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19/02/2023

Tēnā koutou

## **NZAA SUBMISSION TO THE ENVIRONMENT SELECT COMMITTEE ON THE SPATIAL PLANNING BILL**

### *Submitter details*

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The New Zealand Archaeological Association (NZAA) welcomes this opportunity to provide feedback on the Spatial Planning Bill (SPB). We are looking forward to engaging with the Environment Select Committee on the development of legislation that enhances the management and protection of Aotearoa's cultural heritage.

We wish to make a further oral presentation to support our written submission.

The key points of our submission are summarised below.

1. Support the written submissions of ICOMOS New Zealand (5<sup>th</sup> February 2023) and Heritage New Zealand Pouhere Taonga (30<sup>th</sup> January 2023) on the Spatial Planning Bill.
2. Seek amendment to the definition of 'environment' to acknowledge the interconnectedness of the natural and physical environment, of which cultural heritage is a part, and to include consideration of its amenity values.
3. Request to be consulted on the development of national direction on cultural heritage and the National Planning Framework.

### The New Zealand Archaeological Association

The New Zealand Archaeological Association (NZAA) is the national organisation for archaeology, with over 380 members spanning professionals, amateurs, students, organisations, businesses, and institutions involved or interested in Aotearoa's archaeology and history. Our objectives are to promote and foster research into the archaeology and history of Aotearoa. Above all we encourage the protection of cultural heritage, particularly 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 our cultural heritage. An important part of our kaupapa is the management of ArchSite, the national database of recorded archaeological sites. This web-based service is essential to the identification, management and protection of archaeological sites. To date, it contains information about more than 80,000 recorded archaeological sites, most of which are Māori in origin. There are many more



unrecorded archaeological sites in Aotearoa. ArchSite is also a critical tool for regional and territorial authorities in the management and conservation of cultural heritage.

Archaeological sites and features contain unique and irreplaceable evidence of the human history of Aotearoa. Archaeological research studies all periods of Aotearoa's history, from the first visits by Polynesian voyagers, to the exploration and settlement of Aotearoa by Māori, representing the last significant land mass to be colonised, the emergence of a distinct Māori culture and society from East Polynesia, megafaunal extinctions and human adaptations to new and changing environments and climates, 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. Archaeological sites include both above and below ground activity, including standing structures. These details are not always captured by traditional, oral, or recorded histories but are vital for understanding past environments, economies, and lifestyles. The archaeology and history of New Zealanders is significant on local, national and international levels.

We recognise that the unique and diverse heritage across the country contributes to one's overall well-being by reinforcing our sense of place and identity and providing a legacy for future generations. We must ensure that the cultural diversity of New Zealand is reflected in our archaeological and heritage sites, to provide equitable access to culture for future generations (Potts 2021<sup>1</sup>).

### 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 needs to be achieved through legislation, national policies and direction, and sound planning standards, to ensure national consistency.

Currently the Heritage New Zealand Pouhere Taonga Act (2014) provides blanket national protection for all archaeological sites as per its definition. Additionally, on a regional or local level the Resource Management Act (RMA) (1991) provides a framework for more structured review, evaluation, and protection of historic heritage, which includes archaeological sites. Under the RMA, practitioners can often apply stronger mechanisms for the avoidance, remediation or mitigation of effects to achieve more proactive and positive heritage outcomes.

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, with positive cultural heritage outcomes sought to ensure a more sustainable approach to the protection

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<sup>1</sup> Potts, Andrew (2021) "The Role of Culture in Climate Resilient Development", UCLG Committee on Culture Reports, n°10, and Climate Heritage Network (Working Group 5), Barcelona, 5 November 2021. Page 36



of our 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 at a minimum 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.

### Feedback on the Spatial Planning Bill

NZAA supports the intention to improve the protection of Aotearoa's natural and built environments, which includes our cultural landscapes and archaeological sites, through the development of regional spatial strategies and associated implementation plans which this Bill enables. Aotearoa's current resource management framework is fragmented and lacks national and regional strategic direction. Overall, the scope, contents and review mechanisms are relatively well considered, and include consideration of the well-being of te taiao, mātauranga Māori and the principles of te Tiriti o Waitangi.

