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Tēnā koutou

## **NZAA SUBMISSION ON THE EXPOSURE DRAFT OF THE NATURAL AND BUILT ENVIRONMENTS BILL**

### *Submitter details*

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The New Zealand Archaeological Association (NZAA) welcomes this opportunity to provide feedback on the exposure draft of the Natural and Built Environments Bill (NBEB). We are looking forward to engaging with the Select Committee on the development of legislation that enhances the management and protection of Aotearoa New Zealand's cultural heritage. In particular, we would welcome the opportunity to present our evidence to the Select Committee.

### Introduction

The NZAA submission is focused on improving current legislative provisions for the protection of cultural heritage as a matter of national significance, requiring national consistency and proactive management to safeguard cultural heritage for current and future generations. We recognise the two-stage process of drafting the NBEB and that further feedback will be required on those matters not included in the exposure draft i.e., heritage orders and the relationship with other legislation, notably the Heritage New Zealand Pouhere Taonga Act (2014).

Our submission is structured in three parts: an introduction to the NZAA and cultural heritage context, our position on the Resource Management Act reform and finally, feedback on the NBEB exposure draft and system efficiencies. Overall, the key points of our submission are:

- refinement of and inclusion of definitions, particularly for built and cultural environments, and cultural landscapes;
- national consistency in the identification, protection and conservation of cultural heritage, particularly the evaluation of cultural/heritage value; and
- inclusion of cultural heritage in the list of topics in Clause 13 that must be included in the national planning framework to enable recognition of all four facets of well-being.

### The New Zealand Archaeological Association

NZAA is the national organisation for archaeology with a membership spanning professionals, amateurs, students, organisations, businesses and institutions involved or interested in Aotearoa New Zealand's archaeology and history. Our objectives are to promote and foster research into the archaeology and history of Aotearoa New Zealand, and to encourage the protection of archaeological sites. We do this in a range of ways, one of which is by engaging with government and local authorities for the recognition and protection of Aotearoa's cultural heritage. An important part of our kaupapa



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is the management of ArchSite, the national database of recorded archaeological sites. This web-based service is essential to the management and protection of archaeological sites under the current Resource Management Act. To date, it contains information about more than 73,600 recorded archaeological sites, most of which are Māori in origin. There are many more unrecorded archaeological sites in Aotearoa.

Archaeological sites and features contain unique and irreplaceable evidence of the human history of Aotearoa New Zealand. Archaeological research has studied all periods of Aotearoa's history, from the first visits by Polynesian voyagers, the exploration and settlement of Aotearoa by Māori, through to the development of modern cities and industries by a diverse range of people and cultures. Archaeology provides details about aspects of people's daily lives, such as what people ate, the tools they used and how their houses were constructed. These details are not always captured by traditional, oral or recorded histories, but are vital for understanding past environments, economies and lifestyles. Our archaeological sites and landscapes are important to our sense of national identity, and our economic and cultural well-being. Critically, archaeological sites are non-renewable. When modified or destroyed, an important component of Aotearoa's past is lost. Archaeological sites and the broader suite of cultural heritage should be identified, protected and preserved efficiently in legislation and policy for the benefit and cultural well-being of current and future generations.

#### Resource Management Act reforms: our position

Places of cultural heritage value, including archaeological sites, should be seen as contributing to Aotearoa's sense of national identity, and our economic and cultural well-being, rather than as an impediment to development. These sites and places contribute essential information to our understanding of our past and are critical elements of our built and cultural environments. NZAA believes that cultural heritage, which includes archaeological sites, should continue to be recognised and managed as a matter of national significance. This should be achieved through national policy and planning standards, to ensure national consistency.

Fundamental to NZAA's position on the reform of the Resource Management Act is that archaeological sites cannot be replaced – once damaged or destroyed, they are gone forever. A proactive approach needs to be taken to effectively manage our cultural heritage and the destruction, damage or modification of archaeological sites and landscapes should be avoided wherever possible and positive cultural heritage outcomes sought to have a more sustainable approach to the protection of cultural heritage. Further, the identification, management and protection of cultural heritage, including archaeological sites, needs to be nationally consistent, and in accordance with international best practice. The management of archaeological sites with Māori cultural associations must involve tangata whenua to ensure that cultural, spiritual and traditional values are identified, recognised and provided for. The significance of important cultural landscapes (including archaeological sites) must be recognised, and the management of these landscapes must protect their values.

