

Draft Summary of Key Points from Heritage Taranaki's Draft Submission on the Planning Bill and Natural Environment Bill

This document provides a summary of key submission points from Heritage Taranaki's draft submission on the Planning Bill and Natural Environment Bill, where they relate to heritage. Further detail will be provided in our full submission to the Environment Select Committee. Most heritage matters are dealt with in the Planning Bill.

You may want to use these points to help inform your own submission on the Bills, due Friday 13th February, 4:30pm.

Submissions can be made at the following link: https://www3.parliament.nz/en/pb/sc/make-a-submission/document/54SCENV_SCF_BA467863-D6B0-4968-1027-08DE369D9192/planning-bill-and-natural-environment-bill

Summary of Key Points:

- Value of Historic Heritage:**

Heritage Taranaki emphasises the immense cultural, social, and economic value of Taranaki's historic landscape, including archaeological and sites of significance to Māori such as pā, sites associated with the Taranaki Wars, 19th and 20th century buildings, and notable trees. We believe that this heritage is under-recognised and under threat from development, neglect, and natural erosion.

- Framing of Historic Heritage:**

The Bills frame historic heritage as a barrier to development, rather than as a collective asset with public benefit. We call for the reframing heritage as a valuable public benefit resource.

- Definition of Historic Heritage:**

We largely support the Bills' definition but recommend minor amendments, including using "historic heritage" instead of "significant historic heritage" to avoid subjectivity and ensure the goal of protecting historic heritage can be achieved.

- Drafting and Structure Issues:**

Heritage Taranaki notes that the Bills are rushed, contain technical errors, and do not work together effectively. We recommend returning to a single piece of legislation and allowing more time for review.

- **Heritage Protection Orders:**

We are disappointed that heritage protection orders are not included in the new system and recommend their incorporation using provisions from previous legislation.

- **Demolition by Neglect:**

The Planning Bill fails to address demolition by neglect, a significant issue for both private and Crown-owned historic heritage buildings. Heritage Taranaki advocates for regulatory tools (like 'notices to fix') and increased funding/incentives to prevent loss through neglect.

- **Incentives for Heritage Protection:**

We support incentives for heritage protection and call for the creation of a national heritage incentives framework, funded by both central and local government, to provide certainty and support for heritage owners.

- **Protection of Notable Trees:**

The Bills should clearly enable local authorities to schedule and protect notable trees with heritage significance, as these have considerable public benefits.

- **Coastal Heritage:**

The Bills appear to lack specific provisions for protecting historic heritage in the Coastal Marine Area. We recommend amendments to ensure such protection.

- **Submission Timeframes:**

The minimum 20 working day timeframe for submissions is too short; Heritage Taranaki recommends increasing this.

- **Public Participation:**

The Bills excessively constrain public and community group involvement in planning and consent processes. Heritage Taranaki calls for broader public participation and the removal of restrictive definitions like 'qualifying resident/person'.

- **Te Tiriti o Waitangi/The Treaty of Waitangi:**

The proposed approach to Te Tiriti o Waitangi in the Bills has been narrowed significantly compared to the RMA. Heritage Taranaki recommends amending both Bills to give effect to the wider principles of Te Tiriti o Waitangi.

- **Centralised Policy Concerns:**

The shift to centralised policy-making and increased ministerial intervention risks undermining local democracy and effectiveness of heritage protection, one of the goals of the Planning Bill. We recommend reviewing and limiting ministerial powers.

- **Role of Heritage New Zealand Pouhere Taonga:**
Heritage Taranaki advocates for a greater role for Heritage New Zealand Pouhere Taonga in the development of plans and national instruments affecting heritage.
- **Regulatory Relief Provisions:**
Heritage Taranaki strongly opposes the regulatory relief framework, especially the inclusion of historic heritage as a “specified topic,” arguing it will weaken heritage protections and provide unreasonable burdens on local authorities and ratepayers.
- **Territorial Authority Responsibilities:**
The Bills require authorities to manage but not identify historic heritage, risking unprotected sites. We recommend mandatory identification, regulation, and management of historic heritage.
- **Monitoring and Reporting:**
The Bills should require regular reporting on the effectiveness of heritage provisions and the state of heritage assets.
- **Legal Effect of Rules:**
Heritage Taranaki supports immediate legal effect for rules protecting heritage.
- **Evaluation and Justification Reports:**
We oppose high evidential requirements for justification reports on heritage, arguing that standard evaluation reports and scheduling assessments, already the industry standard when evaluating the heritage values of historic heritage, are sufficient.
- **Support for Heritage Expertise in Courts:**
We support requirements for heritage expertise in Environment Court and Planning Tribunal appointments.