In preparing this submission, we reviewed the submissions by Heritage New Zealand Pouhere Taonga (31 January 2023) and ICOMOS New Zealand (5 February 2023) on this Bill. We support all points raised in these two submissions. In particular, we support the introduction of regional spatial strategies (RSS) and the stronger recognition of Māori heritage and involvement that is raised in both of these submissions. In terms of system and legislative efficiencies, the submission by HNZPT raises the valid point that complexities would be reduced if the SPB and the Natural and Built Environments Bill (NBEB) are combined in one Act, and includes the framework setting components of the yet to be released national planning framework. The recommendation by HNZPT that the List/Rārangi Kōrero is included as a requirement for regional planning committees to have regard to is also supported, as is the requirement for a clear definition of the term 'nationally significant feature or activity'. The ICOMOS NZ submission provides detailed feedback on how to improve the scope, content and considerations of regional spatial strategies, and the preparation of implementation plans to ensure cultural heritage is identified and managed, ambiguities within the Bill are reduced, and community input is provided for.

To avoid duplicating the points raised in the submissions by HNZPT and ICOMOS NZ, we have limited our submission to providing additional feedback on four clauses within the Bill in **Appendix 1** that have not been raised within either of these submissions.

**Table 1: NZAA comments and recommendations**

Note: recommended text to be included is underlined, with that to be deleted ~~struck-out~~

Topic	Sub-topic	Clause	Support	Support in part	Oppose	Reason/s	Recommendation
<b>Part 1 – Preliminary provisions</b>	Interpretation	'environment'				<p>This definition of the environment does not clearly encapsulate the interconnectedness of the natural, physical and built environment, which cultural heritage, and specifically archaeological sites, occupies. It is therefore unclear if, and how, this definition includes cultural heritage.</p> <p>In addition, this definition does not acknowledge the amenity and aesthetic values of the environment. Also, the inclusion of the qualifying statements “as the context requires” is unclear.</p>	<p>We recommend that the definition of “environment” as per the <i>Environment Act</i> 1986 is adopted:</p> <p><u>environment includes—</u>  <u>(a) ecosystems and their constituent parts including people and communities; and</u>  <u>(b) all natural and physical resources; and</u>  <u>(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</u>  <u>(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</u></p>
<b>Part 2 – Regional Spatial Strategies (RSS)</b>	Scope	cls.15				<p>The scope of regional spatial strategies (RSS) to provide for strategic direction, an integrated management of the environment, and to give effect to the national planning framework (NPF) is supported.</p> <p>Strategic national direction, particularly with regard to cultural heritage, is urgently needed to ensure this is consistently identified, managed and protected throughout Aotearoa.</p> <p>The NPF, the content of which is not known to date, will be crucial in informing the RSS.</p>	<p>Given the importance of national direction, specifically on cultural heritage, and the NPF, in terms of informing the scope of RSS, it is crucial that the NZAA is invited to provide input into the development of both.</p>
	Preparation and review	cls.25				<p><b>Support</b> the inclusion of ‘cumulative effects’ on the environment that the regional planning committee (RPC) must have regard, to as cultural heritage is prone to incremental degradation, both through natural processes and human actions.</p> <p><b>Oppose</b> the consideration of significant or irreversible adverse consequences on just the natural environment. Aspects of the broader physical environment, including</p>	<p>Amend clause 25 (2c):</p> <p>Matters to which the regional planning committee must have regards:</p> <p>“whether the implementation of the regional spatial strategy could have effects on the <del>natural</del> environment that have, or are known to have, significant or irreversible adverse consequences”</p>

<i>Topic</i>	<i>Sub-topic</i>	<i>Clause</i>	<i>Support</i>	<i>Support in part</i>	<i>Oppose</i>	<i>Reason/s</i>	<i>Recommendation</i>
						cultural heritage, should also be considered as a matter the RPC must have regard to.	
	<i>Quality of evidence and other information</i>	cls 28				<b>Support</b> the requirement that a RSS must be based on robust and reliable evidence, including mātauranga Māori, which should ensure that cultural heritage is appropriately identified and managed.	