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Tēnā koutou

NZAA SUBMISSION ON THE PLANNING AND NATURAL ENVIRONMENT BILLS

Submitter details

Full name: New Zealand Archaeological Association Incorporated
Address for service: P.O. Box 6337, Dunedin 9059
Contact: Rebecca Ramsay
Email: submissions@nzarchaeology.org

The New Zealand Archaeological Association (**NZAA**) welcomes this opportunity to provide feedback on the Planning (**PB**) and Natural Environment Bills (**NEB**). 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.

The key points of our submission are summarised below.

1. We strongly support the **identification and protection of historic heritage**, including archaeological sites; **sites and places of significance to Māori**, including wāhi tapu, wāhi tūpuna; in the proposed system.
2. We oppose in principle the proposed **regulatory relief framework**, as it has the potential to undermine the identification and protection of historic heritage and sites and places of significance to Māori.
3. The NZAA advocates for a holistic and sustainable approach to environmental and heritage management. We do not support the proposed system architecture which separates the regulation of the built environment and natural environment under two Bills.
4. We recommend that Clause 11 is amended to provide for binding and enforceable goals which encourage best practice to achieve positive environmental, heritage and cultural outcomes.
5. We recommend that the qualifier 'significant' is removed with respect to historic heritage throughout the Planning Bill.
6. We recommend that the proposed national instruments recognise historic heritage places of national, regional, and local significance; and explicitly includes tangible and intangible heritage values, including cultural landscapes.



7. We recommend that the Planning Bill is amended to require a formalised consultation and submission process for national directions and standards.
8. The Bills must be changed to meaningfully provide for the Treaty principles (Partnership, Participation, Reciprocity, Active Protection) and the exercise of kaitiakitanga.
9. To give effect to the goals of both Bills, historic heritage must be included as a mandatory matter that must be regarded within spatial plans.
10. The Planning Bill and Natural Environment Bill have been developed and advanced within highly compressed timeframes, which has affected the clarity, coherence, and workability of their drafting. We seek a reconsideration of the reform timeframes and pathways, and a framework that is based on more a comprehensive and considered evidentiary policy basis with stronger Māori and community input.

We request to be heard to support our written submission.



The New Zealand Archaeological Association

The New Zealand Archaeological Association (NZAA) is the national organisation for archaeology, with a membership of over 460 individuals, 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 central government and territorial authorities to advocate for the recognition and protection of Aotearoa's historic 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 on almost 80,000 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 studies all periods of Aotearoa's history, from the first visits by Polynesian voyagers, the subsequent exploration and settlement of Aotearoa by Polynesian ancestors, the emergence of a distinct Māori culture and society from East Polynesia, through to the development of modern cities and industries by a diverse range of people and cultures. Aotearoa/New Zealand is unique as it represents the last significant land mass to be colonised, and provides avenues to study megafaunal extinctions and human adaptations to new and changing environments. 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. The archaeology and history of Aotearoa/New Zealand is significant on national and international levels.

We uphold the view 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.

Resource Management Act reforms: our position

- The NZAA supports improvements to the heritage management system, while retaining effects-based assessments to protect historic heritage values where appropriate.
- The NZAA advocates for an integrated approach to land use planning which considers urban planning within the same legislative framework as environmental effects and historic heritage effects (including Māori cultural values).
- The NZAA supports recognition and appropriate management of locally, regionally and nationally significant historic heritage places within the planning process and planning legislation.



NZAA supports the intention to improve the protection of Aotearoa's natural and built environments, which includes historic heritage places, cultural landscapes and archaeological sites. We acknowledge housing development and infrastructure pressures, but urge that this must be 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.

It is crucial to work in partnership with Māori to facilitate the management of our natural resources and historic heritage, given their status as the first people of Aotearoa. This partnership would help ensure the preservation and on-going protection of these important places, many of which are also wāhi tapu or wāhi tupuna, and/or part of important cultural landscapes. We are also acutely aware of the risks that natural hazards pose to the integrity of cultural heritage, particularly those exacerbated by climate change, as most archaeological sites are in coastal or vulnerable environments.

Places of historic heritage value, including archaeological sites, contribute to identity, and economic and cultural well-being at national, regional and local community levels. Through archaeological practice, these sites and places may also provide essential information for understanding our past. Furthermore, they are critical elements of our built, natural and cultural environments, and contribute majorly to New Zealand's tourism economy.