When avoidance of archaeological sites is not possible, provisions to minimise and mitigate the effects of the damage are required, and the loss of any archaeological data must be recorded, following archaeological best practice. The information resulting from this work should be made publicly available, particularly for those groups whose cultural heritage sites have been affected.



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### Feedback on the Natural and Built Environments Bill

NZAA supports the intention to improve the protection of Aotearoa New Zealand's natural and built environments, which includes our cultural landscapes and archaeological sites. We acknowledge that there are intense development pressures, particularly with regard to housing, and that development needs to take place, but within parameters that protect the environment, including the natural and cultural elements. We recognise the importance of giving effect to the principles of Te Tiriti o Waitangi and Te Ao Māori. We believe that it is crucial to work in partnership with Māori to facilitate the management of our natural resources and cultural heritage, particularly given the predominance of Māori archaeological sites in Aotearoa's archaeological record. Many of these sites are also wāhi tapu or wāhi tupuna, or part of important cultural landscapes. We are also acutely aware of the risks natural hazards pose to the integrity of cultural heritage, particularly those hazards exacerbated by climate change, as the majority of archaeological sites are located in coastal or vulnerable environments. We are responsive to improving system efficiencies that ensure that the objectives of the resource management reforms are met.

The tables below set out those sections in the exposure draft of most importance to the protection of Aotearoa New Zealand's cultural heritage (Table 1) and general comments to improve system efficiencies in the resource management system (Table 2). We acknowledge that this submission builds upon previous feedback (i.e., review of the archaeological provisions under the Heritage New Zealand Pouhere Taonga Act 2014, formerly the Historic Places Act 1993) and collaboration with other organisations, notably Historic Places Aotearoa (HPA), ICOMOS New Zealand/Te Mana o Nga Pouwhenua o Te Ao and Auckland Council.

**Table 1: Natural and Built Environments Bill EXPOSURE DRAFT – NZAA comments and recommendations**

Part, Clause	Provision	Specific comments	Recommendations and relief sought
<p><b>Clause 3</b></p>	<p><b>Interpretation –</b> In this Act, unless the context otherwise requires –</p>	<p><b>Missing definitions &amp; general comments</b></p> <p><b>Cultural landscapes</b></p> <ol style="list-style-type: none"> <li>1. Strongly support inclusion of landscapes (as part of cultural heritage). However, requires a definition to ensure a shared understanding of this concept.</li> <li>2. Landscapes should include Māori and non-Māori cultural landscapes and recognise the connection and entwinement of the natural and cultural environment.</li> </ol> <p><b>Built environment</b></p> <ol style="list-style-type: none"> <li>3. No definition of ‘built environment’ yet definition of ‘natural environment’. Given the name of the Act arguably both require defining. Illustrates limited addressing and unbalanced approach to the built environment in comparison to natural environment overall. The built environment plays an important role in the quality of our lives and has clear overlaps with the natural and cultural environments within Aotearoa.</li> </ol>	<p>The inclusion of cultural landscapes in the NBEB requires a definition to ensure a shared understanding of this concept.</p> <p>The definition should be informed by that included in the NZ ICOMOS Charter.</p> <p><i>Cultural landscapes mean an area possessing cultural heritage value arising from the relationships between people and the environment. Cultural landscapes may have been designed, such as gardens, or may have evolved from human settlement and land use over time, resulting in a diversity of distinctive landscapes in different areas. Associative cultural landscapes, such as sacred mountains, may lack tangible cultural elements but may have strong intangible cultural or spiritual associations</i></p> <p>Insert a new definition, ‘built environment’. Needs further refinement to clarify if past and present human built environments encompassed in environment definition for the purposes of the NBEB.</p>

