



## **Heritage Taranaki Incorporated Submission on the Planning Bill and Natural Environment Bill**

### **Submitter Details**

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### **Introduction**

1. Heritage Taranaki Incorporated (Heritage Taranaki) thanks the Environment Select Committee for the opportunity to make a submission on the Planning Bill (PB) and Natural Environment Bill (NEB).
2. Heritage Taranaki was established in 2013 following the dissolution of the former regional branches of the Historic Places Trust and exists to preserve, celebrate and share the rich cultural and historic heritage of the Taranaki region. Heritage Taranaki is now recognised as an authoritative advocate for the conservation of built heritage; historic places; and archaeological sites and landscapes throughout Taranaki.
3. Taranaki contains a unique and iconic heritage landscape. Archaeological evidence of human occupation in Taranaki dates from the earliest phase of moa hunting at Ōhawe and Kaūpokonui. Our region contains one of the highest densities of Māori pā in New Zealand. We can also claim an extensive assemblage of sites relating to the Taranaki Wars between 1860-1881; a comprehensive collection of 19th century industrial, commercial and domestic archaeological sites; an array of 19th and 20th century European heritage places including monuments and buildings dating back to the 1840s; as well as significant notable trees. Taken together, this impressive historic landscape contributes strongly to Taranaki's unique sense of identity and place and is an important reason many people choose to both live in and visit Taranaki.
4. The economic value of this historic landscape is likely immense, and Heritage Taranaki is of the view that its potential to generate significant economic benefits for Taranaki is wholly under recognised. The wider Aotearoa New Zealand heritage sector contributes nearly \$5.1 billion or 1.2% of Aotearoa's GDP annually, with there being great potential for Taranaki to contribute significantly more to this figure (MCH, Heritage sector economic profile 2024 Infometrics report summary, 2025).

5. The development of the Taranaki War Trails phone app, as well as the annual Taranaki Heritage Month, both by Heritage Taranaki, are examples of how Taranaki's historic landscape can be showcased to locals and visitors to our region. The development and adaptive reuse of heritage buildings such as the historic White Hart Hotel in Ngāmotu New Plymouth into a destination food and business hub, as well as the development and interpretation of cultural sites such as those being undertaken at Pukerangiora pā on the Waitara River, further highlight the potential of historic heritage sites in Taranaki to contribute positively to the use and enjoyment of Taranaki by residents and visitors alike.

6. However, Taranaki's impressive heritage landscape and its constituent elements is finite, fragile, and under constant pressure. Our exposed and active coastline naturally erodes coastal archaeological sites at an alarming rate, while industrial, commercial and residential development, and the increasingly industrialised farming sector, require landscape modification that continually impacts upon archaeological and other historic heritage sites. Many of our best historic heritage buildings are also decaying due to demolition by neglect, suffering from the impacts of poor heritage policy making and inadequate financial incentives and assistance.

7. Taranaki's historic landscape, including its heritage buildings, structures, archaeological sites, and sites and areas of significance to Māori, will only survive to provide positive economic and social benefits to our region through careful management. The protection of historic heritage as a public interest matter must be carefully balanced against development and other pressures. It is, unfortunately, clear that the Planning Bill and Natural Environment Bill as they stand are highly unlikely to adequately protect historic heritage from inappropriate subdivision, use, and development.

8. Heritage Taranaki opposes the Bills in their present form and suggests a number of amendments and additions in Appendix A.

9. Given our specific heritage related remit and interests, our submission will focus on those clauses that have particular implications for the effective ongoing management and protection of historic heritage and related matters. Historic heritage matters are largely dealt with in the Planning Bill.

10. Although largely out of scope for our organisation, we also note that the Planning Bill and Natural Environment Bill as they stand are unlikely to adequately protect our important natural heritage assets such as areas of high natural character within the coastal environment, wetlands, lakes and rivers and their margins, and outstanding natural features and landscapes.

