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Tēnā koutou

## NZAA SUBMISSION ON THE FAST TRACK APPROVALS BILL

### *Submitter details*

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1. The New Zealand Archaeological Association (NZAA) welcomes this opportunity to provide feedback on the Fast Track Approvals Bill. The intent of our submission is to advocate for the ongoing identification, management, protection, and conservation of Aotearoa / New Zealand's cultural heritage, which at present is primarily managed through the provisions of the Resource Management Act (RMA) 1991<sup>1</sup> and Heritage New Zealand Pouhere Taonga (HNZPT) Act 2014.<sup>2</sup>
2. We also want to acknowledge that while there is an overlap between heritage and cultural values, particularly for archaeological sites of Māori origin, the NZAA does not claim to speak to the views of Māori. Rather, we hope this submission supports and enhances their position regarding wāhi tūpuna, wāhi tapu and other places of interest.
3. The key points of our submission are summarised below:
  - In its current form, the NZAA **opposes** the Fast Track Approvals Bill.
  - We **do not support** the purpose of the Bill and **recommend amendments** to provide a more balanced and sustainable approach to managing environmental and heritage effects against development proposals.
  - We are concerned the drafting of the Bill has been rushed with incomplete supporting analysis. Impacts of a 'one stop shop' process with ultimate decision-making powers sitting with Ministers have not been fully assessed when considering effects on heritage places and wider environmental and cultural matters and will likely have long-felt negative consequences.
  - Table 1 provides further specific amendments to clauses to be read in conjunction with our main submission.

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<sup>1</sup> **historic heritage**— (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities: (i) archaeological: (ii) architectural: (iii) cultural: (iv) historic: (v) scientific: (vi) technological; and (b) includes— (i) historic sites, structures, places, and areas; and (ii) archaeological sites; and (iii) sites of significance to Māori, including wāhi tapu; and (iv) surroundings associated with the natural and physical resources.

<sup>2</sup> i.e. archaeological sites, wāhi tūpuna, wāhi tapu, wāhi tapu areas, and historic places and historic areas of interest to Māori.



4. The NZAA has had the opportunity to review the submission from the Professional Historians' Association of New Zealand/Aotearoa (PHANZA) and supports their submission points and overall position.

#### The New Zealand Archaeological Association

5. 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. Above all, we 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 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. To date, it contains information about more than 78,300 recorded archaeological sites, most of which are Māori in origin. There are many more unrecorded archaeological sites in Aotearoa.
6. Archaeological sites and features contain unique and irreplaceable evidence of the human history of Aotearoa / New Zealand. 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 settled by people, 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. These details are not always captured by traditional, oral, or recorded histories but are vital for understanding past environments, economies, and lifestyles. In addition to the information that archaeology generates about the past, the practice of caring for and researching ancestral places affords strong senses of well-being and belonging for descendants. The cultural heritage places, the information that archaeology generates about them and the practice of archaeology itself in Aotearoa are significant at individual, local community, national and international levels.

#### Fast Track Approvals Bill: our position

7. Places of cultural heritage value, including archaeological sites, contribute to Aotearoa's sense of national identity, and our economic and cultural well-being. These sites and places contribute essential information to our understanding of our past and are critical elements of our built and cultural environments.
8. Fundamental to NZAA's position on the Fast Track Approvals Bill (the Bill) is that cultural heritage places cannot be replaced – once damaged or destroyed, they are gone forever. 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. In our view, the Fast Track Approvals Bill does not provide a sustainable and balanced management framework and decision-making process.

9. This is especially highlighted when considering the Bill's position on Te Tiriti o Waitangi. The NZAA recognises 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.
10. Overall, historic and cultural heritage places and their associated values should not be considered an impediment to development, but rather for the positive contributions cultural heritage can provide when a proactive approach is taken to its identification, protection and enhancement.

#### Feedback on the Fast Track Approvals Bill

##### **Purpose**

11. The NZAA **does not support** the purpose of the Fast Track Approvals Bill, which has a clear direction on project delivery with **no** consideration of sustainable environmental management. We **strongly recommend** that the purpose be revised to align with the recommendations of the Supplementary Analysis Report, prepared by the Ministry for the Environment, and further, consistent with the purpose of the previous Covid-19 Recovery (Fast-track Consenting) Act 2020.<sup>3</sup>
12. This amendment, while maintaining project delivery as a primary consideration, would provide for the sustainable management of Aotearoa's natural and physical resources, including cultural heritage, for current and future generations.
13. An amendment to the Bill's purpose would provide greater alignment with, and effective consideration of the provisions of other legislation for which approvals are sought under this Bill. For example, purposes of the:
  - Heritage New Zealand Pouhere Taonga Act (2014) - "The purpose of this Act is to promote the **identification, protection, preservation, and conservation** of the historical and cultural heritage of New Zealand."
  - Reserves Act (1977) - "providing, for the **preservation and management** for the benefit and enjoyment of the public, areas of New Zealand possessing— ... (iv) environmental and landscape amenity or interest; or (v) natural, scenic, historic,