		<p><b>Archaeological Sites</b></p> <ol style="list-style-type: none"> <li>4. No definition of archaeological sites other than including them within the definition of cultural heritage.</li> <li>5. In addition, no definition of archaeological sites is currently provided in the RMA, as such there is a reliance on wording provided in the Heritage New Zealand Pouhere Taonga Act (2014: Section 6). This definition is limited by the pre-1900 cut-off date, often leaving significant post-1900 cultural heritage places with limited protection, creating a gap in our understanding of Aotearoa’s past.</li> <li>6. The NZAA propose taking a similar approach to that applied through the England’s National Planning Policy Framework (NPPF)<sup>1</sup>. There is a shift away from a site-based definition to one centred on archaeological and cultural heritage value. This allows for more flexibility to identify and protect archaeological/cultural landscapes and to understand the cumulative effects of development and impacts of land use activities and other natural hazards. Further, the NPPF provides definitions for historic environment and significance, which have also been supplied as for further context.</li> </ol>	<p>NPPF definitions which adapted for a New Zealand context can offer one preferred approach to providing a robust definition of archaeological sites.</p> <p>Historic environment as a whole encapsulating - <i>All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.</i></p> <p>Significance - <i>Significance (for heritage policy): The value of a cultural heritage site or place to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a cultural heritage site or place’s physical presence, but also from its setting.</i></p> <p>Archaeological interest - <i>There will be archaeological interest in a cultural heritage site or place if it holds, or potentially holds, evidence of past human activity worthy of expert investigation<sup>2</sup> at some point.</i></p>
	<p><b>cultural heritage —</b> (a) means those aspects of the environment that contribute to an understanding and</p>	<ol style="list-style-type: none"> <li>1. Through case law historic heritage now understood to mean place-based heritage in New Zealand. Existing case-law for historic</li> </ol>	<p>Recommend the following amendments to the definition:</p>

<sup>1</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

	<p>appreciation of New Zealand’s history and cultures, deriving from any of the following qualities:</p> <ul style="list-style-type: none"> <li>(i) archaeological:</li> <li>(ii) architectural:</li> <li>(iii) cultural:</li> <li>(iv) historic:</li> <li>(v) scientific:</li> <li>(vi) technological; and</li> </ul> <p>(b) includes—</p> <ul style="list-style-type: none"> <li>(i) historic sites, structures, places, and areas; and</li> <li>(ii) archaeological sites; and</li> <li>(iii) sites of significance to Māori, including wāhi tapu; and</li> <li>(iv) surroundings associated with those sites</li> </ul>	<p>heritage still needs to be recognised in the shift away from this terminology to cultural heritage, which is more aligned with international best practice.</p> <ol style="list-style-type: none"> <li>2. Cultural heritage often used to include non-place-based heritage (intangible values), for example, arts, dance and language and has been used to mean Māori heritage and / or archaeology.</li> <li>3. Any increase in the recognition of Māori heritage is strongly supported, including if this is achieved through the term cultural heritage. There is a need, however, to ensure that the NBEB does not result in any confusion between the consideration or conflation of Māori values and cultural heritage and associated values.</li> <li>4. Trees of heritage value are not well provided for (other than as potential “historic sites”), also natural (non-man-made) features of a heritage place, such as plantings, landform and views. Inclusion of “features” would provide for such aspects.</li> </ol>	<p><b>cultural heritage —</b></p> <p>(a) means those aspects of the environment that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities <b>and values</b>:</p> <p>(b) includes—</p> <ul style="list-style-type: none"> <li>(i) historic sites, structures, <u>features</u>, places, <del>and</del> areas; <u>and landscapes</u>; and</li> <li>(ii) archaeological sites; and</li> <li>(iii) sites <u>and landscapes</u> of significance to Māori, including wāhi tapu; and</li> <li>(iv) <u>values and</u> surroundings associated with those sites <u>and places and areas</u></li> </ul> <p>(See comments above on recommended definition of cultural landscapes and archaeological site and places).</p>
	<p><b>environment means, as the context requires,—</b></p> <ul style="list-style-type: none"> <li>(a) the natural environment:</li> <li>(b) people and communities and the built environment that they create:</li> <li>(c) the social, economic, and cultural conditions that affect the matters stated in paragraphs (a) and (b) or that are affected by those matters</li> </ul>	<ol style="list-style-type: none"> <li>1. Need to ensure cultural heritage can be considered as a part of the environment (natural and built) and definition also needs to consider the past tense. Also raises whether ‘built environment’ should be defined (as addressed above). Also see comments on historic environment under general comments on definition of archaeological sites)</li> </ol>	<p>Recommend the following amendments to the definition:</p> <p><b>environment means, as the context requires,—</b></p> <ul style="list-style-type: none"> <li>(a) the natural environment:</li> </ul>

