

14 November 2017

Rt. Hon. Jacinda Ardern
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Tēnā koe Prime Minister
Congratulations on your phenomenal success in winning the recent election. We are writing to you to highlight a number of areas that we consider to be important in your Arts, Culture and Heritage portfolio.

As you may know the Architectural Centre has a long history of advocating for a better environment through good design. For example, the Centre has been involved in promoting the arts and innovative design solutions, and in heritage advocacy, since its founding in 1946. Examples of our involvement in design innovation include: the Demonstration House (1984/49), the Centre Gallery (1953-1968), the Vertical Living Exhibition (1954), Wellington 196X Exhibition (1961), the Edge of the City Exhibition (1973), the 20u40 competitions (1990-2011), and Option X (2007-2014). These have engaged with the design of both buildings and planning the larger-scale urban environment. Examples of our heritage advocacy over the years include: Old St Pauls (1966), the Public Trust Building (1975), the State insurance Building (1988), Erskine Chapel (1992), Futuna Chapel (2002-3), and Gordon Wilson Flats (2015-17).

We believe that the problems of climate change, urban liveability, and built heritage, demand thoughtful and sophisticated solutions that don't just enforce, but inspire change in social aspirations. In addition there are various more prosaic areas which can also facilitate a nourishing of the arts, and culture and heritage. The following are a combination of both these, which we consider to be important to address:

- (a) **Implement a National Policy Statement (NPS) on Historic Heritage** to provide better guidance on heritage issues at the Regional Policy Statement, and District Plan, levels of the Resource Management Act hierarchy. A NPS on Historic Heritage would go some way to strengthen the heritage policy function of the Ministry for Culture and Heritage.
- (b) **Remove the National Historic Landmarks List** created with the passing of the Heritage NZ Pouhere Taonga Act (2014). This replaced the Heritage New Zealand List Category 1 as the highest level of recognition for an historic building or site by adding an additional layer of heritage recognition, but is conditional on the consent of the owner (s82(4)(b)) limiting the value of the Landmarks List as a true representation of the country's most significant heritage sites. We understand that a consequence of the Landmarks list (which is currently vacant) is that New Zealand cannot currently nominate



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heritage sites for the UNESCO World Heritage list, because a requirement of UNESCO nomination is recognition at the country's highest level.

- (c) **Encourage use of Heritage orders instead of the Landmarks List.** The RMA makes provision for heritage orders (RMA ss187-198), which provide the strongest level of heritage protection in the country, but are infrequently used. The legislation recognises the legitimacy to set aside land for heritage purposes in the same way that it is appropriate to set aside land for public works. This mechanism enables the symbolic intention of a Landmarks List but provides meaningful protection.
- (d) **Make Heritage New Zealand accountable.** Our experience is that Heritage NZ is not a fearless defender of heritage, and has not established its independence from the government. It needs sufficient resourcing and backbone to take on politically difficult heritage battles. This includes the ability to properly research potential heritage buildings prior to providing evidence at RMA hearings - which is not consistently the case at the moment.
- (e) In addition, we strongly recommend that Heritage New Zealand be given regulatory powers which will enable it to actually protect the buildings it identifies as worthy of protection. Australia, for example, has such a system of both national-level, state-level and local-level protection. We believe that a two- (rather than three-) tiered system - which would enable a parallel of, for example, the Heritage Council of Victoria with Heritage New Zealand - would be worth investigating. We also encourage you to strengthen the capability for Heritage NZ to provide comprehensive technical advice for building conservation.
- (f) **Require Heritage New Zealand and local councils to annually report publicly on their success (or otherwise) in protecting their heritage-listed buildings and sites.** This would include the numbers of historic heritage items which have been damaged, de-listed, listed, and altered, as well as any funding provided to aid conservation and seismic strengthening etc.
- (g) **Provide tax relief for seismic strengthening of heritage buildings.** The economics of seismic strengthening does not reward owners of heritage buildings. This is because economic benefits generated from retaining heritage buildings (e.g. tourism, employment) accrue to central and local government - not building owners. Work done in association with Colliers International has estimated that the payback to central and local government for strengthening Wellington's heritage buildings would be approximately two years. The cost of seismic strengthening is not able to be claimed as an expense for taxation purposes (because it is classified as a capital expense that increases the value of the property) in contrast to building maintenance (because it is categorised as an operating expense). This further increases economic reasons for building owners to demolish, rather than, retain heritage buildings.
- (h) **Review the risk of earthquake-prone buildings.** The current earthquake-prone regime for buildings is significantly more sensitive to risk than other activities, including car and aeroplane travel. The NZ Society of Earthquake Engineering has equated the risk of "occupying a building performing at 33% NBS" (the current threshold defining earthquake-prone buildings) with "the risk of flying in a commercial aircraft, or travelling 10,000 km or more by road per annum."¹ These activities, which the majority of New Zealanders routinely participate in without any hesitation and without significant government