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<sup>3</sup>The purpose of this Act is to urgently promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, **while continuing to promote the sustainable management of natural and physical resources.**



cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value”.

14. As highlighted in the Supplementary Analysis Report, this ‘one stop shop’ application is untested and may have significant adverse impacts on natural and cultural heritage resources. Further, the Supplementary Analysis Report raises that providing for sustainable management will give greater effect to the principles of Te Tiriti o Waitangi / Treaty of Waitangi. This amendment can enable infrastructure and other projects which could support Māori development interests and with a reduced risk of environmental degradation and some protection of Māori environmental interests in their taonga.

#### Decision-making process

15. It is imperative that the overall process employs a substantial and robust reasoning and rationale process to ensure transparency and consistency in any decisions made. The NZAA is deeply concerned that the expert panel holds only an advisory role, with Ministers having unchecked decision-making authority. The process set out in the Bill limits checks and balances against Ministerial decisions and excludes or restricts any local, regional, or national voice of New Zealanders, especially Māori. This is especially concerning when considering effects on, and appropriate conditions to manage cultural heritage places and archaeological values.
16. Further, that all decision-making authority sits with three Ministers: Minister for Infrastructure, Minister of Transport, and Minister for Regional Development. It is concerning that the Minister for the Environment is excluded and again speaks to the lack of regard this Bill places on sustainable management and environmental outcomes. We **recommend** that the list of joint Ministers is revised to include the Minister for the Environment and, where there are known heritage impacts (i.e. requires an RMA consent for historic heritage effects or requires an archaeological authority under the HNZPT Act), the Minister for Arts Culture and Heritage should be included in the decision-making process. This could also be extended to the Minister for Conservation, also with obligations under the Resource Management, Conservation and Reserves Act.
17. Further, there are limited engagement opportunities for Mana Whenua where projects have actual or potential effects on their taonga and cultural well-being. While there are provisions for Māori engagement<sup>4</sup>, and limitations to development on Māori Land, these provisions are inadequate, with a high risk of future breaches of Te Tiriti o Waitangi. We **recommend that** these clauses are strengthened to give effect to the principles of Te Tiriti o Waitangi, particularly those Māori groups yet to finalise treaty settlements.

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<sup>4</sup> Bill gives effect to existing obligations under Treaty of Waitangi settlements and customary rights recognised under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.



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### Role of the expert panel

18. Considering the above, our **preferred approach**, and as supported by The Supplementary Analysis Report, is that the independent expert panel makes decisions on proposed applications and appropriate conditions. We **recommend changes** to the Bill to provide for this sought relief.
19. Provisions of the Bill also allow for the panel to draw on relevant expertise<sup>5</sup>, which we **support**, particularly when an application may or has the potential to adversely affect historic or cultural heritage places and values. This is especially important when determining the appropriate conditions to ensure that adverse effects of the project are managed. Setting conditions requires knowledge that does not reside with Ministers or officials and that expert panels, instead, are best placed to provide, assuming they are adequately resourced.
20. However, there is a concern that the panel, across its four members and one convener, may not have sufficient depth of specialist experience regarding matters pertaining to archaeology and broader heritage and environmental considerations. Given that one iwi and one Territorial Local Authority representative constitute two of the four members, the two remaining members are required to have practical and technical expertise to cover eight pieces of legislation, when making recommendations to the Ministers:
- resource consents, notices of requirement, and certificates of compliance (Resource Management Act 1991);
  - concessions (Conservation Act 1987);
  - Approvals (Reserves Act 1977);
  - authority to do anything otherwise prohibited under the Wildlife Act 1953;
  - archaeological authorities (Heritage New Zealand Pouhere Taonga Act 2014);
  - marine consents (Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012);
  - land access (Crown Minerals Act 1991); and
  - aquaculture activity approvals (Fisheries Act 1996).
21. The drafted Bill does not require Ministers (when considering applications), nor expert panel members (when considering condition recommendations), to consider or give effect to Te Tiriti o Waitangi/ the Treaty of Waitangi or its principles. We **recommend** that a clause is included in the Bill requiring all persons exercising its functions and powers under it to take into account the principles of Te Tiriti o Waitangi (i.e., being consistent with Section 8 of the RMA).