		<p>2. Unclear what the reason for “as the context requires” being included within the definition is, and the ramification it could have in applying the definition.</p>	<p>(b) people and communities and the built environment that they create <u>or have created</u>:</p> <p>(c) the social, economic, and cultural conditions that affect the matters stated in paragraphs (a) and (b) or that are affected by those matters</p> <p><i>Further example provided in Environment Act 1986</i> environment includes—</p> <p>(a) ecosystems and their constituent parts including people and communities; and</p> <p>(b) all natural and physical resources; and</p> <p>(c) those physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes; and</p> <p>(d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters</p>
	<p><b>mitigate</b>, in the phrase “avoid, remedy, or mitigate”, includes to offset or pro-vide compensation if that is enabled—</p> <p>(a) by a provision in the national planning framework or in a plan; or</p> <p>(b) as a consent condition proposed by the applicant for the consent</p>	<p>We are concerned with the expansion of the definition of ‘mitigate’ to include ‘offset’ and ‘provide compensation’ as this can in practice lead to what the RMA currently allows i.e., ‘less than minor effects’ on the environment. With regards to heritage (historic/cultural) this can lead to the gradual degradation of its values through</p>	<p>Recommend excluding this expanded version of mitigation from the NBEB</p>

		cumulative minor negative changes aka. ‘death by a thousand cuts’.	
	<b>natural environment</b> means (a) the resources of land, water, air, soil, minerals, energy, and all forms of plants, animals, and other living organisms (whether native to New Zealand or introduced) and their habitats; and (b) ecosystems and their constituent parts	There is an overlap between the natural environment and cultural heritage in terms of sites of significance to Māori and wāhi tapu.	
	<b>precautionary approach</b> is an approach that, in order to protect the natural environment if there are threats of serious or irreversible harm to the environment, favours taking action to prevent those adverse effects rather than postponing action on the ground that there is a lack of full scientific certainty	We also need to take a proactive and cautious approach to managing known cultural heritage sites and values and high-risk environments where further unrecorded sites may be recorded. Move away from reliance on accidental discovery protocols to assessment being done up front to identify the cultural heritage site.	Recommend the following amendments to the definition:  ... order to protect the natural <u>environment</u> <b>and cultural heritage</b> if there are threats of serious or irreversible harm...
	<b>well-being</b> means the social, economic, environmental, and cultural well-being of people and communities, and includes their health and safety.	Support the inclusion of cultural well-being, which is recognised as including the protection and interpretation of the past, linking us to who we are today <sup>3</sup> .	
<b>Clause 5</b>	<b>Purpose of this Act</b> (1) The purpose of this Act is to enable— (a) Te Oranga o te Taiao to be upheld, including by protecting and enhancing the natural environment; and (b) people and communities to use the environment in a way that supports the well-being of present generations without compromising the well-being of future generations. (2) To achieve the purpose of the Act,—	1. Strong focus on natural environment. Creates an unbalanced approach leaving built environment with much less significance.  2. Purpose needs to recognise importance of built environment, and in turn more broadly recognise cultural heritage and the interconnectedness between culture and nature.  ▪ Further built environment definition to clearly include cultural heritage	Amend purpose to better recognise not just the natural environment, but also the built environment and the interconnectedness between culture and nature.

<sup>3</sup> <https://mch.govt.nz/files/437441-CWB%20-%20What%20is%20CWB.pdf> “It’s about History and Heritage- Cultural well-being is about protecting and interpreting our past, linking us to who we are today and to our future. It is about providing our communities with an ability to access a wide range of media such as libraries, archives and museums for information, learning and pleasure.”



	<p>(a) use of the environment must comply with environmental limits; and</p> <p>(b) outcomes for the benefit of the environment must be promoted; and</p> <p>(c) any adverse effects on the environment of its use must be avoided, remedied, or mitigated.</p> <p>(3) In this section, <b>Te Oranga o te Taiao</b> incorporates—</p> <p>(a) the health of the natural environment; and</p> <p>(b) the intrinsic relationship between iwi and hapū and te taiao; and</p> <p>(c) the interconnectedness of all parts of the natural environment; and</p> <p>(d) the essential relationship between the health of the natural environment and its capacity to sustain all life.</p>		
<b>Clause 6</b>	<p><b>Te Tiriti o Waitangi</b></p> <p>All persons exercising powers and performing functions and duties under this Act must give effect to the principles of te Tiriti o Waitangi.</p>	<p>The change to “must give effect to” is more likely to achieve better outcomes for Māori. A positive step. Part of more strategic role envisaged for Māori in new system including but not limited to the management of their cultural heritage.</p>	
<b>Clause 7</b>	<p><b>Environmental Limits</b></p> <p>(1) The purpose of environmental limits is to protect either or both of the following:</p> <p>(a) the ecological integrity of the natural environment;</p> <p>(b) human health.</p> <p>(2) Environmental limits must be prescribed—</p> <p>(a) in the national planning framework (see <b>section 12</b>); or</p> <p>(b) in plans, as prescribed in the national planning framework (see <b>section 25</b>).</p> <p>(3) Environmental limits may be formulated as—</p>	<p>Noting that the natural environment also holds strong significance for Māori and is often intertwined with cultural well-being (see comments on definition of ‘natural environment’), the setting of environmental limits needs to take account of the values the natural environment has for Māori to ensure these are managed.</p>	