11. Heritage Taranaki supports the submission of Historic Places Aotearoa.

12. Heritage Taranaki again thanks the Environment Select Committee for the opportunity to submit on these Bills.

13. Heritage Taranaki wishes to be heard in support of their submission.

## Appendix A: Heritage Taranaki Submission Points and Recommendations, Planning Bill and Natural Environment Bill

PB = Planning Bill NEB = Natural Environment Bill

Topic	Sub-topic	Bill(s)/ Provision(s)	Position	Comment	Recommendations
General	Framing of historic heritage	PB		<p>Heritage Taranaki is concerned at the way that historic heritage is framed in the new system: as a burden, impediment or barrier to economic development that is being reluctantly managed. This is far from the reality and largely stems from the unfortunate priority the new resource management system places on prioritising private property rights at the expense of recognising the collective and broader value and public benefit of historic heritage and other matters to the wider economic system and society generally.</p> <p>As elaborated in the introduction, in Taranaki, historic heritage has significant realised and potential economic benefits, with heritage buildings and places, archaeological sites, trees and other sites forming a rich historic landscape that can be showcased to locals and visitors to our region.</p> <p>Diverse historic heritage assets exist across Aotearoa New Zealand, many also with untapped economic potential. This potential, is, however, contingent on the protection and careful management of these heritage assets, largely through resource management legislation, at a high level by central government, and at the local level by local authorities.</p>	<p>We recommend amending the Bill and wider proposed new system to reframe historic heritage as a valuable collective asset that can be utilised to achieve positive economic and wider societal public benefit outcomes, under the lens of sustainable resource management.</p>

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	Drafting and structure	PB & NEB		<p>The drafting of these Bills has been rushed, and this is evidenced by the numerous drafting and technical errors. This is very concerning given the large and long lasting structural changes to Aotearoa New Zealand's resource management system that are being proposed, and where the two Bills must work together as one system. Heritage Taranaki is extremely concerned the rushed process will lead to policy oversights and unintended policy consequences.</p> <p>It is clear that the PB and NEB do not work together as intended. As drafted, they introduce unnecessary duplication, complexities, and inefficiencies into the resource management system. These factors, amongst many others, will make it very difficult, if not impossible, to achieve the goals of the Bills. There is significant merit in returning to a single piece of legislation.</p>	<p>Given the broad ranging political support for the proposed resource management reforms, Heritage Taranaki recommends the government takes extra time review the Bills and to ensure all relevant policy matters and potential outcomes are fully understood and accounted for.</p> <p>It is recommended that strong consideration be given to returning to a single piece of legislation.</p> <p>Given the clear substantive changes required to make the Bills workable, it is recommended that the public is invited to provide submissions on the amended Bills before they progress any further.</p>
	Heritage protection orders	PB		<p>Heritage Taranaki is disappointed that heritage orders appear not to be a part of the proposed new resource management system. Heritage orders can be used to protect the heritage qualities of a particular place or structure. These have been a long-standing part of New Zealand's resource management system and amendments made to the RMA heritage order provisions for inclusion in the Natural and Built Environment Act (NBA) as heritage protection orders resolved a number of problematic clauses.</p>	<p>Heritage Taranaki recommends amending the PB to incorporate heritage protection orders, utilising the provisions from the NBA.</p>
	Demolition by neglect	PB		<p>Heritage Taranaki is very concerned that the PB fails to address issues of demolition by neglect, this being the destruction of buildings through abandonment or lack of maintenance, which is an ongoing issue in relation to historic heritage under the RMA. This is an issue</p>	<p>There is strong rationale, including on legitimate public interest and economic grounds, to regulate demolition by neglect through resource management legislation.</p>

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				<p>for both privately owned buildings, but perhaps more significantly, for Crown owned buildings.</p> <p>Demolition by neglect is a key issue for historic heritage, principally buildings, in Taranaki. Iconic buildings in Ngāmotu New Plymouth such as the former Barrett Street Nurses Home (1922), New Plymouth Prison (c.1879), and the 'Mill' historic flour mill (1865-67), currently sit vacant, deteriorating.</p> <p>The potential for these and other buildings with recognised high historic heritage values to be restored and adaptively reused to provide vibrant cultural, commercial or residential destination places is vast. The potential for such developments to provide significant economic benefits is immense. Yet they sit empty, deteriorating.</p> <p>Demolition by neglect often has a negative impact on people's enjoyment of their private property when located nearby, as well as that of the general public and public spaces where this impacts the wider area.</p> <p>The issue of demolition by neglect has been briefly touched on by central government reports including Resource Management Amendment Bill No.2 – Better managing outcomes for historic heritage (2024) and notably, Strengthening protections for heritage buildings: Report identifying issues within New Zealand's heritage protection system (2018), amongst other publications.</p> <p>Some potential options for managing demolition by neglect include provisions enabling authorities to issue 'notices to fix' and increasing</p>	<p>Heritage Taranaki would like to see provisions similar to 'notices to fix' contained in earlier legislation, included in the PB, to provide local authorities a tool to deal with demolition by neglect, ensure historic heritage sites are not lost to demolition by neglect, and help stimulate the restoration and adaptive reuse of historic heritage assets that have significant potential to contribute positive wider economic and societal benefits.</p> <p>It is Heritage Taranaki's view that there is not one simple answer to resolving demolition by neglect, and that greater and more diverse funding sources and incentives must also be offered. See our comments on the topic of incentives for more detail on this.</p>