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<sup>5</sup> Schedule 3, s10(3 – 4).



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## How projects enter the fast-track process

### Eligibility criteria

22. The criteria under which projects merit being listed are not yet available. There is no assurance of any environmental considerations and no clarity of what legislative purpose (if any) projects will be considered against.
23. The Bill removes public participation in project selection by removing the application notification and submission process. No listed projects have been included in the Bill as introduced, meaning projects may remain completely unscrutinised by the public despite being included in the final law. We **recommend removal** of Schedule 2, and public consultation for listed and referred projects be undertaken.
24. The thresholds of national or regional significance are considered low and the eligibility criteria are very broad, with no real threshold for ineligibility on environmental grounds.<sup>6</sup> This is of concern when considering the number and scale of projects that may be considered under this Bill (see also the section below regarding prohibited activities). We **recommend** amendments to Clause 17, to ensure consideration of heritage and environmental matters and removal of Clause 17(5), as set out below.
25. Under Clause 19(7), reference is made to activities that would occur on land within a World Heritage Area. These areas or places have been identified and evaluated as having outstanding universal value for their natural or cultural values and offered protection under UNESCO conventions. These are some of the most significant places or landscapes within Aotearoa. We **recommend amendments** to the effect that applications within World Heritage Areas are ineligible for Fast Track approval under the Bill.
26. We **support** the inclusion of Clause 21(2)(c), where applications may be declined if there are significant adverse environmental effects. However, no definition of 'environment' is provided in the Bill. We **recommend an amendment** to the interpretation section of the Bill to include a relevant definition of the 'environment', including both its natural and cultural elements and that is consistent with the definition of the 'environment' provided under the Environment Act 1986.<sup>7</sup>

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<sup>6</sup> Clause 17.

<sup>7</sup> **environment** includes— (a) ecosystems and their constituent parts including people and communities; and (b) all natural and physical resources; and (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 (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



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Referred and listed projects

27. The Ministry for the Environment recommended that the Bill should not provide for listed projects to get automatic referral for procedural reasons (e.g. lack of transparency and iwi engagement).<sup>8</sup> We support this recommendation.
28. Further, there are discrepancies with the consultation requirements between listed and referred projects. For listed projects, a panel must invite comments on an application from:
- Local authorities
  - Iwi authorities
  - Treaty settlement entities
  - Customary marine title groups
  - Protected customary rights groups
  - Landowners/occupiers (including those adjacent)
  - Various government Ministers
  - The Director-General of Conservation (i.e. DOC)
  - Requiring authorities having designations on the land or adjacent land.
29. However, the list for referred projects is broadly similar, with the addition of Heritage New Zealand Pouhere Taonga and the Infrastructure Commission/Te Waihanga. It is unclear why these two entities are excluded from providing comment on listed projects. We **recommend an** amendment to include Heritage New Zealand Pouhere Taonga and the Infrastructure Commission/Te Waihanga as relevant parties to provide comments on any listed application.

**RMA prohibited activities must be ineligible under this fast-track regime**

30. There is significant concern that the Bill seeks to potentially undermine the purpose and function of prohibited activities under the RMA, and as given effect to through plans. Prohibited activities under the RMA are the most environmentally dangerous activities in sensitive locations. The allocation of this activity status to activities within local/regional/unitary plans has been decided through a robust public plan making process where adverse effects are deemed too significant to consider the merits of such proposals. It is inappropriate to override this via the fast-tracking legislation for select applications.
31. Where this intersects with historic heritage, is the prohibited status of some activities (i.e. complete or substantive demolition) of scheduled historic heritage places under the RMA
32. We support and affirm the finding of the Supplementary Analysis Report, which concluded that RMA prohibited activities are most appropriate as ineligible in the fast-track approvals process. This approach is also consistent with the previous Covid-19 Recovery (Fast-track

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<sup>8</sup> Ministry for the Environment Supplementary Analysis Report: Fast Track Approvals Bill (2024) page 34.



Consenting) Act 2020. We **recommend amendments** to the Bill to remove the eligibility of prohibited activities.