NZAA believes that historic heritage, including 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. Therefore, a sustainable historic heritage management system requires a proactive approach, prioritising positive historic heritage outcomes, and avoids of archaeological site and landscape destruction or modification. Further, the identification, management and protection of historic heritage, needs to be nationally consistent, and in accordance with international best practice.

The management of archaeological sites with Māori cultural associations must involve tāngata whenua to ensure that cultural, spiritual and traditional values are identified, recognised and provided for. To achieve this, the NZAA recognise the importance of giving effect to the principles of Te Tiriti o Waitangi and te ao Māori. Archaeological methods and practice are inherently multidisciplinary and include the collaboration between archaeologists and Māori communities to share knowledge from archaeological science and mātaranga-a-iwi or mātauranga-a-hapū (local traditional knowledge and world views). Such mātauranga — gathered through relationships with te taio (environment) and inter-generationally transmitted over hundreds of years — has the potential alongside archaeology to generate holistic understandings of the past for the benefit of all New Zealanders.



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 available publicly, or to those groups whose historic heritage sites, places or landscape have been affected (subject to Indigenous data governance principles)

Feedback on the Planning and Natural Environment Bills

1. System Architecture

Firstly, we strongly support the inclusion of historic heritage and sites and places of significance to Māori as goals in the Planning Bill.

However, we do not support the proposed system architecture which separates the regulation of the built environment under the Planning Bill from the management of the natural environment under the Natural Environment Bill. The purpose of each Bill is incompatible, where the Planning Bill seeks to 'establish a framework for planning and regulating the use, development, and enjoyment of land', against the Natural Environment Bill that focuses on the 'use, protection and enhancement of the natural environment'. We have serious concerns that the competing purposes, risks fragmenting the consideration of environmental, cultural, and heritage values that are inherently interconnected resulting in degradation of the natural environment and negative historic heritage outcomes. While the intent appears to be functional clarity, this structural split does not reflect the way landscapes, ecosystems, and heritage values operate in practice, particularly in complex and layered environments such as the coastal marine area. The proposed resource management reform appears to be guided by priorities of streamlining, speed, and property rights, and not by environmental protection or cultural well-being. The NZAA **advocates for a holistic and sustainable approach to environmental and heritage management.**

Environmental and heritage management requires an integrated approach that recognises the cumulative and interrelated effects of activities across both built and natural environments. Historic heritage, cultural landscapes, and sites of significance to Māori often span both domains and cannot be meaningfully managed in isolation.

Goals

Matters of national importance, that must be recognised and provided for under the RMA, have been replaced by goals across both Bills. Persons exercising functions, duties, or powers under the Bills must 'seek to achieve' the Goals defined in section 11 of each Bill. This sets a lower threshold and will therefore degrade the current level of protection for these matters. This is a critical shift, and implies the goals are non-binding and aspirational, not enforceable, which may normalise minimum-level performance and remove incentives for best practice.



A concerning gap in the proposed system architecture is the absence of historic heritage within the Natural Environment Bill. This omission risks leaving historic heritage within the coastal marine area (CMA) without clear statutory direction or protection. It is critical that historic heritage within the CMA is explicitly provided for across both Bills, including within the goals, objectives and outcomes of the Natural Environment Bill. These places include:

- Maritime heritage, such as shipwrecks, wharves, lighthouses and maritime aids.
- Wāhi tapu areas and wahi tūpuna (which often include archaeological sites) such as urupā, that may extend across the CMA.
- Industrial heritage that extends across the CMA. For example, Clark's Pottery and Brickworks at Limeburner's Bay, Hobsonville.

We also note the absence of Goals in either Bill which relate to addressing the effects on climate change, and other matters under section 7 of the RMA. These are fundamental to environmental and land use should be addressed in the Bills.

Relief sought:

- **We seek relief to give effect to these submission points.**
- Include a respective goal in the Natural Environment Bill to identify and protect historic heritage.
- That Clause 11 be amended to ensure the goals are recognised and provided for.
- Amend Part 2 and Schedule 3 (coastal matters) of the Natural Environment Bill to:
 - recognise underwater cultural heritage, wāhi tapu/wāhi tūpuna in the CMA and river/lake beds;
 - require tikanga-based discovery, recovery, reburial and curation protocols to be embedded in natural environment plans and permit conditions for seabed disturbance, dredging, anchoring, cable-laying and reclamation.
- Recommend that Māori values, tikanga and mātauranga be embedded as foundational architecture, not late-stage "considerations."
- Recommend that goals relating to Māori values, historic heritage, and environmental protection become mandatory duties with binding compliance criteria.

