



HERITAGE NEW ZEALAND
POUHERE TAONGA

National Historic Landmarks
Ngā Manawhenua o Aotearoa me
ōna Kōrero Tūturu Policy

Summary of Submissions

30 October 2015

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Public consultation process

The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) requires that Heritage New Zealand Pouhere Taonga (HNZPT) consult on five draft statements of general policy by making them publicly available and inviting public comments [HNZPTA section 17]. These comments must be considered before adopting the draft as a statement of general policy. The draft policies were notified on 3 February 2015 and public submissions closed on 17 April 2015. The final policies will be available from heritage.org.nz no later than 20 November 2015.

This document summarises submissions, and HNZPT responses to suggestions by submitters, on the administration of the National Historic Landmarks List/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu.

The other four statements of general policy consulted on address:

- the administration of the archaeological provisions under the HNZPTA
- the administration of the New Zealand Heritage List/Rārangi Kōrero
- the management and use of historic places owned, controlled or vested in HNZPT
- the statutory role of advocacy.

Summary of Submissions Overview

Submissions by Stakeholder

45 out of a total of **71** Submission documents made submissions or comments that were relevant to the Draft National Historic Landmarks Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu Policy (Draft Landmarks Policy). A total of **172** submission points were made. The number of submitters by stakeholder grouping is expressed in Figure 1 below.

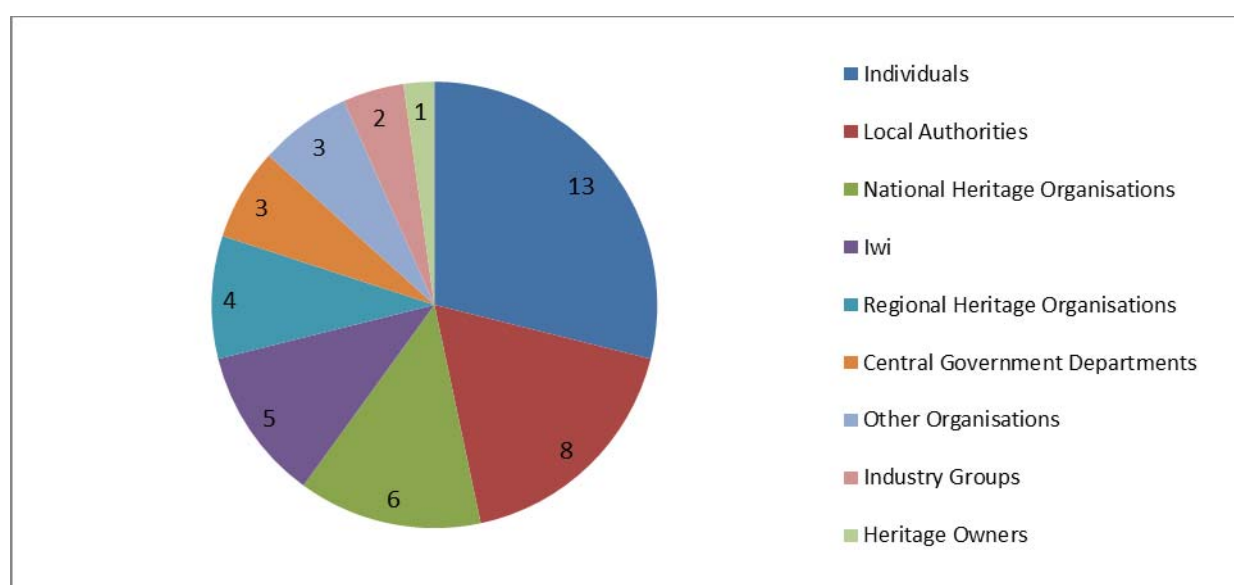


Figure 1: Number of Submitters by Stakeholder Grouping

Submissions by Objective

Over a third of the submission points made were general comments. The objectives attracting the highest number of submission points were Objectives 1, 3, 7, 8 and 14. These are summarised in the table below:

Objective / Policy	Total	Percentage
General Comments	64	37%
Introduction/Glossary	11	6%
Objective 1	13	8%
Objective 2	3	2%
Objective 3	10	6%
Objective 4	2	1%
Objective 5	3	2%
Objective 6	1	1%
Objective 7	10	6%
Objective 8	15	9%
Objective 9	7	4%
Objective 10	5	3%
Objective 11	4	2%
Objective 12	8	5%
Objective 13	4	2%
Objective 14	9	5%
Objective 15	3	2%
Total Submissions	172	100%

General support / opposition

Out of the 45 separate submitters on the Draft Landmarks Policy, the majority (41) indicated **general support** for the policy and/or the introduction of National Historic Landmarks/ Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu (National Historic Landmarks). 20 submitters went on to comment on particular policies or objectives with the document. There were 4 submitters voicing **general opposition** to the policy and/or the National Historic Landmarks List itself as outlined in the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA).

There was general support for the policy's approach to the sharing of information about National Historic Landmarks and for the stated policies on communication and relationships.

A number of submissions addressed the style of the document, introductory material and glossary.

Key themes

The following key submission themes have been identified:

Statutory requirements undermine the intent of the National Historic Landmarks

Some submitters expressed the view that the eligibility requirements for National Historic Landmarks, particularly owner consent, mean that the resulting list is unlikely to include 'the places of greatest heritage value'.

Impact on places deemed to be of 'lower' heritage value

Several submitters were concerned about the impact of the National Historic Landmarks List on places deemed to be of 'lower' heritage value i.e. Category 2 historic places. It was submitted that this new category will result in greater emphasis being placed on items deemed to be of higher heritage value i.e. Landmarks and Category 1 historic places. One submitter stated that '[we] would not want any emphasis on these landmarks to be at the expense of items and potential items on the Heritage List, such as Category II places'. On the other side of the argument, another submitter was of the view that HNZPT's resources should be 'prioritised towards the protection and conservation of outstanding historical and cultural heritage'.

Balancing of public good versus private rights

The submitters were divided upon whether the policy strikes the right balance between the public amenity benefit that heritage places offer and the rights of private owners. Some sought more opportunities for owners to participate in the nomination and assessment process. Others submitted that owner consent should not be required in 'extraordinary cases' (this would be in contravention of the Act).

It was submitted that HNZPT 'needs to ensure the balancing of public good against private rights' and 'work proactively with owners'. As one submitter argued 'the principle of "public good" warrants public financial recognition of such public amenity benefit rather than just public advocacy while leaving the financial risk as entirely a private one'.

Incentives

A number of submissions noted that the policy does not outline what extra funding or other assistance will be available to owners of National Historic Landmarks, nor does the policy outline what incentives are already available. Some submitters argued that such incentives will be an essential part of the National Historic Landmarks list. As one submitter noted 'owners of buildings of special architectural or historic interest face increasingly expensive and highly specialised requirements for restoration and maintenance. Many overseas jurisdictions accept the need for State financial support of iconic buildings, such as churches and cathedrals, and work in partnership to help ensure their preservation'. The point was made that where an owner is reluctant to consent to inclusion of their place in the List, funding may be an incentive.

Bi-cultural issues

The general view of submitters was that Māori cultural concepts and perspectives have been well acknowledged in the policy. The view was expressed that the importance of Māori knowledge and tikanga could be strengthened and it was noted that 'tikanga applies to all things

of interest or concern to Maori, not only to Maori things'. It was also submitted that views and values of Māori should not just be 'taken in to account' but 'recognised and provided for' or used to 'inform' decisions. One submitter sought for mana whenua input and consent at multiple stages in the administration of National Historic Landmarks and submitted that all information about Māori heritage places should be 'managed and operated' by the local whānau, hapū or iwi.

Risk management

Submitters sought clarity and direction around what will be included in a Risk Management Plan and whether a plan will be needed for individual elements of sites. Policy 14.5 states that 'HNZPT will develop criteria and guidelines for the preparation of appropriate risk management plans'. Submitters asked that the policy be more explicit about HNZPT's support during preparation, implementation and monitoring of plans and that we set out the reasoning behind policy 8.5 whereby we 'may reject nominations for places that are threatened by risks that cannot be adequately managed'.

Process, guidance documents and operating procedures

Submitters sought more, and in some instances less, detail of the processes HNZPT will undertake to implement the policies outlined. A number of submitters were of the view that the policy should specifically mention internal operating procedures, if they exist.