### What approvals are appropriate to provide for through this legislation

33. The timing of the Bill has not allowed for sufficient analysis and drafting of provisions that relate to non-RMA approvals, permits and consents under the Conservation Act 1987, Reserves Act 1977, Wildlife Act 1953, Heritage New Zealand Pouhere Taonga Act 2014, Freshwater Fisheries Regulations 1983, Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, Crown Minerals Act 1991, and Fisheries Act 1996. Approvals under these pieces of legislation are set out within Schedules 5-12; however, these schedules have noticeably less drafting than Schedule 4 and are not well integrated into the 'core process' within Parts 1 and 2 of the Bill. Further, the Supplementary Analysis Report states that through the lack of analysis and limited drafting there are unquantified risks to environmental and heritage outcomes which will likely have significant negative impacts on honouring the Treaty and upholding Treaty settlements.<sup>9</sup>
34. This is especially concerning for the NZAA when considering the archaeological authority process provided for under the Heritage New Zealand Pouhere Taonga Act 2014. Provisions set out in Schedule 7, as currently drafted, mean HNZPT are two steps removed from the decision-making process and formulation of appropriate conditions of any granted authority. Under the drafted Schedule 7, HNZPT would make recommendations to an expert panel, which makes subsequent recommendations to the joint Ministers. Being removed from the decision-making process, as well as discussions with applicants before their applications, removes the potential for HNZPT to advocate for the applicant's avoidance of heritage places in their development, while still achieving their development goals. Further, Schedule 7 does not provide clear timeframes for information and assessment to be provided to relevant parties (i.e. HNZPT and the Māori Heritage Council) and gives final decision-making power to Ministers with no expertise or vested interest in upholding the purpose of the HNZPT Act.
35. NZAA is deeply concerned that projects approved for fast-tracking may include those that have had HNZPT authority applications previously declined due to them having significant and unmitigated adverse impacts on heritage places and their values.
36. These concerns also relate to the disconnect between the purpose of the Bill and those which seek the management and protection of historic and cultural heritage (i.e., RMA, Conservation Act, Reserves Act and Heritage New Zealand Pouhere Taonga Act). There has been no analysis of the challenges/benefits of achieving more development under non-RMA legislation and may have many unforeseen consequences, including overwhelming negative impacts on heritage and cultural values.

<sup>9</sup> Ministry for the Environment Supplementary Analysis Report: Fast Track Approvals Bill (2024) page 4.





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#### Heritage New Zealand Pouhere Taonga Act and RMA processes

37. The purpose and intent of RMA framework for historic heritage are not the same as the archaeological authority protections and process under the Heritage New Zealand Pouhere Taonga Act. They serve different functions and potential outcomes, which should not be confused in a 'one stop shop' process.
38. The Bill currently includes the Heritage New Zealand Pouhere Taonga Act 2014 archaeological authority process as part of what can be applied for under the fast-tracking legislation (Schedule 7). However, archaeological authorities under the Heritage New Zealand Pouhere Taonga Act 2014 and the scheduling of historic heritage places under a district/region/unitary plan carry out different functions and achieve different outcomes. It is important that these are considered as two individual processes.
39. Overall, the NZAA submits that the accession of the HNZPT archaeological authority provisions into the Bill is unnecessary and **recommends Schedule 7 be removed**. There is little to no evidence that the authority process has been obstructive for past regionally or nationally significant projects – more usually, the converse scenario is true. For example, the emergency powers in the HNZPT Act used in Kaikōura and under the Canterbury recovery demonstrated that the sector is responsive to wider needs while still considering and striving for heritage identification, protection, preservation and conservation. Conversely, the greatest delays are often encountered through a lack of sufficient consideration, background analysis, investigation and consultation by applicants on heritage matters, particularly in early planning stages. Furthermore, the removal of HNZPT as ultimate arbiter of the archaeological authority process marginalises the role of the Māori Heritage Council in considering applications for archaeological authorities in respect of sites of interest to Māori.

#### Conservation and Reserves Act

40. Schedule 5 makes changes to how the concessions, covenants and land exchange provisions of the Conservation Act and Reserves Act are applied. These are less extensive than changes to RMA approvals and do exclude fast-tracking for most activities on some categories of conservation land (e.g., national reserves).<sup>10</sup> Final decisions are made by the Minister of Conservation, not the joint Ministers responsible for RMA approvals.<sup>11</sup> But there are still significant elements of concern. There is no longer a requirement that concessions be consistent with conservation management strategies and conservation management plans.<sup>12</sup> There is no requirement for these instruments to even be considered unless they have been authored, co-authored or approved by Treaty settlement entities, creating a double standard

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<sup>10</sup> Clause 18(h).