2. Definitions and Interpretation

We generally support the definition of historic heritage; however, amendments are recommended to:

- Explicitly include historic heritage within the coastal marine area.



- Explicitly include in part (b), notable trees and groups of notable trees that meet the qualities in (a)(i)-(vi) of the definition.
- Explicitly include cultural landscapes. As highlighted above landscapes are not provided for, and the proposed framework undermines the ability to holistically evaluate and protect them. Cultural landscapes can encompass natural environments and ecosystems, sites of significance to Māori and historic heritage which require identification, management and protection.

We have reservations about the qualifier ‘significant’ in relation to historic heritage as the Bill does not define or explain what this constitutes. We anticipate this will be clarified through the future national policy direction/national standards. It is critical that the importance of historic heritage continues to be upheld through the national policy direction and standards. For example, it is essential that, where heritage values-based criteria are met, locally significant historic heritage is included, not only heritage of regional or national significance. We also signal early that the condition of a historic heritage place and costs or maintenance and repair, (while a relevant wider planning consideration in some instances), should not form a specific value in determining what constitutes significant historic heritage. Furthermore, the national policy direction needs to ensure it provides for the full range of types of historic heritage which are provided for within the definition. Further, we are unclear as to the need for this qualification.

Our observation is that heritage sites do not get added to plans without contest from the community as to their value and significance. Moreover, some councils have elected to use their own discretion to stratify the sites they schedule, according to significance, varying the plan rules accordingly. At the lowest level there can be no rules but a spatially mapped alert layer to assist with proactive archaeological screening, helping to avoid sites being lost through ignorance. We see value in this subsidiarity and are concerned that the addition of ‘significant’ will see it constrained or cut off.

We oppose the introduction of ‘qualifying resident’ the raised thresholds for affected parties in both Bills due to the limitations and restrictions it places on who is deemed eligible to submit and participate in permits/consents and plan changes. This raises significant democracy concerns, as professional interest groups and nationwide subject matter organisations could be excluded from these processes.

Relief Sought

- Amend section (b) of the definition of historic heritage under Clause 3 (1), to include the underlined text:

“includes—

...



(v) sites, structures, places, and areas in or on the coastal marine area;
and

(vi) cultural landscapes

- Incorporate the definition and related provisions into the Natural Environment Bill, which currently omits historic heritage.
- Remove the word ‘significant’ from all occurrences of ‘significant historic heritage’ throughout the Bill.
- That the definition of “qualifying resident” is **deleted** and all references to it within the Bill, including its application to “affected persons.”
- The list of effects outside the scope of the Planning Bill includes any matter where the land use effects of an activity are dealt with under other legislation (c14(1)(j)). Archaeology is managed under the Heritage New Zealand Pouhere Taonga Act 2014. This would mean that unscheduled archaeological sites are unable to be managed. For example, through accidental discovery protocols set out in the Auckland Unitary Plan which were included at the request of Mana Whenua. **C14(1)(j) is opposed.**

3. *National Instruments*

The proposed national directions and standards for historic heritage are central to how heritage will be identified, assessed, and protected under the new planning system, yet there is currently no indication of their content, scope, or development process. This lack of certainty creates significant risk, given that these instruments will effectively determine heritage outcomes at a national scale. It is imperative that the national framework for assessing historic heritage significance explicitly recognises places of regional and local significance, incorporates both tangible and intangible values, and meaningfully embeds Mana Whenua knowledge and decision-making throughout the assessment process.

Under the current RMA framework, the absence of national policy statements or national environmental standards for historic heritage, notable trees, and sites of significance to Māori has contributed to inconsistent implementation across the country. While national instruments have the potential to provide long-needed clarity and consistency, this will only be achieved if they contain robust, well-defined provisions and consent requirements for high-risk activities such as modification, demolition, and destruction. These provisions must be informed by national and international best-practice guidance, including the ICOMOS New Zealand Charter (2010), to ensure credible and enduring heritage protection. It is critical that schedules are reviewed, updated and added to over time to ensure robust protection for historic heritage and sites and place of significance to Māori. Further, that schedules reflect dynamic, lived cultural relationships as a opposed to ‘static lists’.