Summary of Submission Points

Note the following abbreviations are used in these tables:

Heritage New Zealand Pouhere Taonga (HNZPT)

Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA)

National Historic Landmarks /Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu List = Landmarks List

General Comments

Policy no.	Support	Submission Point	Relief sought	HNZPT response	Revision to Policy
	Y	General support for objectives and policies. [Sub nos. 12, 15, 17, 19, 23, 26, 35, 37, 38, 49, 61, 63]	n/a	Noted	No change
	Y	Support the National Historic Landmarks policy.	n/a	Noted	No change
	Y	The policies are all generally obvious, worthy etc.	n/a	Noted	No change
	Y	Supports increased engagement, community awareness and understanding of the regions rich cultural landscape, including promotion of significant regional historic landmarks	n/a	Noted	No change
	Y	Subject to particular matters raised, supports the following draft HNZPT policies particularly as it has a number of internal policies that align with them.	n/a	Noted	No change
	Y	Welcome the establishment of a National Historic Landmarks list to identify, protect and conserve outstanding heritage places in the interests of their preservation.	n/a	Noted	No change
	Y	supports the development of HNZPT's five heritage policies. It is important that historic heritage at both a local, regional and national level is identified, managed, protected, conserved and appreciated. Supports the approach taken by HNZPT and also supports the continued development and elevation of heritage protection at a national wide level.	n/a	Noted	No change
	Y	Supports aspirational step to ensure that the most	n/a	Noted	No change

		outstanding national heritage areas are prioritised and to ensure that they are celebrated and kept for future generations.			
Y		Supportive of the approach to ensure nationally significant heritage, at risk from damage or destruction as a result of disaster (manmade or natural) is safeguarded to ensure the retention of those legacies. As well as having such policies and provisions in place prior to such events occurring to ensure clear understanding of what, who and why preservation should be upheld.	n/a	Noted	No change
Y		There is good material in the Policies that will assist with providing leadership and direction in key areas of work, and will support initiatives aimed at identifying and protecting New Zealand's important heritage places and areas	n/a	Noted	No change
Y		Overall, generally supportive of the Draft Policies and the pragmatic approach taken in drafting.	n/a	Noted	No change
Y		General support for the proposed draft statutory policies which aim to improve the position of and engagement with Iwi/hapū with regards to heritage management.	n/a	Noted	No change
Unclear		Would not want any emphasis on these landmarks to be at the expense of items and potential items on the Heritage List, such as Category II places. Most listed places of railway heritage significance are Category II, and in our view such railway and other places give an important sense of character and neighbourhood to an area, reflecting a different but still important heritage from that embodied by Landmarks.	None suggested	HNZPT concurs that Category 2 places often give a sense of character to an area. National Historic Landmarks are our most outstanding places	No change
Y - with changes		In general, this policy does not explicitly support adaptive reuse of buildings on the Landmarks List.	HNZPT should support the adaptive reuse of buildings on the Landmarks List providing that historic heritage is protected. "HNZPT supports the adaptive reuse of buildings on the	In accordance with the ICOMOS Charter, HNZPT supports the adaptive reuse of National Historic Landmarks when the original use is	New policy at Objective 14.

			Landmarks List where the outcome of the proposal will be beneficial or neutral for heritage.”	no longer viable and new use is compatible.	
Y - with changes	The policy does not provide any clarity on whether funding assistance will be provided to assist with maintenance and/or improving the resilience of buildings on the Landmarks List.	HNZPT should support the owners by advocating for funding assistance for owners to assist with maintenance and improving the resilience of buildings on the Landmarks List. “HNZPT will advocate for, and support, owner’s applications for funding to assist with maintenance and improving the resilience of buildings on the Landmarks List.”	Agree in part	New policy at Objective 14. HNZPT will support, owner’s applications for funding to assist with conservation and improving the resilience of buildings on the Landmarks List.”	
Y - with changes	There is a real sting in the tail. With the creation under the new Act of the new Landmarks category there will be greater emphasis on individual places at the the end of the list, ie Landmarks and Category I. It would be administratively easy to make all Category 2 places as ‘second grade’ and by default not worthy of being defended by HNZPT should the fate of one of them end up in the Environment Court or the like. In reality the Category 2 places - there are 4 times as many of them compared to Category 1s - are perhaps not so important individually, but they are likely to be the very sorts of places, individually or in clusters, that give areas character.	The policy solutions would be to include wording to the effect that ‘each case is considered on its merits’ and that a registration by HNZPT as Landmark, Category 1 or Category 2 does not preclude increasing the level of HNZPT interest in the conservation of Category 2s should the context of time or place of the conservation risk make this appropriate.	This is an operational matter for HNZPT and is outside the scope of this policy.	No change	
Y - with changes	We would like to emphasise the general observation that there is not enough recognition in the draft policies here to the “character of whole areas”. That is, the contribution of specific listed places and landmarks to the wider character of neighbourhoods or places.	This may be an over-arching assumption but it is important enough to warrant specific note in the statutory policies.	The contribution of Landmarks to areas should taken into account in consent processes.	No change. Consider amendment to Advocacy policy Noting that contribution of landmarks to character of neighbourhoods should be taken into account in consent processes.	

Y - with changes	The property rights of owners are in general understated or over-assumed. Listing a place under the powers of the HNZPTA is a lawful declaration that the place is deemed to have a public amenity benefit. The principle of "public good" warrants public financial recognition of such public amenity benefit rather than just public advocacy while leaving the financial risk as entirely a private one. The Public Works Act in contrast has for very many decades compensated property owners for public-good benefit. It may be that the HNZPTA precludes compensation: but the property rights of owners still deserve better recognition in the policies.	Thus, the statutory policies should include at the very least the potential of covenants, foregone income (remissions etc) or investment as tools for offsetting the ownership risks of listing.	Agreed	Note in introduction that we want to work with owners to conserve. This is supported by policies at Objective 14.
Y - with changes	The Act does not abbreviate the name to HNZPT and neither should the organisation in formal documents such as the 5 policies.	HNZPT should be consistent with the Act in the use of name for the entity.	Noted	Yes.
Y - with changes	This Policy appears to be repetitive in a number of areas, particularly in sections 11, 12 and 15, with much of the material presented in these sections also discussed earlier in the Policy.	Reduce repetition.	Policies 1.1-1.9 essentially reproduce the relevant provisions of the Act.	Convert policies 1.1-1.9 to prose and add to legislative context section. New policies at Objective 1.
Y - with changes	The emphasis seems to be on individual property rights over the overarching requirement to identify and protect heritage assets.	Respecting private property rights and encouraging voluntary protection needs to involve adequate financial assistance for owners or the outcomes will be the opposite, i.e. loss of historic heritage. The submitter would like to see more emphasis being placed on financially assisting and encouraging owners of historic places to protect and conserve them.	It would be appropriate to include policy on HNZPT's work assisting owners to apply for available funding.	New policy at Objective 14 on assisting owners to apply for incentives or refer to Advocacy policy.
N	Serious misgivings about the Historic Landmarks List. The policy proposed provides no assurance that the most important or significant landmarks will be listed. The existence of the list risks the downgrading of all	Unclear	Limitations on those that can be selected are imposed by the legislation, not by the	No change

		buildings which do not appear on the landmarks list. This is a problem inherent in this legislatively mandated requirement, but it is a problem which is even more invidious if the list does not represent the most important landmarks we have because of the limitations imposed on those which can be selected on account of the policy proposed by HNZPT		policy.	
Y - with changes	Although each of the Statements of General Policy (General Policy) includes a general introduction, an outline of the relevant legislative context and an interpretive section they currently lack a clear explanation as to why they have been prepared (aside from being a requirement under s.16 HNZPTA) and what they are seeking to achieve.	In our view the policies would greatly benefit from the inclusion of this further contextual information and we would suggest that HNZPT give close consideration to incorporating similar material into the policies to that set out in the Conservation General Policy (pg.8) and the General Policy for National Parks (pg.9).	Agreed	Insert statement explaining why the policy has been prepared and what it is seeking to achieve.	
Y - with changes	The General Policy for National Parks and General Policy for Conservation provide useful precedents, particularly in relation to clarity, guidance and level of functional detail. These show the level of specificity that a general policy should reach and how the general policy can be designed to inform and guide regulatory decision making.	In light of DOCs experience of general policy formulation under its principal act and the National Parks Act, we would suggest that HNZPT discusses with them their draft policies as they have been presented in the present phase of consultation, for the purpose of advice on lawfulness, relevance and specificity.	Noted. We have consulted with and received a submission from DOC.	No change	
Y - with changes	Specific policies contained in each of the General Policies are generally framed as 'high level' statements, with little detail provided as to how they will advance achievement of their corresponding objectives.	If this approach to policy drafting is deliberate and additional internal procedures are intended to be relied upon by HNZPT to supplement these policies (e.g. standard operating procedures), it is imperative that this is clearly articulated in each of the General Policies to provide transparency;	HNZPT will draft internal operating procedures in due course.	Refer to existence of internal operating procedures	