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				<p>the range and availability of incentives to owners. In Heritage Taranaki's experience, a lack of access to capital/funding, is one of the most significant barriers to addressing demolition by neglect.</p>	
	Incentives	PB and NEB		<p>Incentives are an effective means to promote the protection, restoration, conservation and adaptive reuse of historic heritage items.</p> <p>Heritage Taranaki is supportive of PB cl 86 enabling local authorities to utilise incentives to achieve the objectives of the Bill. This enables local authorities to provide incentives to owners of historic heritage to assist with maintenance, repair etc., to ensure its protection. Heritage Taranaki supports the comparative NEB cl 105.</p> <p>Heritage Taranaki strongly favours the provision of incentives, in relation to historic heritage, over that of mandatory regulatory relief, largely for the reasons outlined in our comments on regulatory relief in this submission.</p> <p><b>National heritage incentives framework</b></p> <p>Heritage Taranaki strongly advocates for the development of a statutorily enabled wrap-around national heritage incentives framework for historic heritage and HNZPT listed heritage that is less prone change with the political environment. This system would provide greater clarity and certainty to heritage owners, as well as relieve some of the financial burden of local authorities who are presently largely footing the bill for voluntary historic heritage incentives themselves. We anticipate such a system to have positive</p>	<p><b>Enabling incentives: PB cl 86 &amp; NEB cl 105</b></p> <p>Heritage Taranaki recommends retaining PB cl 86 and NEB cl 105 without amendment.</p> <p><b>National incentives framework</b></p> <p>Heritage Taranaki strongly recommends that as part of the current regulatory reforms, a national heritage incentives framework of the type described is established to ensure the protection of historic heritage identified through the PB (&amp; NEB), as well as those places identified by HNZPT through the New Zealand Heritage List/Rārangi Kōrero.</p>

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				<p>historic heritage, social, and economic outcomes. Key characteristics of the framework:</p> <ul style="list-style-type: none"> <li>• Being enshrined in legislation, it may be appropriate to enable this through consistent provisions in both the PB and Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) to ensure consistency and that all relevant heritage is captured. It should also be in line with any relevant provisions in earthquake prone building legislation.</li> <li>• Be sufficiently funded to achieve the historic heritage goals of the RB, and the aims of the HNZPTA. Funding should <ul style="list-style-type: none"> <li>○ Come from a mix of central government and local authority sources; and</li> <li>○ Have statutorily mandated minimum annual funding levels tied to goal achievement.</li> <li>○ It is anticipated that a large portion of funding will be from central government – this will be critical to the framework's success.</li> </ul> </li> <li>• It is considered reasonable that provisions should specify that it is mandatory for both local authorities and central government to offer incentives for owners of historic heritage. There should be some specification and guidance provided for local authorities and central government as to the type and extent of incentives to be offered in either the RB or national instruments. However, we consider that in</li> </ul>	

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				<p>regard to local authorities, it is important that sufficient flexibility is built in to enable adaptation to local economic/financing and other factors.</p> <ul style="list-style-type: none"> <li>• The incentives framework should ensure a broad mix of incentives are available to owners of heritage. Whilst most incentive types should be administered by local authorities, some incentives, such as tax relief, should be administered by central government.</li> <li>• The inclusion of tax relief is likely to be critical to the framework's success.</li> <li>• That information about the incentives framework is readily available to the public, and that the framework itself is as simple and user friendly as possible.</li> <li>• All information about the framework should be contained on a single user friendly website. This would include relevant links to local authority pages, as well as contain and link to relevant resources and useful organisations. Resources should be separated by region or district and highlight those available nationally.</li> <li>• The incentives framework should be compatible, as far as is reasonable, with other funding sources available to heritage owners such as the Lottery Environment and Heritage fund.</li> </ul>	