¹ Hamilton East Community Trust v The Hamilton City Council [2014] NZ EnvC 220. para [10]

constraint, contrast the cultural anxiety and regulatory costs associated with the term "earthquake-prone building." Given our tolerance of over 300 deaths on the road each year, in contrast to about 465 deaths due to earthquakes over the entire of our recorded history, we consider that the relative regulation of these risks, including the current definition of earthquake-prone and the negative consequences of this (in terms of costs to building owners, demolition of heritage buildings, evacuation of state housing), need reassessing.

- (i) **Incentivise good building maintenance practices.** Nourishing a culture of looking after our building stock will reduce the long term costs of heritage buildings. In addition, good maintenance can prevent structural deterioration. For example, simple maintenance - such as cleaning spouting - can prevent timber structure in unreinforced masonry buildings from rotting, assisting with the structural integrity, and seismic viability, of a building. Part of incentivising good maintenance practices must include that government also **disincentivise "demolition by neglect."**
- (j) **Support the adaptive re-use of buildings.** Adaptive re-use of buildings has both positive heritage and sustainability outcomes. Adaptive re-use is also a creative endeavour and can be a mechanism to increase residential density while maintaining aspects of streetscape and external character.
- (k) **Require climate impact assessment analysis (including embodied energy assessment) as part of Resource Management Act s32 reports for resource consents to more holistically assess the value of heritage buildings.** This is consistent with your commitment that "[a]ll new legislation will have a climate impact assessment analysis,"² and would mean that a more holistic understanding of the value of listed heritage buildings, including the cost in energy terms of demolishing buildings.
- (l) **Reward acknowledgement of mid- to late-twentieth-century heritage.** There currently remains a bias in Heritage NZ and local government heritage lists against modernist architecture. While our nineteenth-century historic heritage is generally well represented, our mid- and late-twentieth-century is significantly less so. This is partly due to:
 - i. the resources needed to research more recent buildings,
 - ii. an aesthetic-bias regarding what "looks" like heritage,
 - iii. the comparative closeness in time of these buildings (similar issues with nineteenth-century and early twentieth-century buildings occurred in the 1970s-90s)
- (m) **Design Competitions.** While we support architectural competitions to raise the quality of our built environment, we also see a role for national design competitions to generate innovation in order to enable significant step changes in our thinking across a number of fields. Examples might include:
 - i. a competition to design a twenty-first-century road reflecting a sustainable transport hierarchy.
 - ii. a twenty-first century version of the 1950s "Parade of Homes" in order to generate new thinking about residential density, medium-density prefabrication, papa kainga, and co-housing etc.,
 - iii. proposals for the conversion of low-density suburbs into medium-density suburbs that are not car-dependent,
 - iv. explorations of urban installation design, as a way to offer new ways of rethinking our environment (e.g. Park(ing) Day, Wellington Sculpture Trust).

² New Zealand Labour Party & Green Party of Aotearoa New Zealand "Confidence & Supply Agreement" (2017) p. 3; para 1b.

- v. facilitating competitions to express historical, contemporary and future narratives in an urban place-making that nurtures the diversity of local communities and welcomes immigrants and visitors alike (e.g. the Amazing Place playground design competition run by the Christchurch Central Development Unit (CCDU)).

- (n) **Establish a Prime Minister's Award for Heritage** to recognise excellence in an areas such as:
 - i. adaptive re-use,
 - ii. heritage advocacy,
 - iii. historic research demonstrating heritage significance, and/or
 - iv. heritage preservation or conservation

Thank for you considering our comments above. We look forward to you making a real difference in the appreciation of, and support for, Aotearoa's arts, culture and heritage. If we can assist in anyway please let us know.
ka nui ngā mihi

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