			<p>this should extend to include an explanation as to why these subservient procedures are being relied upon, what their legal basis is and how they will be used to inform legislative/policy interpretation and associated decision-making.</p> <p>If, on the other hand, this is not the case, consideration should be given to aggregating more of the pertinent operational detail contained within existing HNZPT internal guidelines and standard operating procedures into the draft policies in order to provide greater direction and interpretive clarity</p>		
Y - with changes	In order to provide more effective direction/guidance, objectives and policies should be reviewed and, if necessary, reframed to reflect drafting conventions.	<p>Objectives should not simply be a restatement of legislative provisions, but instead be drafted in the form of a clear statement that sets out what is to be achieved, where and when; and To give effect to objectives, policies should be drafted in the form of a statement that includes sufficient detail to clarify how the following matters will be addressed:</p> <p>How the policy will progress achievement of an objective/s; Where it applies; What course of action is to be taken and when; and Who it applies to.</p>	<p>Agree objectives should not simply be a restatement of legislative provisions. The objectives in the policy are in the form of clear statements that set out what is to be achieved. 'Where' they are to be achieved is not applicable. 'When' is also not applicable in most instances.</p>	Use of passive voice reviewed. Uses of 'may' reviewed. Policies under Objective 1 that restated the Act removed.	
Y - with changes	Some policies are reasonably clear in stating that 'HNZPT will', while others rely on more ambiguous	The directive wording of the policies could be improved to	HNZPT acknowledges the desire for certainty;	Uses of 'may' reviewed.	

		wording such as 'we provide' or 'advocacy and advice is based on'.	better clarify their intent. Greater clarity is important since HNZPT is required to act in a manner that is consistent with statements of general policy adopted under the HNZPT in discharging its functional obligations (s.20).	however, it would be foolish to adopt policy that locks us into responding in a certain way. There may be mitigating factors that lead us to take alternative action. Our policies need to allow for flexibility and the exercise of discretion.	
Y - with changes		The wording of the policies is in most cases passive and discretionary – for example, the use of terms such as “may” and “might”. Such language enables avoidance, or release from, responsibility.	As certainty is a key factor in informing intended policy actions and directing the provision of necessary funding or resources, Greater reliance should be placed on use of such terms as 'will' or 'shall' in framing the policies.	Almost all of the policies in the Landmarks policy are in the active voice i.e. 'HNZPT will/may...'. See above re: use of discretion. Like the ICOMOS Charter, for instance, our policies use the word 'may' as in practice some flexibility is necessary.	Use of passive voice reviewed. Uses of 'may' reviewed.
Y - with changes		The policies should be drafted to be more informative and engaging.	They are currently very 'wordy' and could be made more user-friendly through the use of 'plain-English', graphics and appendices outlining relevant legislative information.	Noted	Review for plain English. Graphics, such as flow charts, may be included in operating procedures. Not appropriate to append relevant section of legislation.
Y - with changes		The ICOMOS Charter is referenced in several of the policies, which is welcomed and strongly supported.	The correct referencing for the Charter should be “ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (ICOMOS New Zealand Charter 2010)”.	Noted	Ensure ICOMOS charter is referenced correctly.
N		The policy is silent concerning the intended process to select places for inclusion on the Landmarks List.	Detail on the intended process to select places for inclusion on the	It is not appropriate to include details of	Use of heritage studies to select places explicitly

		Presumably some sort of research base will be utilised, for example, a thematic basis. We consider that this absence of detail is unhelpful as it does nothing to help clarify or distinguish the difference between the Landmarks List and the Heritage List – given this void it could be implied that the two serve the same or similar purpose	Landmarks List.	process in a policy document. The different purposes of the NZ Heritage List and the Landmarks List are clearly explained in the relevant policy documents.	referred to at 9.1(c).
	Y	Many of the principles, policies and objectives proposed within the draft policies are 'Good Practice' and a responsible Crown entity would endeavour to give effect to them.	n/a	Noted	No change
	Y	Recognises that the transport network may contain sites that have the potential to be recognised as National Historic Landmarks, and as such supports this policy.	n/a	Noted	No change
	Y - with changes	In general, the policies are poorly written and should not have been put out to public consultation without a sound edit. This submission does not provide minor corrections of an editorial nature.	Edit policy.	Noted	Review for plain English.
	Y - with changes	References to the Heritage New Zealand Pouhere Taonga Act 2014, in all the Policies, should consistently be to either “The Act” or “The HNZPTA”, but not both, seemingly at random.	Refer to the HNZPT A consistently.	Noted	Yes.
	Y - with changes	Shortening the name “Heritage New Zealand Pouhere Taonga” to “Heritage New Zealand” is inappropriate and might be seen as disrespectful of tangata whenua. We suggest that HNZPT is more appropriate if an abbreviation is required.	Use either Heritage New Zealand Pouhere Taonga or HNZPT for the name of the organisation.	Noted	Agreed to use HNZPT throughout.
	n/a	Concern over the process by which these Policies will be developed. The Policies state that “HNZPT will consider all submissions received on the draft policy.”	In line with standard practices for other jurisdictions: 1. requests the opportunity to meet with those who make the decisions on submissions and speak to our submission 2. requests that a document outlining how issues raised in	Act only provides for written comments. Resources and time do not allow for submitters to be heard.	No change

			submission have been addressed be made available		
	Y - with changes	The General Policy documents are set at a high level and do not provide guidance for HNZPT staff, professionals or the layperson on how the Act will be operationalised.	While this is the intent of the General Policies, and the current guidelines series will be continued and developed, specific reference should be made to guidelines in the General Policies for the sake of clarity.	Guidance documents will be developed in due course.	Preparation of forms, guidance etc is Noted in interpretation section.
	Y - with changes	Some policies footnote the relevant passages of the Act, while some do not.	This is unnecessary and often seems to be merely repeating the Act rather than developing Policy	Noted	Yes.
	Y	HNZPT's resources should be prioritised towards the protection and conservation of outstanding historical and cultural heritage.	n/a	HNZPT prioritises resources on the basis of significance.	No change
	Y - with changes	Owners of buildings of special architectural or historic interest face increasingly expensive and highly specialised requirements for restoration and maintenance. Many overseas jurisdictions accept the need for State financial support of iconic buildings, such as churches and cathedrals, and work in partnership to help ensure their preservation.	As the preservation of New Zealand's heritage is for public benefit, submit that buildings in private ownership selected for the National Historic Landmarks should receive financial and practical support at a local or central government level.	The provision of financial support is outside the scope of this policy. HNZPT provides practical support in the form free advice to owners of heritage places.	New policy at Objective 14.
	Unclear	HNZPT policy needs to ensure the balancing of public good against private rights	Unclear	Noted	New policy at Objective 14.
	Y - with changes	To ensure fairness and consistency, submit that HNZPT policies should properly reflect the intentions of the Act.	Unclear	Agreed	Review to ensure consistency with the Act.
	N	Concerned that there is still a strong reliance on local authorities to provide the mechanisms for any package of incentives and protection, both statutory and non-statutory for the retention of built heritage.	Central government agencies involvement in incentives and protection with the aim of retaining built heritage	Outside the scope of this policy	No change
	N	The Landmarks Policy creates a significant number of roadblocks that will undermine the stated intent and the practical effectiveness of the Landmarks list.	Reduce roadblocks in policy.	Assume 'roadblocks' refers to eligibility requirements in the HNZPTA.	Review to ensure consistency with the Act.
	N	Concept of the List is fatally flawed. There is a	Unclear	Requirements are	No change

