New Zealand Pouhere Taonga Bill
  - analysis of all feedback from councils.
4. This final submission was endorsed under delegated authority by:
  - Lawrence Yule, President, National Council
  - John Forbes, Vice-president, National Council.
5. *Local Government New Zealand* requests the opportunity to review the draft legislation before it is finalised and to be directly advised of any supplementary order papers introduced in respect of this Bill.

## **Local Government New Zealand policy principles**

6. In developing a view on the provisions in this Heritage New Zealand Pouhere Taonga Bill we have drawn on the following high level principles that have been endorsed by the National Council of *Local Government New Zealand*. We would like the select committee to take these into account when reading this submission.
  - **Local autonomy and decision-making:** communities should be free to make the decisions directly affecting them, and councils should have autonomy to respond to community needs.
  - **Accountability to local communities:** councils should be accountable to communities and not to Government, for the decisions they make on the behalf of communities.
  - **Local difference = local solutions:** avoid one-size-fits-all solutions, which are over-engineered to meet all circumstances and create unnecessary costs for many councils. Local diversity reflects differing local needs and priorities.

- **Equity:** regulatory requirements should be applied fairly and equitably across communities and regions. All councils face common costs and have their costs increased by Government and government funding should apply, to some extent, to all councils. Systemic, not targeted funding solutions.
- **Reduced compliance costs:** legislation and regulation should be designed to minimize cost and compliance effort for councils, consistent with local autonomy and accountability. More recognition needs to be given by Government to the cumulative impacts of regulation on the role, functions and funding of local government.
- **Cost-sharing for national benefit:** where local activities produce benefits at the national level, these benefits should be recognised through contributions of national revenues.

## Comments

7. *Local Government New Zealand* supports the principal objectives of the Bill, particularly in relation to:
  - balancing heritage values with the interests of private land owners
  - aligning more closely with the provisions of the RMA
  - improving the process for archaeological authorities
  - providing for an emergency authority process in relation to archaeological sites.
8. With the events in Christchurch bringing attention to heritage values and the challenges faced when making decisions on earthquake damaged buildings we believe it is timely to consider the range of tools available when balancing heritage values with the interests of private landowners and public interest.
9. We are aware of the business case faced by building owners after an event and criteria for pragmatic decision-making will be essential.
10. Where buildings are damaged the business case will generally favour demolition. In recognition of the public good element of heritage buildings that are earthquake strengthened, investment will be required to retain heritage buildings and precincts into the future. Additional funding tools could be considered to help meet any costs imposed by regulation.

## HERITAGE NEW ZEALAND POLICY

11. *Local Government New Zealand* supports that Heritage NZ is required to consult on and adopt statements of general policy for the administration of archaeological authority processes. We note that a time period longer than one year would enable more meaningful and full consultation and are aware that some councils are submitting on this matter.

## ARCHAEOLOGICAL AUTHORITY PROCESSES

12. *Local Government New Zealand* strongly supports aligning the timeframes for processing archaeological authorities with timeframes under the RMA and accordingly supports clauses 44, 48 and 60.

13. The introduction of a new streamlined process for archaeological authority applications to undertake an activity “if the effects of that activity on the site will be no more than minor” is also supported.
14. The policy prepared by Heritage NZ should be clear about the definition of “minor effects”.
15. We also take the opportunity to note the dual process that exists in relation to archaeological authorities with some district plans containing provisions requiring a resource consent where an activity has an effect on an archaeological site. We do not have a mandate to make a recommendation on this but point out that at present it is an “opt in” and that some councils have opted in by including rules in their plans.

### **EMERGENCY AUTHORITY PROCESSES**

16. *Local Government New Zealand* supports the process introduced to enable an emergency authority to be obtained for an activity that will or may harm an archaeological site.
17. *Local Government New Zealand* considers that the process balances the response to a national emergency with requirements to consider local heritage. This provision will lessen the need for emergency legislation on a case by case basis.
18. We note that Christchurch City Council has submitted that: the provisions proposed generally follows the experience gained under the Canterbury Earthquake (Historic Places Act) Order 2011; the emergency provisions recognise the probability that such events will occur and it is relevant to anticipate that such events will occur; and that the provisions are generally supported.

### **DEFINITION OF ARCHAEOLOGICAL SITE**

19. The proposed change to the definition of archaeological site to include pre-1900 buildings may require a dual consenting requirement. If an alteration to a building is required then potentially, resource consent will be required from the territorial authority (if the building is listed) as well as an archaeological authority as a result of the amended definition. This is in addition to any consenting requirements under the Building Act 2004.
20. The current definition of archaeological site does not include buildings and structures whereas the change proposed appears to require an archaeological authority for any work on a pre 1900 building or structure. If an archaeological authority is not required then clearance will be needed from NZHPT that an authority is not required.
21. There will be additional time and cost associated with this new requirement.
22. In terms of clarity and minimising confusion *Local Government New Zealand* supports a single mechanism for protection of buildings and structures and that this should be the Resource Management Act, i.e. the status quo.

## **Conclusion**

23. *Local Government New Zealand* is generally supportive of the changes proposed but seeks that the definition of "archaeological site" is not amended.
24. *Local Government New Zealand* thanks the Local Government and Environment Select committee for the opportunity to comment on this Bill.



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