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	Notable trees	PB and NEB		<p>Notable trees are a significant and important aspect of Aotearoa New Zealand's environment, especially within urban areas, where they contribute to the enjoyment of public and private spaces alike.</p> <p>The protection of notable trees through regulatory means is an established part of regulatory policy in the resource management planning space. However, it is unclear whether the Bills as they stand would allow local authorities to schedule notable trees in plans.</p> <p>It is Heritage Taranaki's view that the Bills must allow for the scheduling of notable trees in plans, where they have heritage significance themselves, or where they contribute to the heritage significance of a scheduled place or area.</p> <p>Taranaki and especially Ngāmotu New Plymouth and surrounds, has a rich history of European commercial horticultural nursery activity dating back to the early period of European settlement in the region in the 1840s. Many notable trees presently scheduled in the New Plymouth Part Operative District Plan are associated with this legacy, either being associated with the nursery site, or derived from their activities. Other trees are associated with early European settlement activities.</p> <p>Significant examples of scheduled notable trees with strong heritage significance in and around Ngāmotu New Plymouth include:</p> <ul style="list-style-type: none"> <li>• Those at the site of John Nairn's Ratanui plant nursery established in the 1850s;</li> </ul>	<p>Heritage Taranaki strongly recommends the PB is amended to clearly enable local authorities to schedule notable trees and groups of notable trees in plans.</p> <p>Where trees and groups of trees have heritage significance themselves, or where they contribute to the heritage significance of a scheduled place or area, it should be clarified that these trees can be protected as historic heritage.</p> <p>These provisions may be similar to those in the RMA. Further direction should be given in the appropriate national instrument(s).</p>

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				<ul style="list-style-type: none"> <li>Those in upper Westown on the site of the Duncan &amp; Davies plant nursery established in the late 19<sup>th</sup> century and which was at one time the largest nursery in the southern hemisphere;</li> <li>Those in the churchyard of Taranaki Cathedral, New Zealand's oldest stone church, and which includes two Mediterranean Cypresses, thought to be the oldest exotic trees in Taranaki, planted in 1847 on the Rev. Bolland's grave by his wife;</li> <li>Those at the 'Hen &amp; Chickens' historic heritage house sites in Pendarves and Cameron Streets, these being associated with early occupants of the six 1860s houses constructed for a single family, and which all still survive.</li> </ul> <p>The scheduled notable trees at these sites, in addition to having heritage value in their own right, contribute greatly to the heritage value of their settings, they form part of a historic area and landscape that comprises buildings, monuments, and other heritage features.</p> <p>In the 21<sup>st</sup> century, scheduled notable trees form an important component of Taranaki's reputation as the 'garden of Aotearoa New Zealand', that together with public parks and private gardens, attract thousands of domestic and international tourists each year, especially in October-November when several garden festivals are run simultaneously.</p>	

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				<p>The economic contribution of the 10-day Centuria Taranaki Garden Festival in 2024 (the most recent data available), was 17,187 visitor nights and \$6.5m (<i>The Post</i>, 14 Feb 2025).</p> <p>It is vitally important that the proposed Bills enable local authorities to continue to schedule notable trees where they have identifiable heritage values or contribute to the heritage values of a scheduled place or area. As is already the case, significance should be established through robust and objective assessments.</p> <p>The decisions of whether to schedule notable trees should be one for local communities to decide, not central government.</p>	
	Historic heritage in the Coastal Marine Area	PB and NEB		Heritage Taranaki is concerned the identification, management and protection of historic heritage in the Coastal Marine Area is not specifically provided for in the Bills. It is noted that within the Coastal Marine Area the protection and identification of sites of significance to Māori, a subset of historic heritage, is provided for.	Amend the Bills to clarify that historic heritage can be protected where it is located either partly or fully in the Coastal Marine Area. Amend the relevant provisions referring to sites of significance to Māori in relation to the Coastal Marine Area to ensure consistency with the definition of historic heritage.
	Timeframes	PB and NEB		The minimum 20 working day submission timeframes proposed in the Bills are considered too short given the high significance and complexity of many plans, national instruments and consents.	Heritage Taranaki recommends the minimum submission timeframes for plans, national instruments and consents, where they appear in the bills, are increased to at least a minimum of 30 working days.