		disconnect between the aspiration to identify and prioritise the protection of the 'places of greatest heritage value to the people of New Zealand' and the decision to make participation in the list voluntary on the part of owners and subject to there being adequate legal safeguards in place and the existence of a risk management plan for the place. While all these requirements are desirable in themselves, making them a requirement for inclusion on the list rather than a consequence of being on the list is a classic case of putting the cart before the horse.		statutory.	
	Y	Particularly supportive of the way in which Heritage NZ has sought to recognise and balance the importance of heritage protection with the rights of landowners and the need to use land.	The retention of the principles, objectives and policies that recognise the interests of land owners and seek to support owners of heritage sites and places. These provisions are appropriate as heritage ownership can often have the impact of benefiting the public at considerable expense to the site owner. A number of the provisions also recognise that it may not always be practicable to protect heritage.	n/a	No change
	Y - with changes	Draft Policies are, in some instances, unduly onerous and ambiguous. Recent case law has emphasised the need for care to be taken when using strong language such as "avoid" and "protect" in policy documents.	Ensure that the language used in the Draft Policies is appropriate and will not be interpreted in an unintended way.	Term 'avoid' not used in this policy.	Use of term "protect" reviewed. No change as protection is a component of the purpose of the Landmarks list.
	Y - with changes	Many policies are a restatement of sections of the Act and add little guidance as to how HNZPT intends to administer the Act. There are differences in style and structure between the policies, with some having explanation and others not, when they would benefit from having reasons and explanation. Generally, the	Edit policies as outlined in submission.	Noted	Review style and structure of policies. Review for plain English. Remove policies under Objective 1 that restate provisions of the Act.

		policies are repetitive, lengthy, lack clarity, and some policies are worded as methods.			
	Unclear	There is an expectation that HNZPT will provide resourcing (including funding and training opportunities) that support Māori effectively engaging in processes	Funding and training opportunities) that support Māori effectively engaging in processes	Outside the scope of this policy.	No change
	Unclear	HNZPT recognises the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tūpuna, wāhi tapu, and other taonga.	Clarify how this will be put into effect, especially in relation to decision-making.	This is one of the principles in the Act. HNZPT puts this into effect through policies on consultation, collaboration and Māori heritage values.	No change
	Unclear	Because Maori occupied Aotearoa/New Zealand for centuries before the arrival of Europeans, we have distinctive customary interests in all sites, not only wahi tapu, wahi tupuna and wahi tapu areas.	While this is recognised in some policies, it could be strengthened in others.	Considered to be sufficiently addressed in this policy under Objectives 3 and 7.	No change
	Y - with changes	Value Māori knowledge and tikanga	While the policies do give regard to Maori knowledge and tikanga in some areas, we also think this should be strengthened. In particular, we would note that tikanga applies to all things of interest or concern to Maori, not only to Maori things.	We consult Māori on many matters, not only when dealing with 'Māori' things.	No change

Introduction/Glossary

Policy no.	Support	Submission Point	Relief sought	HNZPT response	Revision to Policy
	Y - with changes	A range of different but associated technical terms - including 'protection', 'recognition', 'preservation', 'conservation', maintenance', restoration', 'safeguarding', 'promotion', 'adaptation' are used throughout the draft Statutory Policies. However it is often not	Beyond these definitions, there is no explanation of the distinctions between the technical terms used through the draft policies. We recommend that the draft Statutory Policies include adequate definitions and explanations of technical	Noted	Glossary expanded to include ICOMOS Charter definitions

		clear what is actually intended or covered by particular terms or combinations of terms in relation to the particular sections of the proposed policies. The Glossary to the draft Statutory Advocacy Policy includes the same definition of 'conservation' as provided in the HNZPTA section 6. The Glossary to the draft General Policy for the Management and Use of Historic Places Owned, Controlled or Vested in HNZPT includes definitions of 'preservation', 'reconstruction' and 'restoration' derived from the ICOMOS NZ Charter.	terms and terms requiring judgement.		
	Y - with changes	Clarification is also required for a range of terms where judgement and/or interpretation will be required. Such terms include: 'sufficient knowledge', 'minor effects', and 'reasonable alternatives'. There should be accompanying explanation of how these matters will be determined, against which criteria, and by whom through what processes	We recommend that the draft Statutory Policies include adequate definitions and explanations of technical terms and terms requiring judgement.	Noted	Glossary expanded to include ICOMOS Charter definitions
	Y - with changes	The order of the contents needs to be reconsidered.	The sections / chapters relating to "Interpretation" should follow directly after the Contents. This would aid in the general reading of the documents. Two of the policies should have a section on Interpretation added for consistency	Noted	No change. Not considered necessary.
	Y - with changes	Words that are defined in the glossary should be highlighted within the documents. This will aid those that are not familiar with heritage terms in reading the policies and highlight words which have a very specific meaning.	Highlight words within the document that are defined in the glossary.	Noted	Glossary words bolded.
	Y - with changes	This Policy mentions "the Minister" in a number of places.	It would be helpful to the reader to be more specific in the Policy as to which Minister is being referred to. The Legislative Context	This is made clear in the glossary.	No change

			mentions the need to consult the Minister of Māori Affairs (now the Minister of Māori Development). Outside these references, we presume “the Minister” the Policy is referring to is the Minister of Arts, Culture and Heritage.		
8.4	Y - with changes	We suggest “Reserve” be added to the glossary, as suggested in response to section 8.4 above.	Add 'Reserve' to glossary	Noted	Policy 8.4 amended to specify reserve under the Reserves Act 1977.
	Y - with changes	Consider adding the words “risk management plan” to the glossary.	Add 'risk management plan' to glossary	Noted	No need for further definition
	Y - with changes	“Protected, preserved and conserved” would seem to the layman to be much the same thing.	Terms should be differentiated, perhaps with reference to the ICOMOS charter.	Noted	Glossary expanded to include ICOMOS Charter definitions
	Y - with changes	It could be argued that the Heritage List is a community led endeavour, while the Landmarks List is a national endeavour - however, none of the policies relating to these lists currently articulate this intent.	The relationship and difference in purpose between the Heritage List and the Landmarks List should be clarified.	Noted	Addressed in introduction.
	Y - with changes	The introduction states: "The Minister’s list of National Historic Landmarks will recognise our places of outstanding national heritage value and assist in setting national priorities for heritage conservation".	There is some doubt as to whether referring to it as "The Minister's List" will encourage the broadest level of support.	Noted	Introduction revised
	Y - with changes	The introduction further states: "Our heritage is at risk from damage or destruction, sometimes caused by natural disasters".	Notwithstanding that economic pressures are generally the most pressing risk, the policy inference is that the purpose of the National Historic Landmarks List / Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu is to protect places of outstanding national heritage value from natural disasters.	One of the stated purposes of the Landmarks list in the Act is to protect the most significant places from natural disasters.	No change.

Objective 1 – Purpose and principles

Policy no.	Support	Submission Point	Relief sought	HNZPT response	Revision to Policy
	Accept with changes	Some of the Policies have repeated the wording of various sections of the HNZPTA. It is considered that this be checked through all the Policies to ensure consistency so that there is no misinterpretation of what the HNZPTA and the Policy states.	That if the wording of the Policy is to directly use the wording of the HNZPTA, that it be exact so that there is no misinterpretation and confusion for users between the Policy and the HNZPTA.	Noted	Review policy to ensure it reflects the exact wording of the Act, where appropriate.
1.2	Y	Supports Policy 1.2 (c) the requirement to be satisfied that the owner and every person with a registered interest in the place has given consent before proposing a place to be included on the Landmarks list.	n/a	This is a statutory requirement.	No change
1.2	Y	The owner and every person with registered interests in the place must give consent for a building to be included in the Landmarks List.	The submitter supports this policy, noting its consistency with section 82:4(b) of the HNZPTA.	This is a statutory requirement.	No change
1.6	Accept with changes	For clarity and consistency with section 1.5, we suggest the wording of this section be rearranged .	When an owner initiates a review of a National Historic Landmark, HNZPT will conduct and complete a review and provide a recommendation to the Minister.	Agreed policy 1.6 should be rephrased to reflect structure of 1.5.	These policies have been removed.
	Accept with changes	It is appropriate that the owner and applicant are given notice of the outcome and decision as soon as is practicable.	Insert New Policy as follows: HNZPT will give notice to the applicant and owner of the outcome of a decision and reasons as soon as is practicable.	Noted.	This is the responsibility of the Minister
1.5	Accept with changes	Amendments better reflect the provisions of the Act, see section 83(3)(b).	Insert part as follows: ...invites submissions on a review proposal, has regard to those submissions and provides a recommendation to the Minister.	Agreed.	These policies have been removed.
1.6	Accept with changes	Amendments better reflect the provisions of the Act, see section 84(1)	Amend as follows: ...provides a recommendation to the Minister when an owner or person with a registered interest initiates a review of...	Agreed.	No need for further definition
1.2	Unclear	Owners' consent is required for entry on the Landmarks list and the owner must have	Unclear	This a requirement of the HNZPTA.	No change