<sup>11</sup> Schedule 5, clause 3(a). 18, 23.

<sup>12</sup> Schedule 5, cl 4(i).



in the conservation community.<sup>13</sup> These documents hold information of the heritage and cultural values of a place, area, or reserve with corresponding management direction. These are important documents setting out proactive management policies to identify, protect, preserve and conserve historic and cultural heritage places and landscapes. It is critical these documents and strategic directions are upheld to ensure the sustainable management of Aotearoa's natural and cultural heritage. We **recommend amendments** to give effect to this sought relief.

41. Further, there is concern that reducing the Department of Conservation's input into these approval processes and lessening robust oversight will increase damage to important heritage sites, including those of interest or significance to Māori.
42. Through Schedule 5, the Bill also allows for conservation covenants to be amended or revoked by the Minister of Conservation.<sup>14</sup> Covenants are a vital tool to protect, manage and enhance significant heritage or natural values. The NZAA **recommends** strengthening the provisions of the Bill to uphold the retention of conservation covenants (see also below section).

#### Additional Heritage Protection Mechanisms for Consideration

43. There are instances of places with a covenant on the title of a site pertaining to a council or agency, such as Heritage New Zealand Pouhere Taonga or the QEII National Trust. Covenants often pertain to features such as trees, historic heritage places or significant ecological/natural areas, and are often protected as a form of mitigation through a statutory process. For example, through a land use or subdivision application with more than minor adverse historic heritage effects. There are some places, for example, within Tāmaki Makaurau / Auckland, where covenants apply to places that are not scheduled under the Auckland Unitary Plan. There is not a clear process for how these covenants will be considered, as they sit outside the RMA process and other legislation sections proposed in the 'one stop shop'. The NZAA **recommends amendments** to the Bill to uphold and protect land title covenants and the values for which they set to protect in perpetuity.

#### **The Bill affords unreasonably limited public input**

44. Further to paragraph 23, once a project is before an expert panel, there is no opportunity for public notification and submission.<sup>15</sup> Panels must invite comment from a narrow range of people and groups and can choose to invite comments from any person that they consider "appropriate". However, there is no requirement for the public to be involved in the process. NZAA and other non-governmental heritage experts and community parties will be

<sup>13</sup> Schedule 5, cl 6(1)(b). This is curious, since under cl 9 of Schedule 5 there is a requirement for an applicant to provide an assessment of a proposal against conservation management strategies and plans, which seems redundant if they are not mandatory considerations.

<sup>14</sup> Schedule 5, cl 23.

<sup>15</sup> Schedule 4, cl 20.



undemocratically removed from any opportunity to submit recommendations on decision-making and conditions. This is particularly concerning given the projects that are likely to be referred to the panel are those likely to have the most adverse environmental impacts, including on heritage places and their values.

45. We **recommend amendments** to Schedule 4, Clause 20 to ensure a local voice and interested parties are provided an opportunity to submit on applications.

#### **Appeals limited to only a question of law**

46. Subpart 3, Section 26 of the Bill only affords powers of appeal on Ministers' decisions on an application based on a question of law. Contrary to the appeal provisions of the RMA and HNZPTA, there is no ability for interested parties to appeal the decided conditions, which may inappropriately provide for the identification, protection, conservation and management of heritage places. Appeals to consent and authority conditions are a primary way in which local communities, including mana whenua, may exercise their kaitiakitanga/stewardship over heritage places of interest to them. Inappropriate conditions may include reference to management plans that have not been agreed to, or the approval of archaeologists (s45 of the HNZPTA, especially with competencies and support outlined in s45(2)(b)).
47. We **recommend** that the appeal provisions of the Bill are, therefore, expanded to be consistent with the aforementioned acts in allowing submissions on environmental permit conditions.