	<p>(a) the minimum biophysical state of the natural environment or of a specified part of that environment:</p> <p>(b) the maximum amount of harm or stress that may be permitted on the natural environment or on a specified part of that environment.</p> <p>(4) Environmental limits must be prescribed for the following matters:</p> <p>(a) air:</p> <p>(b) biodiversity, habitats, and ecosystems:</p> <p>(c) coastal waters:</p> <p>(d) estuaries:</p> <p>(e) freshwater:</p> <p>(f) soil.</p> <p>(5) Environmental limits may also be prescribed for any other matter that accords with the purpose of the limits set out in <b>subsection (1)</b>.</p> <p>(6) All persons using, protecting, or enhancing the environment must comply with environmental limits.</p> <p>(7) <b>In subsection (3)(a), biophysical</b> means biotic or abiotic physical features.</p>		
<p><b>Clause 8</b></p>	<p><b>Environmental outcomes</b></p> <p>To assist in achieving the purpose of the Act, the national planning framework and all plans must promote the following environmental outcomes:</p> <p>a. the quality of air, freshwater, coastal waters, estuaries, and soils is protected, restored, or improved:</p> <p>(b) ecological integrity is protected, restored, or improved:</p> <p>(c) outstanding natural features and landscapes are protected, restored, or improved:</p> <p>(d) areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected, restored, or improved:</p>	<ol style="list-style-type: none"> <li>1. Natural environment outcomes are “protected, restored, or improved” while cultural heritage is “identified, protected, and sustained through active management”. The similar concept of conservation should instead be introduced in relation to cultural heritage. Active management is a subset of conservation.</li> <li>2. “Sustained active management” is viewed as an attempt to address demolition by neglect issues. Any steps to address this issue are strongly supported. However, the term should be revised to more high-level</li> </ol>	<p>Recommend the following amendments:</p> <p><b>Environmental outcomes</b></p> <p>To assist in achieving the purpose of the Act, the national planning framework and all plans must promote the following environmental outcomes: ...</p> <p>(h) <u>significant</u> cultural heritage, <del>including cultural landscapes,</del> is identified, protected, enhanced, and conserved <del>sustained through active management that is proportionate to its cultural values:</del></p>