		prepared a risk management plan for the place that is approved by HNZ. These criteria will limit the scope of the List considerably, consequently compromising the rigour and inclusiveness of the Landmarks List process. it is hard to imagine any examples of outstanding Modern heritage making it on to the Landmarks List with this policy guiding the process. How will HNZPTprioritise listing heritage places so that New Zealand’s ‘most significant places’, for example Auckland Harbour Bridge and the Beehive, are listed as national landmarks? See 11.5.			
1.2	Y - with changes	Enhance role of mana whenua in decision-making	add: “the owner, mana whenua, and every person...”	No. This policy sets out the statutory requirements.	This policy has been removed.
1.4a	Y - with changes	Enhance role of mana whenua in decision-making	add: “...evidence of broad national, tangata whenua and ...”	No. This policy sets out the statutory requirements.	This policy has been removed.
	Y - with changes	It is appropriate that the owner and applicant are given notice of the outcome and decision as soon as is practicable.	Insert new policy as follows: <u>Heritage New Zealand will give notice to the applicant and owner of the outcome of a decision and reasons as soon as is practicable.</u>	Noted and agreed but the policies under this objective simply restate the relevant sections of the Act.	Added to 12.
1.5	Y - with changes	Amendments better reflect the provisions of the Act, see section 83(3)(b).	Insert part as follows: ...invites submissions on a review proposal, <u>has regard to those submissions and provides a recommendation to the Minister.</u>	Agreed.	This policy has been removed.
1.6	Y - with changes	Amendments better reflect the provisions of the Act, see section 84(1)	Amend as follows:...provides a recommendation to the Minister when an <u>owner or person with a registered interest</u> initiates a review of...	Agreed.	Policy 15.2 amended.

Objective 2 – Purpose and principles

Policy no.	Support	Submission Point	Relief sought	HNZPT response	Revision to Policy
2.3	Y- with changes	Under Policy 2.3 and 3.1 that professionals are covered under the general title of “individuals”.	Consider adding consultation being carried out with qualified heritage professionals i.e. engineers, conservation architects, historians.	This is based on the wording of the Act.	Policy changed to wording of the Act, for example 'tangata whenua' instead of 'iwi and hapu'
2.1	Y- with changes	Regarding Policy 2.1 the words “Heritage New Zealand” could be omitted	The principle that heritage places, including National Historic Landmarks, have lasting value in their own right and provide evidence of the origins of New Zealand’s distinct society, is recognised.	This makes the policy passive. Where possible, policies are written in the active voice.	No change.
2.3	Unclear	Policy 2.3 states that: "HNZPT recognises the principle that there is value in central government agencies, local authorities, corporations, societies, iwi and hapū, and individuals working collaboratively to identify, protect and conserve National Historic Landmarks".	Such collaboration could enable the National Historic Landmarks List to evolve as a qualification for eligibility for financial incentives funded at central government level.	Noted.	No change.

Objective 3 - Purpose and principles

Policy no.	Support	Submission Point	Relief sought	HNZPT response	Revision to Policy
3.1	Y - with changes	The objectives and policies have emphasised the significance of getting all stakeholders involved as early as possible in the processes associated with heritage	The General Statement for Policy: Statutory Advocacy discusses this in regards to working with the owners, relevant Iwi and local, regional and	HNZPT acknowledges that it is essential that owners, registered interests and stakeholders are informed in the earliest stages	Considered to be sufficiently addressed at Objective 10.

		<p>management. Supportive of this approach as it ensures that everyone has the opportunity to be aware of their responsibilities and limits the obstacles that arise in processes associated with identifying, preserving and conserving heritage items. One comment we have is clarifying how early we should be involving HNZPT in the process. It is unclear from the general policies as to if it is as early as practical, whether it should be prior to the process officially beginning or as soon as the process begins</p>	<p>central government but this message could be stronger across all the objectives and policies to ensure that HNZPT can become involved as soon as practical for all matters, statutory or non-statutory. This would ensure relationships can be strengthened between organisations and key stakeholders and ensure that no one has the unfortunate situation of being 'thrown a curve ball' that could have significant implications. It is important that there is clarification across all of the policies as to when HNZPT should become involved and clearer outlines of what extent of involvement is required at the different stages of the processes.</p>	<p>when a place is being considered for inclusion in the Landmarks list.</p>	
3.1	Y - with changes	<p>First of all, as far as the administration of the New Zealand Heritage List is concerned, paragraph 1.5 notes HNZPT is prepared to work collaboratively with "heritage societies". We should point out that organisations such as ours, was set up to continue and develop the work previously carried out by the branch committee of NZHPT should be treated as an automatic stakeholder re the New Zealand Heritage List. We are not just any "heritage society". The same comment applies to paragraph 9.4 where opinion on New Zealand Heritage List entry proposals will be sought wherever possible from "other agencies and individuals with an interest in heritage identification". Our organisation is not just any other "agency" with an interest in heritage identification.</p>	<p>Since 1957 we have undertaken much of this work in our area in partnership with HNZPT and we would like to think that our long-standing relationship would continue. There have been some issues in the last few years where this relationship has not been working as well as it used to. (See also our comment below about your Objective 9 re community involvement and advocacy.)</p>	<p>Although this submission was made in relation to the NZ Heritage List policy, it applies also to the Landmarks policy. HNZPT has a special relationship with the former branch committees. The heirs to the branch committees are various. It may be challenging to capture them all comprehensively in the policy.</p>	<p>Special status of successors of branch committees acknowledged in new policy 3.2.</p>

3.1	Y - with changes	Under Policy 2.3 and 3.1 qualified heritage professionals are covered under the general title of "individuals".	Consider adding consultation being carried out with qualified heritage professionals i.e. engineers, conservation architects, historians.	This wording is from the Act.	No change considered necessary.
	Y	supports both these objectives and efforts by HNZPT to consult and collaborate and to develop effective relationships.	Keen to maintain its relationship with HNZPT.	HNZPT also keen to maintain relationships.	No change.
	Unclear	HNZPT should engage to work proactively with the owners of heritage places in order to achieve reasonably practical outcomes for heritage places, rather than the theoretically 'possible'	Unclear.	Submission is applicable to all policies but more particularly to the Advocacy policy.	Policy reviewed for instances where we use words 'possible' or 'proactive'.
	Y	Early consultation	Seeks the retention of the principles, objectives and policies of the Draft Policies that Encourage consultation at an early stage.	Noted.	No change
	Y	supportive of early consultation with iwi.	There is scope to have a general policy in one of the policy documents, rather than repeating it across a number of policies.	Noted.	No need for further definition
3.4	Y - with changes	Enhance role of mana whenua in decision-making	amend: HNZPT "must consult..."	Must' implies a statutory requirement which does not exist in this instance.	Wording of this policy changed.
	Y - with changes	Enhance role of mana whenua in decision-making	The status of mana whenua in decision-making should never be less than that of the current owners and should be higher than that of other stakeholders.	Noted.	There are two policies under this objective on consulting with tangata whenua and the Minister of Māori Development is required to be consulted on each proposal.
	Y - with changes	Enhance role of mana whenua in decision-making	The Council should never override an objection by mana whenua without approval from the Maori Council.	The views of the Māori Heritage Council will be sought on every Landmark proposal.	No change.