We support the clauses in the Planning Bill which relate to monitoring and reporting on the effectiveness of plan provisions and processes followed by territorial authorities (Clause 60 (3) and Clause 186). However, these clauses must be strengthened to ensure a robust monitoring and evaluation framework on Māori outcomes. This may include annual reporting on Māori



engagement and cultural-heritage outcomes, performance audits of councils and new entities and independent Māori review panels to assess whether statutory obligations have been met. This could be achieved through Independent Māori Statutory Boards, such as Houkura, which works to advance the interests of Māori in Tāmaki Makaurau and ensure Auckland Council acts in accordance with statutory provisions relating to Te Tiriti o Waitangi.

The proposed approach to developing national instruments raises further concern due to the absence of specified consultation or submission timeframes, leaving the process largely discretionary at ministerial direction. Given the consequential role these instruments will play in shaping planning outcomes nationwide, a transparent and formally defined consultation framework is essential. Sector expertise, including that of the New Zealand Archaeological Association should be actively engaged to support the development of workable, evidence-based instruments. In parallel, greater investment in training for councils, strengthened relationships with Heritage New Zealand Pouhere Taonga, and early archaeological screening using established tools such as ArchSite are critical to achieving consistent, efficient, and informed heritage management under the new system.

Relief Sought

- That the proposed national instruments:
 - Recognise places of **national, regional, and local significance**;
 - Explicitly includes **tangible and intangible heritage values**, including cultural landscapes; and
 - Provide mechanisms that allows:
 - continuous updating of sites and places of significance to Māori;
 - Māori-led determination of criteria for scheduling; and
 - Spatial recognition of cultural landscapes, rather than isolated point-sites.
 - That the national instruments are informed by international, national and regional best practice such as the ICOMOS New Zealand Charter (2010) and Auckland Council Methodology and guidance for evaluating Auckland's historic heritage (2020).
 - National standards should provide permit-stage checklists and model conditions that trigger targeted notification to protected customary rights and customary marine title groups, and require tikanga protocols for discovery and reinterment where coastal works or discharges occur.
 - Amend the Bill to require a **formalised consultation and submission process** for national directions and standards, including:
 - Minimum public consultation periods;
 - Mandatory engagement with Mana Whenua, Heritage New Zealand Pouhere Taonga, and heritage sector organisations (including the NZAA, ICOMOS Aotearoa New Zealand, and Historic Places Aotearoa); and
 - Clear timeframes to provide certainty and transparency in decision-making.



- Provides transitional protection for existing scheduled that identify and protect historic heritage and sites and places of significance to Māori.
- Include effective and robust monitoring and evaluation provisions. Including:
 - a long-term evaluation schedule (5, 10, 20 years) to track positive and negative impacts of the proposed. Including risk to historic heritage and cultural heritage values, environmental degradation, and regional disparities.

4. Kaitiakitanga and Te Tiriti o Waitangi

We support that the Māori interest goals in section 11 of both the Planning Bill and Natural Environmental Bill provide for “the identification and protection of sites of significance to Māori (including wāhi tapu, water bodies or sites in the coastal marine area)”.

In the past, legal requirements to provide for the relationship of Māori with their ancestral lands, water, sites, wāhi tapu, and other taonga as a matter of national importance have been instrumental in protecting significant environmental, cultural and heritage values.

However, the Bills’ narrow approach to Te Tiriti o Waitangi / the Treaty of Waitangi does not uphold the Crown’s obligations under the Treaty. There is a strong misalignment with Treaty principles (Partnership, Participation, Reciprocity, Active Protection) when Māori involvement is inconsistent or tokenistic.

It is unclear across both Bills how they will uphold mutual benefit, especially where planning or environmental limits impact Māori land and cultural values. Clarity is sought on this matter.

There is an outstanding concern that the Bills as currently drafted will not uphold and respect the integrity of existing Treaty settlements. Further it is unclear how Māori entities with unresolved claims or emerging Māori entities will be considered within the proposed system architecture. There is a concern that the Bills privilege settled entities and risk creating a structural divide between: those with settlement-based cultural redress, those without settlements, and Māori outside iwi structures (urban Māori, pan-tribal identities, disenfranchised Māori).

Relief Sought

- The Bills must be changed to meaningfully provide for partnership, active protection, rangatiratanga and the exercise of kaitiakitanga.
- That explicit statutory language is provided in the the goals of both Bills, so they are achieved in a manner consistent with Te Tiriti, not just “have regard to” or “recognise.”
- That Treaty principles are included in the Bills as binding decision-making obligations, not optional considerations.
- That amendments to both Bills provide clarity on how the Acts will uphold mutual benefit, especially where planning or environmental limits impact Māori land and cultural values.



