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NZAA SUBMISSION ON THE CONSERVATION AMENDMENT BILL

Submitter details

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Tēnā koutou

The New Zealand Archaeological Association (**NZAA**) welcomes this opportunity to provide feedback on the Conservation Amendment Bill. We look forward to engaging with the Environment Select Committee on the development of legislation that enhances the identification and protection of Aotearoa New Zealand's historic heritage.

Context to submission

Historic and cultural heritage is recognised within the Conservation Act through the definition of "historic resources". The management and protection of these resources is a core part of conservation and should continue to receive equal consideration alongside natural heritage values.

The NZAA submission is focused on improving provisions for the protection of historic and cultural heritage as a matter of national significance, requiring national consistency and proactive management to safeguard heritage places and values for current and future generations. Often the most suitable option for the long-term protection of historic and cultural heritage is through sustainable management within reserves or other publicly owned land, including areas administered by the Department of Conservation (DOC). Historic and cultural heritage – historic resources in the parlance of the Conservation Act – should be managed through proactive conservation management strategies, integrated with the management of natural heritage and wider land use, whether it be for recreation, tourism, or conservation purposes.

Further, protection on conservation land ensures ongoing access to historic resources (providing a site is not tapu and/or access does not detract from or threaten the values or conditions of a place). Physically visiting and interacting with historic resources improves awareness of, and interest in Aotearoa's heritage, fosters one's sense of place and national identity, and motivates the ongoing preservation of heritage sites.



NZAA position on proposed amendments

We support and oppose elements of the proposed amendments to the concessions process.

- We support elements of the proposed concessions process that require updating, such as the introduction of statutory time frames and standardising the application process.
- However, we are concerned that the introduction of new concession categories (Exempt (not needing a concession) and pre-approved (concession automatically granted subject to a standard set of conditions)), may have adverse impacts on the natural and heritage values of the conservation estate. Activities that may have only minor impacts individually can produce significant cumulative effects on archaeological sites, historic structures, wāhi tapu and cultural landscapes. Further, that cumulative effects need to be assessed before activities are approved, not managed retrospectively once harm has already occurred.
- We also oppose the removal of the public notification and submission process.

We oppose:

- The amendments to the Functions of Department (s6(ea)).
 - While economic benefits may be relevant considerations, they should not override the primary purpose of conservation management. Historic resources are non-renewable and once damaged or destroyed cannot be replaced.
- The weakening of the Treaty of Waitangi clauses (section 4).
 - Many historic resources managed under the Conservation Act are places of significance to iwi and hapū. Effective implementation of section 4 is therefore fundamental to the identification, protection and interpretation of these places, and provides for meaningful partnerships between DOC and Māori.
- Changes to the process for the exchange or disposal of Crown land.
 - The proposed exchange and disposal tests focus on ecological values only and does not require any consideration of historic or cultural heritage resources.
 - Land containing significant historic resources could be disposed of without identification or assessment of heritage values, which undermines the Crown's role as long-term steward of heritage places, including places of significance to Tangata Whenua.
 - The proposed amendments are contradictory to existing government policy ([Policy for Government Management of Cultural Heritage Places](#)).
- Development of a National Conservation Policy Statement (**NCPS**) raises risks of centralisation.
 - The NCPS should specifically require consideration of historic resources, archaeological sites, cultural landscapes and places of significance to Māori when establishing concession categories and management priorities.
- Changes that reduce the advisory and regional decision-making role of conservation authorities.



- The New Zealand Conservation Authority (**NZCA**) and Conservation Boards provide valuable advisory and approval functions and apply local and regional knowledge and expertise. These bodies also provide a forum for iwi, hapū and the general public to engage in decisions regarding the conservation estate. There is a concern that heritage places that are locally or regionally significant will receive less advocacy and protection.
- Timeframes for the development of Area Plans
 - The mandatory nationwide area plans have tight statutory timeframes (160–270 working days). There is a concern that historic and cultural heritage will be underrepresented or inadequately assessed. Historic heritage assessments frequently require archival research, archaeological survey, specialist assessment and engagement with iwi and hapū. The proposed statutory timeframes may be insufficient to undertake this work to an appropriate standard.

We seek the following relief:

- That decision-making frameworks must not privilege economic use over conservation, and that section 6(ea) is removed.
- That land disposal be restricted to areas with low or no conservation value, and that assessments to this effect consider historic resources.
- That stewardship land goes through the reclassification process before being considered for exchange or sale.
- Remove the proposed new section 4A and retain the current Treaty clauses to ensure DOC retain good faith partnerships with Māori.
- Retain decision-making functions currently held by the NZCA and Conservation Boards.
- That the development of the NCPS and Area Plans include meaningful engagement with Tangata Whenua and other heritage stakeholders, with timeframes extended to allow for this.