Objective 4 – Purpose and principles

Policy no.	Support	Submission Point	Relief sought	HNZPT response	Revision to Policy
4.1	Y	Supports HNZPT developing and maintaining collaborative working relationships with owners and managers of National Historic Landmarks and potential Historic Landmarks, central government agencies, local authorities, iwi and hapu, corporations, societies, groups and individuals associated with a place.	That HNZPT develops and maintains working relationships with the groups specified in Policy 4.1	Noted	No change
	Y	Supports both these objectives and efforts by HNZPT to consult and collaborate and to develop effective relationships.	Submitter is keen to maintain its relationship with HNZPT.	Noted	No change

Objective 5 – Promotion and engagement

Policy no.	Support	Submission Point	Relief sought	HNZPT response	Revision to Policy
	Y	Supports information about National Historic Landmarks being freely available including which National Historic Landmarks are open to the public.	That information on National Historic Landmarks are freely available	Noted	No change
5.2	Y - with changes	The General Policy for the Management and Use of Historic Places Owned, Controlled or Vested in HNZPT states, in section 9.3 (v), that interpretation will be provided in both English and Te Reo Māori, where appropriate.	Amend section 5.2 to reflect that interpretation will be available in both English and Te Reo Māori where appropriate to provide increased consistency between this Policy and the General Policy for the Management and Use of Historic Places Owned, Controlled or Vested in HNZPT.	Agreed	New policy at Objective 5.
5.3	Y - with changes	Policy 5.3 states: "HNZPT makes the information about National Historic Landmarks available for public inspection on its Internet site and notes National Historic Landmarks status in the corresponding entry on the New	The words "public inspection" might usefully have the words "and interaction" added. This could have prioritisation for HNZPT's website development and be integrated with actions giving effect to Objective 6 policies promoting	Noted. Not clear what the exact intent of this submission is. Likely seeking more functionality from the	No change

		Zealand Heritage List".	engagement	List online such as ability to comment and share photos and stories.	
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Objective 6- Promotion and engagement

Policy no.	Support	Submission Point	Relief sought	HNZPT response	Revision to Policy
	Y	Council supports information about National Historic Landmarks being freely available including which National Historic Landmarks are open to the public.	That information on National Historic Landmarks are freely available	Noted	No change

Objective 7 – Maori heritage values

Policy no.	Support	Submission Point	Relief sought	HNZPT response	Revision to Policy
7.2	Y	Supports HNZPT to work with iwi and hapu when identifying Maori heritage values of National Historic Landmarks and ensuring Maori heritage values are taken into account when assessing and promoting these landmarks.	n/a	Noted	No change
	Y	Many of the documents are slanted towards Maori protocols or values. There are two reasons for this. i. this approach would benefit the better identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand and not just specifically Maori Heritage. ii. Working in the communities we believe that there is currently a negative connotation related to Maori Heritage issues especially those relating to Maori Archaeology. If the Policies for dealing	n/a	Noted	No change

		with Heritage was the same and as near to being the same for all heritage then there would not be a us and them mentality developed.			
7.3	Y - with changes	We understand from the Legislative Context that consultation must be undertaken with both the Māori Heritage Council and the Minister of Māori Affairs (now Minister for Māori Development) but these sections mention only consultation with the Māori Heritage Council.	We recommend the wording be amended to also require consultation with the Minister of Māori Development where appropriate.	Noted	This consultation is to be undertaken by the Minister.
	Y	supports both these objectives and efforts by HNZPT to consult and collaborate and to develop effective relationships.	Keen to maintain its relationship with HNZPT.	HNZPT also keen to maintain relationships.	No change
	Y - with changes	The views and values of Māori will inform decision making, assessments and actions under the HNZPTA (as opposed to just being taken into account)	Revision of policies so that views and values of Māori 'inform' and should not just be 'taken into account'.	Agreed	Yes
	Y	That HNZPT continues, and strengthens, its advocacy for the protection of Māori heritage.	n/a	Noted	No change
7.2		The Objective and Policy are poorly worded and should be amended in order to strengthen and provide for greater recognition and provision of Māori heritage values when identifying, conserving and promoting National Historic landmarks.	That objective 7 be amended as follows: objective 7: Māori heritage values are taken into account <u>recognised and provided for</u> when identifying, conserving and promoting National Historic landmarkspolicy 7.2 be amended, as follows:policy 7.2 Where appropriate, HNZPT works with iwi and hapū to:(a) identify the Māori heritage values of National Historic Landmarks; and(b) ensure Maori heritage values are taken into account <u>recognised and provided for</u> when assessing and promoting National Historic Landmarks.	Agree in part.	No need for further definition
7.3	Y - with change	Enhance role of mana whenua in decision-making	add: No recommendation will be made which is contrary to the views of the Maori Heritage Council.	In practice, the approval or endorsement of the	Consideration' changed to 'endorsement'.

				MHC will be sought.	
	Y - with changes	Value Māori knowledge and tikanga	amend: "Maori heritage values must be given effect when ..."	Noted	Change policy wording to 'inform' as opposed to 'are taken into account'.
7.1	Y - with changes	It is acknowledged that: "Places of greatest heritage value to the people of New Zealand will include Māori heritage places or have Māori heritage values". Policy 7.1 states that: "HNZPT recognises that National Historic Landmarks may have Māori heritage values or be sites of interest to Māori".	The policy statement should reflect that, notwithstanding a particular interest by Māori in their own heritage, the policy could usefully comment that Māori heritage is also of value to all New Zealanders.	Agreed	Clarify that places with Māori heritage values are often of value to all New Zealanders.

Objective 8 - Nomination and assessment

Policy no.	Support	Submission Point	Relief sought	HNZPT response	Revision to Policy
8.7	Y - with changes	This policy relates to assessment. This section does not identify a need for the owner's consent before assessing or inviting public submissions on inclusion of a property on the Landmarks List.	HNZPT should hold the owner's consent before assessing or inviting public submissions on inclusion of a property on the Landmarks List. This will reduce costs for all parties if an owner's consent will not be forthcoming. "HNZPT will collaborate with owners and may reject nomination for places in which the owner will not consent to inclusion of the place on the Landmarks List."	Policy 10.1 sets out when HNZPT commits to contacting owners and other stakeholders.	Add policy at Objective 10 - we will Not commence assessment of places where we do Not have owner consent.
8.6	Y	Supports this objective and believes it is vital HNZPT has the ability to prioritise landmarks, particularly given it has limited resources	n/a	Noted	No change
8.4	Y - with changes	For clarity, we recommend each of the scheduled legal protections available refer to the parent Act. For example Heritage Orders fall under the Resource Management Act 1991.	Refer to the parent act for each legal protection	Noted	Each parent act referred to.
8.4	Y - with changes	supports both these objectives and efforts by HNZPT to consult and collaborate and to	Keen to maintain its relationship with HNZPT.	HNZPT also keen to maintain relationships.	No change. Designations Not

		develop effective relationships.			considered to provide appropriate legal protection.
8.4	Y - with changes	We note section 8.4 is somewhat vague, with a list of legal protections HNZPT “may” consider.	We would like to see this language firmed up to give more certainty	Different legal mechanisms will apply different levels of protection to different types of sites. HNZPT retains some discretion when it comes to this eligibility requirement so that it can determine whether the legal protection is sufficient.	No change
8.4	Y - with changes	We also note that “being gazetted as a Reserve” under the provisions of Part 3 of the Reserves Act 1977 is another potential legal protection HNZPT may consider. We support this, but recommend clarity be provided as to which type of Reserve (water catchment, road, etc) is meant in this context.	We suggest section 8.4 (e) be amended to provided clarity and that “Reserve” be added to the glossary.	Agreed. Historic Reserves are likely to offer higher protection than other types of reserve. HNZPT has discretion to determine whether the legal protection is appropriate.	Policy 8.4 amended to specify that reserve means a reserve under the Reserves Act 1977.
8.5	Unclear	To ensure the ongoing viability and resilience of a heritage site, decisions should recognise the cost of heritage preservation and the available economically viable options.	Unclear	Not clear whether the submission supports or seeks amendment of the policy. May inform Advocacy policy?	No need for further definition
8.5	Unclear	In some circumstances, it must be accepted that demolition may be the only available or appropriate option.	Unclear	One of the purposes of National Historic Landmarks is to promote the conservation of places of greatest heritage value. The Risk Management Plan is	No change