<p>(e) in respect of the coast, lakes, rivers, wetlands, and their margins,—</p> <p>(i) public access to and along them is protected or enhanced; and</p> <p>(ii) their natural character is preserved:</p> <p>(f) the relationship of iwi and hapū, and their tikanga and traditions, with their ancestral lands, water, sites, wāhi tapu, and other taonga is restored and protected:</p> <p>(g) the mana and mauri of the natural environment are protected and restored:</p> <p>(h) cultural heritage, including cultural landscapes, is identified, protected, and sustained through active management that is proportionate to its cultural values:</p> <p>(i) protected customary rights are recognised:</p> <p>(j) greenhouse gas emissions are reduced and there is an increase in the removal of those gases from the atmosphere:</p> <p>(k) urban areas that are well-functioning and responsive to growth and other changes, including by—</p> <p>(i) enabling a range of economic, social, and cultural activities; and</p> <p>(ii) ensuring a resilient urban form with good transport links within and beyond the urban area:</p> <p>(l) a housing supply is developed to—</p> <p>(i) provide choice to consumers; and</p> <p>(ii) contribute to the affordability of housing; and</p> <p>(iii) meet the diverse and changing needs of people and communities; and</p> <p>(iv) support Māori housing aims:</p> <p>(m) in relation to rural areas, development is pursued that—</p>	<p>conservation outcomes to reflect the various modes of intervention as outlined in the ICOMOS NZ Charter. This approach can also be hugely beneficial to archaeological sites which require active preservation, management, conservation and enhancement. This also allows for a framework that moves past preservation by record. Heritage outcomes need to be positive, not just focused on information recovery. The latter is not a sustainable approach to the protection and management of cultural heritage.</p> <p>3. The inclusion of “proportionate to its cultural values” is not supported. It is also not a qualifier in any other environmental outcome. The word “significant” could be an alternative and is a more supported approach. It is acknowledged that this raises a consistency issue in relation to the drafting of other clause 8 environmental outcomes.</p> <p>4. The overall approach to cultural heritage that should be supported by the NBEB is if a place is protected, it must be significant, and it must be conserved, which includes being managed, and more specifically actively managed.</p> <p>5. It is envisaged that the future NPF could provide direction on determining cultural heritage values. A national direction on evaluation of cultural heritage value (including archaeological value) is required for a consistent approach across the country.</p>	
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<p><b>Part 3</b></p>	<ul style="list-style-type: none"> <li>(i) enables a range of economic, social, and cultural activities; and</li> <li>(ii) contributes to the development of adaptable and economically resilient communities; and</li> <li>(iii) promotes the protection of highly productive land from inappropriate subdivision, use, and development:</li> </ul> <p>(n) the protection and sustainable use of the marine environment:</p> <p>(o) the ongoing provision of infrastructure services to support the well-being of people and communities, including by supporting—</p> <ul style="list-style-type: none"> <li>(i) the use of land for economic, social, and cultural activities:</li> <li>(ii) an increase in the generation, storage, transmission, and use of renewable energy:</li> </ul> <p>(p) in relation to natural hazards and climate change,—</p> <ul style="list-style-type: none"> <li>(i) the significant risks of both are reduced; and</li> <li>(ii) the resilience of the environment to natural hazards and the effects of climate change is improved.</li> </ul>	<p>Further resource is also required to assist local authorities without experienced heritage staff to apply the evaluation framework. Any national evaluation framework can include criteria for evaluating national, regional and local significance, and where any specific local values can be described and evaluated and ensure a robust approach to changing community and heritage value over time.</p> <p>6. Need to further recognise the interrelatedness of the natural and cultural environments. In particular, in relation to the resilience of environments to climate change. Cultural heritage resources are especially vulnerable to these hazards and those exacerbated by climate change. Cultural heritage sites and places often do not have much capacity to adapt so proactive response to protection and information recovery is needed. Further adaptation measures have to include effects on heritage and recognition to the contribution cultural heritage and archaeology can provide to climate science and understanding. In addition, we need to recognise that adaptive works could have wider effects on cultural heritage sites and values through maladaptation. For example, adaptive management of water ways could result in greater erosion due to shifts in water flow etc. creating more damage and destruction to cultural heritage.</p>	<p>-</p>
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<b>National Planning Framework</b>			
	<i>Requirement for national planning framework</i>		-
<b>Clause 10</b>	<p><b>Purpose of national planning framework</b> The purpose of the national planning framework is to further the purpose of this Act by providing integrated direction on—</p> <p>(a) matters of national significance; or (b) matters for which national consistency is desirable; or (c) matters for which consistency is desirable in some, but not all, parts of New Zealand.</p>	<p>1. The NBEB clause 8 environmental outcomes are clear. The relationship between these environmental outcomes and the matters of national significance (which NBEB clause 10 states are to be identified in the NPF) is confused. Furthermore, clause 13 identifies topics the NPF must include, with this list not including cultural heritage (clause 8(h)).</p> <p>2. Relationship between the environmental outcomes in Clause 8 and what is defined as national significance in Clause 10 needs clarification</p> <p>3. The perceived / intended primacy of the NBEB environmental outcomes, including the identification, protection and active management of cultural heritage, may be superseded by the contents of the (lower order) NPF.</p> <p>4. Historic heritage is identified as a matter of national importance (s6(f)) in the RMA. This status must be retained for cultural heritage.</p> <p>5. The Parliamentary Paper notes that “what is considered to be of national significance will change over time”. Any change in the national significance of an issue is unlikely to occur in the short term. When / if this occurs, a change to the NBEB would be undertaken, as done with the RMA.</p>	<p>Matters of national significance must be identified within the NBEB, not the NPF. Cultural heritage needs to be identified as a matter of national significance in the NBEB. Alternatively, the Clause 8 environmental outcomes are identified as the matters of national significance, including cultural heritage.</p> <p>Rephrase to:</p> <p><b>Purpose of national planning framework</b> The purpose of the national planning framework is to further the purpose of this Act by providing integrated direction on—</p> <p>(a) matters of national significance; <b>and</b> (b) matters for which national consistency is desirable; <b>and/or</b> (c) matters for which consistency is desirable in some, but not all, parts of New Zealand.</p>

