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Report to the Environment Committee
from John Holmes (Section Leader, Policy Advice)
and Geoff Skene (Manager, Environment Co-ordination)

Update on Reviews of Heritage Legislation and Heritage Management Responsibilities

1. Purpose

To inform the Committee of progress on the government review of historic heritage management and the review of the Historic Places Trust.

2. Background

At the Environment Committee meeting on 1 December 1998, members asked that they be brought up to date with the progress of the various reviews currently being undertaken relating to heritage management. This report outlines the situation as we understand it at the beginning of February. It presents the main issues that have arisen and their implications for the Council.

However, we expect the review of the Historic Places Trust to be considered by the Trust on Friday 5 February and presumably to become public thereafter. We will update the Committee on 16 February with any developments.

3. Progress on the historic heritage review

The Minister of Conservation, Nick Smith, announced a review of historic heritage management in November 1997. A discussion document outlining heritage management issues, and suggesting four options for future arrangements, was released at the time of the announcement. A submission was prepared by officers, and approved by the Environment Committee on 26 March 1998 (Report 98.97).

The Ministerial Advisory Committee for the Historic Heritage Review spent several months considering the 1000 submissions, and released a report in October 1998 (known colloquially as the MAC report). Its main recommendation was to transfer control of heritage management (including archaeological sites) to territorial authorities from the Historic Places Trust. The report contained 17 recommendations. Further submissions were then invited on the recommendations, but in a very short time scale. Despite criticism of the timing (some new councils had not yet had a chance to meet, following the October elections), the extent of public interest in heritage management was reflected in a surprisingly high number of submissions (more than 600) being received.

Aidan Challis, the principal advisor to the Minister of Conservation on the review, has outlined the main points of concern from the second round of public input. Most people supported the majority of the 17 recommendations in the MAC report and the overall approach. Specific concerns were as follows:

- There are concerns about how the new regime will be funded, many seeing the current system's principal drawback as being an inadequate national financial contribution.
- There are significant transitional issues (particularly in the archaeological sites area).
- While local authorities favour the main recommendation, there are concerns about their readiness (particularly in relation to expertise) to take on additional heritage management roles and apply a consistent approach nationally.
- There are questions as to where responsibility for heritage should lie in central government – as part of a culture and heritage ministry, or within a ministry focussed on resource management and land use.

Two recommendations in particular met significant opposition. One concerned rates relief as an economic incentive for protecting heritage properties (Recommendation XIV), and the other was a proposal for a stand alone property management company charged with retaining heritage values while maximising revenue generation (Recommendation IX).

In our response to these proposals, the Regional Council opposed the mandatory rates relief suggestion in Recommendation XIV, favouring instead a voluntary approach with greater local discretion and autonomy but made no comment on the property management company. The argument against this notion turned on its impact on the Historic Places Trust. With the significant money-earning properties hived off to a new company, a major revenue stream would be lost, with implications for the Trust's viability.

4. Funding for the NZ Historic Places Trust

The future of the Trust has also been under a cloud of another kind. In November 1998, the Trust was advised that 50% of its Crown funding would be cut with the expiry of support from the Government's Green Package in 1999. This would amount to about 35% of the Trust's total budget.

Consultants were hired to review the organisational structure of the Trust and equip it to operate with reduced funds. We understand this review has examined the possibility of reducing the head office to a central policy unit and enhancing its ability to deliver its services through regional offices.

5. Discussion

5.1 The Historic Places Trust

Whilst we do not yet know the nature of the proposed restructuring or its effect on the trust, some issues stand out. First is the impact that diminished funding would have on the work done by the Trust's members and volunteers and their contribution to its finances. The members should not become the core funding mechanism for the Trust's work.

Secondly, whatever the new role of the Trust in a reformed heritage management regime, its funding must reflect its role in protecting the national interest in heritage matters. There are many properties, sites and areas of national importance that the Trust protects and its funding must enable it to continue to advocate for and promote this national interest.

Thirdly, the expertise and information that has been built up within the Trust needs to be accommodated in the transition to, and in, the new regime of heritage management. This is critical to the success of any devolved RMA based model. There is a need for a central pool of knowledge to assist local authorities through the resource consent and district planning processes.

5.2 The MAC Review

The Regional Council's argument on this review has been consistently that there is a need for stronger guidance and central leadership, a clarification of roles, and better financial support for heritage management.

The recommendations of the Ministerial Advisory Committee point to possible improvements in national guidance. A National Policy Statement for historic heritage is recommended. Further, the framework of the RMA in relation to historic heritage is recommended for "strengthening" along with "legislative clarification of roles and responsibilities of local authorities".

Our main concern with the RMA approach is that resources and skills will not be uniformly available to councils, and there will be inconsistency in heritage

management across the country as a result. There will also be a significant transitional period while authorities update their plans. This could take several years.

There are also concerns over the timing of changes that would need to be made to the Resource Management Act to reflect the MAC recommendations, and how such changes would align with the current process for amending the Act. It seems highly unlikely that the changes sought by the MAC review will be able to be incorporated within the current RMA review as was initially hoped. A separate heritage amendment bill seems likely later in the year.

Finally, on the question of resources to match the extra responsibilities recommended to fall to local government, the MAC review offers no clear response. The proposed model of heritage management may look better, but without resources, is in no better shape to produce an improvement on the poor level of heritage management that currently prevails.

6. Conclusion

There are still some additional steps in the various reviews currently taking place, with opportunities for the Regional Council to continue to have input. At this stage, however, the overall approach and organisational structure suggested for heritage management in the future is broadly consistent with submissions previously made by the Council. We shall continue to monitor the process and advise the Committee should any major developments take place.

The most outstanding issue, however, is the question of resources. Unless the new approach is better resourced, the same problems – of inadequate identification, protection and maintenance of heritage – will remain. This message is being consistently given to the Minister’s Advisory Committee. Among the many other deserving causes for government support, heritage must not be lost sight of because its benefits touch upon so many aspects of New Zealand’s economy, every day life and cultural traditions.

7. Recommendation

That the report be received and its contents noted.

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