				designed to avoid this situation. The decision on whether to demolish is not made by HNZPT but the local council.	
	Y - with changes	The Act is very prescriptive in relation to the statutory tests that apply to the identification and recording of National Historic Landmarks. The Act provides that a place cannot be included on the Landmarks List unless the owner's approval is obtained.	Seeks that the Policy aligns with the tests in the Act and reinforces the requirement that the owner's approval must be obtained before a place can be considered for entry on the Landmarks List.	The Act requires owner consent before a place is entered. Very difficult to ensure owner consent before a place is 'considered'. When does consideration begin?	Add policy at Objective 10 - we will Not commence assessment of places where we do Not have owner consent.
Paragraph 1	Y - with changes	Amendments better reflect the provisions of the Act, see section 81(3)	Amend line 1 as follows: ...have outstanding historical, physical or cultural values significance which are is identified and assessed...	Agreed.	Yes
		The stated aspiration for the National Landmarks List, that it 'will recognise our places of outstanding heritage value and assist in setting national priorities for heritage conservation,' is inconsistent with the policies. The stated intent of the list is to represent the 'best of the best' heritage in New Zealand, i.e. places of landmark significance that will attract, at a national level, resources, expertise and commitment to ensure their long-term protection and conservation to the highest standard possible. A list that will only include those structures that are under no threat and have owners who are willing to accept the constraints imposed by being included in the List, is unlikely to 'recognise our places of outstanding heritage value' but rather a group of buildings which current circumstances	What credibility will the places included on the list have if other places that are manifestly of outstanding national significance are excluded?	Policies developed reflect requirements of the HNZPTA. The Landmarks List will include some of our most important places.	First paragraph of introduction revised to read 'will recognise places of outstanding national heritage value'.

		allow to be entered on the list.			
8.1	Y - with changes	Enhance role of mana whenua in decision-making	add: HNZPT will regularly solicit suggestions from mana whenua.	It is anticipated that there will be a public process where anyone can nominate a place. HNZPT will contact iwi groups when this commences. There may also be annual calls for nominations when iwi and other groups would be contacted directly.	No change
8.4	Y - with changes	Policy 8.4 states that HNZPT may consider appropriate legal protections to include "(d) being scheduled in a District Plan in such a way as to provide ongoing protection from demolition or significant modification".	Since any person can change a plan under the provisions of the First Schedule of the RMA, the Landmarks List should make provision for subsequent plan changes.	Able to be addressed through review provisions.	Policy 15.5 revised to explain that eligibility criteria area is taken into account when a place is reviewed.
8.5	Y - with changes	Policy 8.5 states: "HNZPT may reject nominations for places that are threatened by risks that cannot be adequately managed".	Policy needs explanation since its meaning and purpose are unclear.	Noted	Policy removed.
	Y - with changes	Amendments better reflect the provisions of the Act, see section 81(3)	Amend line 1 as follows: ...have outstanding historical, physical or cultural values <u>significance</u> which are <u>is</u> identified and assessed...	Agreed.	Yes

Objective 9 - Nomination and assessment

Policy no.	Support	Submission Point	Relief sought	HNZPT response	Revision to Policy
9.3	Unclear	<p>One of the most striking characteristics of some urban landscapes is that they have a coherent appearance - they are of a piece. More than just aesthetically satisfying, such streetscapes can have heritage significance when the congruence of their outward aspect is the result of historical and cultural circumstances.</p> <p>This suggestion is in keeping with section 66 HNZPTA – particularly the aesthetic and architectural values mentioned in clause 1 of section 66. The suggestion also fits well with UNESCO’s World Heritage list criteria, specifically criteria II and IV. Those criteria state that nominated properties shall:</p> <p>(II) exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design;</p> <p>(IV) be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;</p> <p>For these reasons I suggest consideration of the concept of streetscape, or something like it.</p>	Criteria and thresholds for urban environs give consideration to the notion of ‘streetscape’.	Noted. Consider when preparing criteria and thresholds guidance.	No change. Policy 11.2 allows for precincts.
9.3	Y - with changes	Policy should clearly outline such matters as how the selection criteria in s.81(3) will be interpreted and applied and the anticipated process of engaging with key external agencies regarding the content of the list. As the	Clearly outline such matters as how the selection criteria in s.81(3) will be interpreted and applied. Consult with key external agencies.	As outlined at policy 9.3, this will be addressed in later guidance documents.	HNZPT will develop guidance in consultation with key stakeholders.

		Landmarks List is intended to represent national identity, it is only fair that key external agencies would be involved in shaping its content.			
	Y - with changes	Amendments better reflect the provisions of the Act, see section 81(1)	Amend as follows: National Historic Landmarks are a collection of our most significant outstanding heritage places and...	Agreed.	Yes
	Y - with changes	supports both these objectives and efforts by HNZPT to consult and collaborate and to develop effective relationships.	Keen to maintain its relationship with HNZPT.	HNZPT also keen to maintain relationships.	Refer directly to criteria in the Act.
	Y - with changes	What is also unclear is the processes that are required and the supporting mechanisms to assist tangata whenua in providing for the cultural and heritage values.	Clarify process for assessment. Clarify incentives available.	More details on process will be developed when policy is finalised. Incentives outside the scope of this policy.	No change
9.1	Y - with changes	Enhance role of mana whenua in decision-making	add: (e) significance to mana whenua	Significance to mana whenua is captured in the criterion at s81(3)(c) - outstanding cultural significance.	s81(3) criteria added to the No changemination and Assessment section of the policy.
	Y - with changes	Objective 9 states: "National Historic Landmarks are a collection of our most significant heritage places ..."	Since owner agreement is required for inclusion on the National Historic Landmarks List, and it is uncertain which owners of heritage places will seek inclusion on that List, it would be more accurate to state: "National Historic Landmarks are a collection of some of our most significant heritage places ... "		No need for further definition

Objective 10 - Nomination and assessment

Policy no.	Support	Submission Point	Relief sought	HNZPT response	Revision to Policy
10.4	Unclear	When assessing a potential National Historic Landmark, HNZPT may take into account whether it is undergoing physical change, especially in circumstances where the change may substantially affect the place's heritage values. Would such a threat of change give weight to an application?	Clarify policy.	It should be clear in policy whether this is likely to have a positive or negative effect on the application. Explain basis for policy.	Yes
10.1	Y	Council supports the development and maintaining of relationships with owners, occupiers and others with an interest in the land when assessing potential National Historic Landmarks and the stages they will be formally notified. Council supports the recognition of the interests of the owners.	n/a	Noted	No change
10.2	Y	When assessing potential National Historic Landmarks, HNZPT should not propose the inclusion of a site unless the owner has given consent.	n/a	This submission supports policy 11.5	No change
10.2	Y - with changes	supports both these objectives and efforts by HNZPT to consult and collaborate and to develop effective relationships.	Keen to maintain its relationship with HNZPT.	HNZPT also keen to maintain relationships.	No change

10.4	Y - with changes	This takes into account the events causing the physical changes, for example natural disasters.	Amend line 2 as follows: ...may take into account whether it is undergoing or affected by events causing physical change, especially...	Noted. It can be difficult to assess values when a place is undergoing significant change.	Not considered necessary to amend policy.
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Objective 11 - Nomination and assessment

Policy no.	Support	Submission Point	Relief sought	HNZPT response	Revision to Policy
11.5	Accept with changes	We believe that there are occasions when an owner will not consent (particularly if there is no funding to meet these high conditions of conservation and protection against natural disaster) where there is a justifiable argument to list a place as a national historic landmark.	We would wish to see that there is adequate funding for owners in these cases to assist in encouraging them to agree to adding a place onto the list. Otherwise it is easy to see that the result of the policy will be the loss rather than protection of significant places.	Outside the scope of this policy document; however, HNZPT will support owners seeking funding.	Add policy at Objective 14.
11.2	Y - with changes	Curtilage v grounds	Amend as follows: ...having regard to the curtilage grounds and setting that contributes...	While 'grounds' may be an appropriate term for churches, 'curtilage' is more widely applicable to other types of places.	No change
11.5	Unclear	Owners' consent is required for entry on the Landmarks list and the owner must have prepared a risk management plan for the place that is approved by HNZ. These criteria will limit the scope of the List considerably, consequently compromising the rigour and inclusiveness of the Landmarks List process. it is hard to imagine any examples of outstanding Modern heritage making it on to the Landmarks List with this policy guiding the process. How will	Unclear	This a requirement of the HNZPTA.	No change