		6. It is acknowledged that this matter is not specific to cultural heritage and will have implications for other clause 8 environmental outcomes.	
<b>Clause 12</b>	<p><b>Environmental limits</b></p> <p>(1) Environmental limits—</p> <p>(a) may be prescribed in the national planning framework; or</p> <p>(b) may be made in plans if the national planning framework prescribes the requirements relevant to the setting of limits by planning committees.</p> <p>(2) Environmental limits may be prescribed—</p> <p>(a) qualitatively or quantitatively;</p> <p>(b) at different levels for different circumstances and locations.</p>	If environmental limits are to include aspects of the built environment and/or cultural heritage, to the NZAA would like to have input especially as it is stated that these limits can be set at different levels and for different circumstances and locations. This could potentially lead to differential effects on cultural heritage by type, location etc.	
<b>Clause 13</b>	<p><b>Topics that national planning framework must include</b></p> <p>(1) The national planning framework must set out provisions directing the out-comes described in—</p> <p>(a) <b>section 8(a)</b> (the quality of air, freshwater, coastal waters, estuaries, and soils); and</p> <p>(b) <b>section 8(b)</b> (ecological integrity); and</p> <p>(c) <b>section 8(c)</b> (outstanding natural features and landscapes); and</p> <p>(d) <b>section 8(d)</b> (areas of significant indigenous vegetation and significant habitats of indigenous animals); and</p> <p>(e) <b>section 8(j)</b> (greenhouse gas emissions); and</p> <p>(f) <b>section 8(k)</b> (urban areas); and</p> <p>(g) <b>section 8(l)</b> (housing supply); and</p> <p>(h) <b>section 8(o)</b> (infrastructure services); and</p> <p>(i) <b>section 8(p)</b> (natural hazards and climate change);</p> <p>(2) The national planning framework may also include provisions on any other matter that</p>	<p>See comments under clause 10 above.</p> <p>Cultural heritage needs to be included to ensure there is national consistency in the evaluation of the value and approach to the proactive management of cultural heritage. Also ensures further integration of cultural heritage in areas with common interests and impacts e.g., section 8(p).</p> <p>The current list of provisions does not cover all aspects of well-being (social, economic, environmental, and cultural). Cultural is notably missing. This should be rectified through inclusion of provisions for cultural heritage set out in subsection f, g, h and i of section 8. At risk of having a planning framework that enables the disregard of one aspect of wellbeing and thus not meet the full potential of the protection of the natural environment to provide for the well-being of present and future generations.</p>	<p>See recommendation under clause 10 above.</p> <p>Include provisions for cultural heritage - as set out in section 8 to the National Planning Framework to ensure cultural well-being is addressed.</p>

	<p>accords with the purpose of the national planning framework, including a matter relevant to an environmental outcome provided for in <b>section 8</b>.</p> <p>(3) In addition, the national planning framework must include provisions to help resolve conflicts relating to the environment, including conflicts between or among any of the environmental outcomes described in <b>section 8</b>.</p>	<p>This is also critical to ensure that heritage outcomes are weighted appropriately against development or other adverse land use activities</p>	
<b>Clause 16</b>	<p><b>Application of precautionary approach</b></p> <p>In setting environmental limits, as required by section 7, the Minister must apply a precautionary approach.</p>		
<b>Clause 20</b>	<p><b>Purpose of plans</b></p> <p>The purpose of a plan is to further the purpose of the Act by providing a framework for the integrated management of the environment in the region that the plan relates to.</p>	<p>Potentially confusing use of ‘framework’ given the introduction of a National Planning Framework.</p>	
	<p><i>Contents of plans</i></p>		
<b>Clause 22</b>	<p><b>Contents of plans</b></p> <p>(1) The plan for a region must—</p> <p>(a) state the environmental limits that apply in the region, whether set by the national planning framework or under section 25; and</p> <p>(b) give effect to the national planning framework in the region as the framework directs (see section 15); and</p> <p>(c) promote the environmental outcomes specified in section 8 subject to any direction given in the national planning framework; and</p> <p>(d) [placeholder] be consistent with the regional spatial strategy; and</p> <p>(e) identify and provide for—</p> <p>(i) matters that are significant to the region; and</p>	<p>Strong support for the ability of plan to identify and provide for matters that are significant to the district or region. This will allow for the protection of cultural heritage values that are of district or regional significance.</p>	<p>Retain as written the following:</p> <p>Clause 22: Contents of plans</p> <p>(1) The plan for a region must—</p> <p>...</p> <p>(e) identify and provide for—</p> <p>(i) matters that are significant to the region; and</p> <p>(ii) for each district within the region, matters that are significant to the district; and</p> <p>...</p> <p>(g) help to resolve conflicts relating to the environment in the region, including conflicts between or among any of the environmental out-comes described in section 8; and</p>