**Table 1: Fast Track Approvals Bill – NZAA comments and proposed amendments**

Part, Clause	Provision	Oppose/neutral/ support	Recommended remediation
<b>Part 2, s14(3)(h)</b>	<p><b>14 Referral application</b></p> <p>(3) The information to be included in the application is as follows:</p> <p><i>Persons affected</i></p> <p>(h) a list of the persons the applicant considers are likely to be affected by the project, including relevant local authorities, relevant iwi authorities, and relevant Treaty settlement entities, protected customary rights groups, customary marine title groups, applicant groups under the Marine and Coastal (Takutai Moana) Act 2011, ngā hapū o Ngāti Porou, and any person with a registered interest in land that may need to be acquired under the Public Works Act 1981:</p>	<b>Support with amendments</b>	Amend the list of examples under s14(3)(h), to include Heritage New Zealand Pouhere Taonga where a place is listed on the New Zealand Heritage List/Rārangi Kōrero (which is separate to the archaeological authority process).
<b>Part 2, s14(3)(n)</b>	(n) information identifying the parcels of Māori land within the project area, marae, and identified wāhi tapu:	<b>Support with amendments</b>	Amend to include <u>wāhi tapu areas, wāhi tūpuna and historic places and historic areas of interest to Māori</u> to align with the HNZPT Act.
<b>Part 2, s14(3)(t)</b>	<p><i>What is needed to complete the project</i></p> <p>(t) a description of other legal authorisations (other than contractual) that the applicant considers may be required to commence the project (for example, authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987):</p>	<b>Support with amendments</b>	It may be appropriate here to recognise other protection mechanisms in place for historic heritage places. This may include covenants held on a land title between a local authority or landowner (often a condition of resource consent application), or covenants with the QEII National Trust or Heritage New Zealand Pouhere Taonga Act 2014.

<p><b>Schedule 3, s(7)(1)(b), (c) and (d)</b></p>	<p><b>7 Skills and experience of members of panel</b></p> <p>(1) The members of a panel must, collectively, have—</p> <p>(b) the knowledge and skills required for matters specific to the project, including the technical expertise relevant to the project; and</p> <p>(c) an understanding of te Tiriti o Waitangi/the Treaty of Waitangi and its principles; and</p> <p>(d) an understanding of tikanga Māori and mātauranga Māori; and</p>	<p><b>Support</b></p>	<p>It is paramount that the members of the panel have the technical expertise, knowledge and skills required for matters specific to the project.</p>
<p><b>Schedule 3, s7(1)(e)</b></p>	<p>(e) if appropriate, conservation expertise.</p>	<p><b>Support with amendments</b></p>	<p>To clarify that ‘conservation expertise’ includes heritage conservation, where appropriate to the application, not just ‘conservation’ in relation to the natural environment. This may include a range of heritage conservation expertise (ranging from special character, built heritage, archaeology, cultural landscapes, and sites of significance to mana whenua).</p>
<p><b>Schedule 3, s7(1)(e)</b></p>			<p>The members of a panel must, collectively, have —  <i>.....if appropriate, conservation expertise., including historic heritage expertise.</i></p>
<p><b>Schedule 3, s10(3 – 4)</b></p>	<p><b>10 Procedures of panel</b></p> <p>(3) A panel may appoint a special adviser to assist the panel with an application in relation to any matters the panel may determine.</p>	<p><b>Support</b></p>	<p>Noting this may, for example, include an archaeologist, kaitiaki, conservator, or a heritage specialist from a local authority or Heritage New Zealand Pouhere Taonga, where an application impacts or has potential to impact historic heritage places or values.</p>

	(4) A panel may, at any time, appoint technical advisers, including from a department of State, Crown entity, or relevant local authority, as it thinks appropriate.		
<b>Schedule 7 Application process for archaeological authority under Heritage New Zealand Pouhere Taonga Act 2014</b>		<b>Do not support</b>	Remove Schedule 7 and the consequent subordination of the HNZPT Act in the Bill for reasons set out in Section 6 of this submission.
<b>Schedule 7 Application process for archaeological authority under Heritage New Zealand Pouhere Taonga Act 2014</b>	Schedule 7, s4(1)(i)		There may be an opportunity for the streamlining of conditions in relation to heritage management plans that achieve alignment between the Heritage New Zealand Pouhere Taonga Act and RMA processes, (but only where appropriate), particularly for notices of requirement.
	Schedule 7, s4(1)(b)		<p>Support that the joint Ministers, before deciding whether to refer an application to the panel, must consult Heritage New Zealand Pouhere Tonga to determine whether the information provided with the application is sufficient. This is critical as it requires expertise with the archaeological authority process to properly determine whether the information provided is sufficient.</p> <p>Support that the panel must refer the application to Heritage New Zealand and the Māori Heritage Council and consider their comments. It is of concern that when considering the Heritage New Zealand legislation, the</p>

		<p>purpose of the Act will take precedence over the Heritage New Zealand Pouhere Tanga Act. Like with RMA processes, this will water down the validity and outcomes of the authority process.</p> <p>Strongly support that the principles of the Heritage New Zealand Pouhere Taonga Act also need to be considered when processing an archaeological authority.</p>
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