		HNZPT prioritise listing heritage places so that New Zealand's 'most significant places', for example Auckland Harbour Bridge and the Beehive, are listed as national landmarks? See 1.2			
11.1	Y - with change	supports both these objectives and efforts by HNZPT to consult and collaborate and to develop effective relationships.	Keen to maintain its relationship with HNZPT.	HNZPT also keen to maintain relationships.	No change

Objective 12- Nomination and assessment

Policy no.	Support	Submission Point	Relief sought	HNZPT response	Revision to Policy
12.3	Y - with changes	"Except in extraordinary cases." Should be added to the end of Policy 12.3 (c) as there will be times when an owner for various reasons do not wish to have a site recognised as a Landmark but it is in the Nations interest that the site is recognised. An example may be some of the sites around the conflicted "Cook National Historic Reserve" which are owned by the local authority or the port. These sites are of international significance, but are currently compromised.	"except in extraordinary cases." Should be added to the end of Policy 12.3 (c)	Consent of owners and registered interests is a statutory requirement.	No change
12.3	Y - with changes	We note these sections require HNZPT to approve risk management plans prepared by owners of potential landmarks. We are unclear as to whether HNZPT has the expertise in-house to undertake such a role.	Recommend the wording be amended as follows 1.2 (d) the owner has prepared an appropriate risk management plan approved for the purpose by HNZPT, with input from experts where required	Noted. This could be a more general policy about HNZPT using outside expertise where required - not just for Risk Management plans. Need not get into too much detail of 'how' in policies. Focus on 'what' we commit to	New policy 4.2

				doing.	
12.4	Y	We support the Policy flagging situations where real or perceived conflicts of interest exist and provided management strategies for these	n/a	Noted.	No change
	N	supports both these objectives and efforts by HNZPT to consult and collaborate and to develop effective relationships.	Keen to maintain its relationship with HNZPT.	HNZPT is also keen to maintain relationships.	No change
	Unclear	Broad community support should be sought and obtained in the identification, retention and protection process of heritage places.	Unclear	Broad community support is required before a place can be entered on the Landmarks list.	No change
12.1, 12.3(d)	Y - with changes	Enhance role of mana whenua in decision-making	add: "...evidence of broad national, tangata whenua and ..."	No. This policy sets out the statutory requirements.	Amended to make clear these are statutory requirements
12.1(c)	Y - with change	Enhance role of mana whenua in decision-making	amend: "...significant by mana whenua or another community..."	Appropriate to single out mana whenua here?	No need for further definition
12.2	Y - with changes	Enhance role of mana whenua in decision-making	add: HNZPT "recognises...differences among national, mana whenua and other community support...evidence of all before..."	This policy is about the types of support required under the Act.	No change

Objective 13 – Access to information

Policy no.	Support	Submission Point	Relief sought	HNZPT response	Revision to Policy
	Y	Supports having information on National Landmarks widely and easily available and updates information to maintain correctness and consistency.	n/a	Noted	No change
	Unclear	That all information on all heritage and significant historic information is managed and operated by the local whanau hapu iwi and	That all information on all heritage and significant historic information is managed and operated by the local whanau hapu iwi and	Policy 3.3 allows for iwi and hapu views on availability of	No change

		marae of a Local Authority and Regional Council where it pertains to Maori histories.	marae of a Local Authority and Regional Council where it pertains to Maori histories.	information to be recognised.	
13.1	Unclear	That all heritage and significant historic information on settlers housing architecture are to be operated by the museum and geneological organisations that are located in the Local or Regional Authorities	That all heritage and significant historic information on settlers housing architecture are to be operated by the museum and geneological organisations that are located in the Local or Regional Authorities.	HNZPT makes available information about all NZ List entries	No change
13.1	Unclear	supports both these objectives and efforts by HNZPT to consult and collaborate and to develop effective relationships.	Keen to maintain its relationship with HNZPT.	HNZPT is also keen to maintain relationships.	No change

Objective 14 - Monitoring and review

Policy no.	Support	Submission Point	Relief sought	HNZPT response	Revision to Policy
	Y - with changes	However prior to this section throughout other Policies there is mention of Risk Management Plans with no guidance on what these are and what they entail. It is suggested that reference to Policies 14.5 -14.8 be made in the other policies, so it is clear where to look for this information	That there be clarity and direction given in respect of what Risk Management Plans are, what they are to include and where this information can be found i.e. Policies 14.5 to 14.8. It is appropriate that an example be developed to provide a template	This guidance is outside the scope of this policy but will be developed in due course.	No change
	Y - with changes	“and demolition through neglect (man made disasters)” is added to the end of the Objective 14	Add “and demolition through neglect (manmade disasters)” to Objective 14	Objective 14 is derived from a statutory purpose of Landmarks	No change
14.5 and 14.6	Y	Focus on protecting National Historic Landmarks from natural disasters and the protection of health and safety (section 14.6).	n/a	Noted	No change
14.5 and 14.6	Y - with changes	supports both these objectives and efforts by HNZPT to consult and collaborate and to develop effective relationships.	Keen to maintain its relationship with HNZPT.	HNZPT also keen to maintain relationships.	New policy at 4.2
14.5 and 14.6	Unclear	For engineering heritage, we imagine that most operational infrastructure items will fall under larger, systems-wide, risk management plans. We are unclear whether this would be	Clarify whether individual plans are required for individual elements of National Historic Landmarks.	Guidance will be prepared on risk management plans.	No change.

		sufficient for HNZPT's purposes or whether separate plans which meet HNZPT's criteria and guidelines will be necessary. If individual plans are required, then we believe this could preclude iconic engineering heritage features as we believe it unrealistic to expect organisations to go above and beyond their operational needs solely for HNZPT's purposes.			
	Unclear	Policies attempting to conserve internal or external fabric and fixtures should be administered with sensitivity to the changing requirements of faith communities. Church buildings are not museums, but need to evolve and adapt rather than be locked in time.	n/a	Noted	No change
	Y - with changes	Objective 14 is hopeful of conservation but the draft policy does not appear to offer the context for achieving that aspiration.	'Risk Management Plans' for Landmarks are to detail 'the highest practicable standard of care' but how will HNZPT give effect to this policy when it is imposed upon property owners?	Policy 14.5 states that HNZPT will develop guidelines for risk management plans.	No need for further definition
	Y - with changes	The Act requires an appropriate risk management plan prepared by the owner has been approved for the purpose by HNZPT.	HNZPT should adopt a facilitative policy which would have HNZPT assisting with the production of such a plan so that the requirement is much less of a roadblock for places to be included in the list.	Noted	Consider policy stating that HNZPT will assist with the preparation of plans.
14.4	Y - with changes	Policy 14.4 refers to visiting every 5 years.	A policy relating to the monitoring of the implementation and effectiveness of a risk management plan should be included. Such monitoring could provide useful direction for the review of existing plans and the production of new plans. Given that the National Historic Landmarks List is supposed to be the "best of the best", more frequent visits with early intervention and advice for owners would be consistent with good risk management practice.	Noted	Risk Management Plan policy amended to include reference to effectiveness.

Objective 15 - Monitoring and review

Policy no.	Support	Submission Point	Relief sought	HNZPT response	Revision to Policy
	Y - with changes	Include some form of wording be to cover under what circumstance landmark status would be removed in Objective 15 and associated Policies. Such removal should also be subject to wide consultation depending on the circumstances. For example if a building has been completely razed in a fire then consultation would not be necessary.	Include wording to cover under what circumstance landmark status would be removed in Objective 15 and associated Policies.	Agreed	New policy at 15.6
	Y - with changes	With respect to Policies relating to Ministerial initiated reviews and Owner initiated reviews, such reviews should be treated the same as for 'All other Reviews'. If this is the intent of Policies 15.4 to 15.6 this is not clear	Clarify intent of policies 15.4-6	Noted	Heading added to Objective 15
	Y - with changes	Further Policy relating to Policies 15.1 and 15.2 should be added: HNZPT invites public submissions on review proposals and has regard to any submissions received in writing within the prescribed timeframe	Further Policy relating to Policies 15.1 and 15.2 should be added: HNZPT invites public submissions on review proposals and has regard to any submissions received in writing within the prescribed timeframe	This is addressed at 15.4	Clarify that policies 15.4-6 apply to all reviews, Not all other reviews.