- That an analysis of equity implications for entities whose Treaty redress clauses will lapse within five years, is provided to inform appropriate amendments to the Bills.
- That Māori positions in any new regional or national planning bodies, are embedded with permanent seats and decision-making power.
- We recommend that all Māori collectives with demonstrated whakapapa, ahi kaa, kaitiaki responsibilities, or cultural authority must be able to participate, irrespective of settlement status.
- We seek clear legislative guidance on Maori entities with unresolved claims or emerging Māori identities outside traditional structures are considered in the proposed system architecture.
- The NZAA seek amendments to the Te Tiriti o Waitangi / the Treaty of Waitangi clauses to give effect to these submission points.

5. *Regulatory Relief*

The proposed regulatory relief framework in the Planning Bill and Natural Environment Bill is **opposed in principle**. It reframes heritage and environmental protection as an undue burden rather than a public good, and risks significantly undermining the protection of historic heritage and sites of significance to Māori.

The framework would make it difficult for councils to meet their statutory duties under Clause 184 to protect historic heritage on private land, and under Clauses 8 and 11 to identify and protect sites of significance to Māori and uphold Treaty obligations. In practice, the relief provisions risk constraining councils' ability to respond to iwi aspirations for protection of sites on private land.

We are greatly concerned that the framework normalises significant compensation for protective regulation, including monetary payments and land swaps. This approach creates a presumption that heritage protection warrants substantial compensation, setting a problematic precedent for the management of finite built and natural environments. On a large scale, such relief options are considered unworkable, particularly in light of constrained council budgets and proposed caps on rates increases. Further there is a strong potential for 'bad actors' to exploit the relief system due to uncertainty and inconsistencies in the proposed provisions, particularly those set out under Clause 68 – Edibility for relief.

The proposed relief system is likely to have a chilling effect on the identification and scheduling of new heritage places, and may place existing scheduled places at risk where funding or political support is lacking. This risk is heightened by the retrospective application of regulatory relief to places already scheduled under RMA plans, which is considered particularly unworkable and inappropriate. Further, some scheduled places will have had protection under much older RMA plans, sometimes going back decades. It is absurd that a continued protection, which will have



been well baked into property values, should become worthy of compensation under the proposed regulatory relief framework.

There are also concerns that regulatory relief may incentivise the weakening of plan provisions for historic heritage in order to avoid compensation liabilities, resulting in poorer conservation outcomes. Rather than simplifying the planning system, the framework is likely to generate extensive litigation, increasing costs and uncertainty for both councils and landowners.

The Bill lowers the threshold for challenging planning provisions by shifting the test from land being “incapable of reasonable use” (under the RMA) to “severely impaired,” and reframes the concept of reasonable use without sufficient clarity. This change is opposed, as it weakens heritage protections and increases reliance on the courts to define fundamental concepts. Similarly, the lack of clear direction on what constitutes a “significant impact” is likely to result in further litigation unless set at a very high threshold.

While incentives are recognised as an important tool for supporting the maintenance and longevity of historic heritage, these should not take the form of mandatory compensation. Instead, relief should be discretionary, targeted, and focused on encouraging positive conservation outcomes. Incentives such as matched grants, consent fee waivers, and limited rates relief are supported in principle, but would require adequate and sustainable funding ideally at a central government level, particularly in light of constrained council budgets and proposed caps on rates increases.

Further with regards to incentives, Clause 86 of the Planning Bill is supported. The use of incentives as a method in plans can be used to achieve positive heritage outcomes, such as restoration of historic heritage or the maintenance of archaeological sites.

Finally, if any form of regulatory relief is retained, it must be accompanied by enforceable obligations on landowners to maintain and appropriately repair heritage places. Without clear maintenance and enforcement powers, including mechanisms to address demolition by neglect, the framework risks rewarding neglect rather than protecting heritage.

Relief Sought

- We seek that **Schedule 3, Part 4 be removed in its current form.**
 - If the regulatory relief framework is retained, the amendments below are sought.
 - Delay commencement of any regulatory relief or incentives framework until:
 - National policy direction and national standards are finalised; and
 - Their impacts on heritage protection, Treaty obligations, and council workability are fully understood.
 - Amend Clause 68 to **remove all retrospective application** of regulatory relief to places already scheduled under the most recent operative RMA plan.
 - We seek that Clause 70 is amended to:



- reframe the clause as a discretionary incentive's framework, focused on positive conservation outcomes, rather than a mandatory compensation regime.
- Include provisions requiring that:
 - Any landowner receiving incentives or relief must be subject to **enforceable obligations to maintain and repair** historic heritage places.
 - Councils are given explicit powers to issue and enforce maintenance notices, including escalation pathways to address demolition by neglect
- **Amend Clause 105 (Challenges to Provisions Affecting Land) (9)** to retain the RMA test that a provision must render land **“incapable of reasonable use”**, rather than “severely impair” reasonable use.