	<p>(ii) for each district within the region, matters that are significant to the district; and</p> <p>(f) [placeholder: policy intent is that plans must generally manage the same parts of the environment, and generally control the same activities and effects, that local authorities manage and control in carrying out their functions under the Resource Management Act 1991 (see sections 30 and 31 of that Act)]; and</p> <p>(g) help to resolve conflicts relating to the environment in the region, including conflicts between or among any of the environmental outcomes described in section 8; and</p> <p>(h) [placeholder for additional specified plan contents]; and</p> <p>(i) include anything else that is necessary for the plan to achieve its purpose (see section 20).</p> <p>(2) A plan may—</p> <p>(a) set objectives, rules, processes, policies, or methods:</p> <p>(b) identify any land or type of land in the region for which a stated use, development, or protection is a priority:</p> <p>(c) include any other provision.</p>		
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**Table 2: NZAA comments and recommendations on examples of system efficiencies in the resource management system**

Increased central direction and tools, for example:	NZAA comments and recommendations
	<p>To achieve many of the desired outcomes and system efficiencies a national planning and policy standard/framework for cultural heritage is required. Overall, this standard would provide a framework for national consistency in the identification, protection and conservation of cultural heritage, particularly the evaluation of cultural heritage value. In addition, this would assist in raising the standards for assessments and reporting requirements and the implementation of and compliance with plans and policies at national, regional and local levels. It would also ensure consistency across legislation, particularly the proposed the Strategic Planning Act (SPA), and the Climate Change Adaptation Act (CAA) as part of the Resource Management Reform.</p> <p>Further, a national research framework should be developed to guide research and outcomes with regards to cultural heritage. This framework would help identify gaps in our understanding of Aotearoa New Zealand’s history and heritage, and highlight opportunities for public participation and engagement. Such opportunities could include linkages with the new national histories’ curriculum, responses to the pressures climate change is placing on our cultural heritage places such as through the recovery and dissemination of archaeological information, contributions to climate science and through mātauranga Māori.</p>
greater accountability mechanism for councils in exercising governance of their planning functions	AGREE
centralised digital tools and platforms including providing national data sets, standardised methods and models (e.g., natural hazard data, water allocation)	<p>NZAA manages ArchSite, the national database for archaeological sites. Future updates to the platform will allow for more seamless integration of the database with council GIS platforms.</p> <p>ArchSite is used by many (but not all) local authorities. Many planners using ArchSite are not aware of how to interpret and use the information contained within it. There is also confusion about the inclusion of archaeological sites in district plan schedules and the relationship between ArchSite (which is dynamic and regularly being updated) and these more fixed schedules.</p> <p>A broad suite of heritage training is required, particularly for smaller TLAs which may not have specialist staff.</p>

developing controls through national standards where these are more appropriate than bespoke planning controls (e.g., silt control for subdivisions and roads)	AGREE.  Sound national standards that are developed by experts in the field for matters that are nationally consistent would reduce complexity (see comment above).
developing template standards that are available for councils to adopt as appropriate	AGREE  Recommend the development of standard assessment templates and consistent conditions which are workshopped with councils, professionals and industry up front. Robust and standard template and condition manuals will help with expectations about assessments, reporting requirements and overall standards, ideally reducing the frequency and complexity of further information requirements through a resource consent, plan change or notice of requirement process.
standardised methods for assessing significance or determining technical matters (e.g., the interaction between natural character, indigenous biodiversity and outstanding natural landscapes).	AGREE.  However, may require a category to attribute local/specific significance for some cultural heritage. Further, the criteria need to be robust enough to account for changing heritage and community values over time.
<b>Efficiency in NBA plan development and content, for example:</b>	
stricter controls on the use of expert evidence	Expert evidence is crucial in determining effects of any resource and should not be controlled or limited, especially as the views and assessment of experts can vary based on expertise and/or the influence of the developer.
stricter controls on information requirements, including when (RMA section 37 equivalent) requests are used (e.g., request for further information and time waivers)	Same goes as above re templates and guidance. Other example – should not have to S92 request archaeological assessments when heritage sites are affected.
greater accountability mechanism for councils in exercising governance of their planning functions	This should include more consistent compliance and monitoring of conditions and scheduled heritage sites. Ensure outcomes are being achieved in line with planning frameworks.