6. *Development of spatial plans*

To give effect to the goals of both Bills, historic heritage must be included as a mandatory matter that must be regarded within spatial plans, it is currently omitted (Clause 80). Aside from existing historic heritage schedules, this may include the New Zealand Heritage List/Rārangi Kōrero, national archaeological database ArchSite and regional databases such as Tutangi Ora in Auckland.

We support Clause 70 of the planning Bill that provides for iwi consultation in the development of the regional spatial plan. However, we have concerns that Māori will not have adequate time, resourcing, and capacity to meaningfully engage with the proposed framework. Without adequate resourcing, representation and a robust process, Māori will be trapped in reactive mode, responding to threats rather than shaping outcomes. We acknowledge the inevitability of legislative change, however a strategic Māori voice must help shape its direction.

Relief sought

- We seek amendments to Clause 80 to give effect to this submission point.
- We recommend legislative requirements that provide for:
 - Māori resourcing and capacity funding; and
 - early engagement rather than after-the-fact consultation.
- When preparing action plans or caps to achieve environmental limits (ss60–65), councils must avoid/minimise adverse effects on archaeological sites and embed tikanga discovery protocols with mana whenua. Without this, measures to meet limits (e.g., erosion control planting or bank works) risk unintended damage to taonga.



7. Development, transition and implementation of the proposed resource management system

The Planning Bill and Natural Environment Bill have been developed and advanced within highly compressed timeframes, which has affected the clarity, coherence, and workability of their drafting. Key provisions particularly those relating to nationally consistent criteria, thresholds, and outcomes remain high-level and indeterminate, leaving significant policy detail to be resolved through national direction and standards. This approach reflects the absence of a fully developed, evidence-based policy framework at the time of drafting, including incomplete or limited Regulatory Impact Statements to test costs, implementation risks, and environmental and heritage outcomes. As a result, there is insufficient analysis of how proposed national criteria will interact with existing planning frameworks, scheduled heritage places, cultural landscapes, and sites and places of significance to Māori.

While we acknowledge the inevitability of legislative change, we emphasise that a strategic Māori voice must shape its direction and that any proposed resource management framework must future-proofing Māori cultural values, build resilience and avoids over-reliance on “infallible” individuals or assumptions.

The accelerated reform timetable compounds these issues. There is limited time and opportunity for councils to meaningfully translate values, incorporate revised spatial management approaches, or align existing schedules and overlays into the first generation of land use and natural environment plans. Implementing nationally prescribed criteria and thresholds across complex and locally nuanced heritage and environmental contexts will require substantial resourcing, technical assessment, and engagement with Mana Whenua, none of which is adequately reflected in the proposed timeframes. The combination of rushed preparation, unclear drafting, and the absence of a robust evidence base creates a high risk of inconsistent interpretation, reduced protection for historic heritage and sensitive environments, and unintended environmental degradation in the medium to long term, particularly during the transitional period before the new system is fully operational.

Relief sought

- We seek a reconsideration of the reform timeframes and pathways to give effect to these submission points.
- Request a requirement for public reporting on Māori engagement processes for all future phases of system design and implementation.
- Ask for a transition strategy co-designed with Māori, including resourcing to support Māori capacity to engage.
- Seek the creation of a Māori outcomes framework to guide plan-making, permitting, monitoring, and enforcement.
- We seek a comprehensive assessment of how heritage and kaitiaki responsibilities will be affected across the whole regulatory landscape.



- We request information on how the proposed reform intersects with the Heritage New Zealand Pouhere Taonga Act 2014, whether it will be revised, how authority conflicts will be managed, and what protections continue during reform.

The NZAA recognise there are wider system improvements that could be made outside of the proposed legislative framework. These would help achieve positive heritage outcomes, provide for the effective and efficient implementation of the proposed national instruments and create a smoother transitional process. These include:

- **Strengthened capability and implementation support for councils**, by requiring central government to:
 - Fund and deliver **training for councils** on historic heritage and sites and places of significance to Maori;
 - Support stronger operational relationships between councils and the **regional offices of Heritage New Zealand Pouhere Taonga**; and

Promote early archaeological screening using established tools such as **ArchSite** to streamline consenting and authority processes