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	Public participation	PB, cl 125; cl 131; sch 2, cl 14(c); and sch 3 cl 17(1); NEB	Oppose	<p>Heritage Taranaki is very concerned that both the PB and NEB excessively constrain the ability of the public and public interest groups, including heritage organisations, to be involved in decision-making on plans and consents. Such constraints will inevitably result in weaker checks and balances in the system, poorer quality regulations including for historic heritage, less transparency, and less community ownership of plans.</p> <p>Obtaining a wide range of policy feedback enables the identification of policy issues and reduces the potential for policy oversights and unintended consequences, as well as for litigation. Public feedback provided free of charge through submissions by community groups and heritage professionals can help reduce the cost to local authorities. For many local authorities without in-house heritage expertise, their major, if not only, source of heritage related feedback is from community heritage organisations who hold significant knowledge and expertise in their fields. None of the three district councils in Taranaki have specialist heritage staff.</p> <p><b>Qualifying resident</b></p> <p>As per our earlier comments on this topic, Heritage Taranaki would prefer the concept of qualifying resident is removed from these Bills altogether. Should it be retained, the definition should be substantially amended to ensure significantly wider public participation in policy making under the Bills. Its use in provisions, and possibilities for negative policy outcomes, should be carefully considered.</p>	<p><b>Land use plans</b></p> <p>Heritage Taranaki strongly recommends substantive amendments to Sch 3 cl 17(1), deleting sub-clauses (a)-(d) and amending (1) to enable any member of the public to make a submission on proposed land plans.</p> <p><b>17 Who may make submissions on proposed plan notified for public submissions</b></p> <p><i>Submissions on proposed plan notified for public submissions</i></p> <p>(1) <i>The following persons</i> Any member of the public may make a submission to a local authority on a proposed plan that is notified for public submissions.</p> <p><i>(a) a qualifying resident of</i></p> <p><i>(i) the district of the territorial authority (for a proposed land use plan); or</i></p> <p><i>(ii) the region of the regional council (for a proposed natural environment plan);</i></p> <p><i>(b) a person who has an interest in the proposed plan greater than the interest that the general public has;</i></p>

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				<p><b>Land use plans</b></p> <p>Heritage Taranaki strongly opposes Sch 3 cl 17(1) in its current form. This clause, unnecessarily and somewhat arbitrarily, constrains the involvement of public and public interest groups, including heritage organisations, in submitting on proposed land use plans and proposed natural environment plans. The justification for these constraints is not clear, and in our view, contrary to good policy making.</p> <p>Heritage Taranaki works to promote positive heritage outcomes across the entire region of Taranaki, working with a range of individuals, organisations and territorial authorities. We also often work with individuals and groups in the neighbouring regions of Whanganui and Waikato, where we provide support in various ways. However, under the PB, Heritage Taranaki's ability to comment on land plans in Taranaki, a region made up of three districts, is unclear. The position in neighbouring regions where we also undertake activities is even more doubtful.</p> <p>It is firstly not certain that we would meet the definition of a <i>qualifying resident</i> – we are an incorporated society, so we meet the person test, but what constitutes as having an <i>office</i> in a district? or how is it determined if a person <i>operates</i> in a district? If we are not considered a qualifying resident of a district, are we considered under sch 3 cl 17(1)(b) <i>a person who has an interest in the proposed plan greater than the interest that the general public has?</i> This again is wholly unclear.</p>	<p><i>(c) a nearby local authority;</i>  <i>(d) the local authority itself.</i></p> <p><i>Submissions on proposed plan notified for targeted submissions</i></p> <p><i>(2) The following persons may make a submission to the local authority on a proposed plan that is notified for targeted submissions:</i></p> <p><i>(a) a person notified under clause 16(2);</i>  <i>(b) the local authority itself.</i></p> <p><b>Spatial plans</b></p> <p>Heritage Taranaki recommends retaining sch 2, cl 14(c) with amendments to the submission period as follows:</p> <p><b>14 Public notification of draft regional spatial plan</b></p> <p><i>When local authorities approve [...]—</i></p> <p><i>(a) make the draft [...]; and</i>  <i>(b) give public notice [...]; and</i>  <i>(c) give interested parties and other members of the public 30 working days from the date the plan is</i></p>

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				<p>The position is that Heritage Taranaki, and other community heritage organisations, face not being able to support the individuals, organisation, communities, and historic heritage values of the districts and regions they contribute to positively on a daily basis. This is a totally unacceptable situation and, in the context of heritage, will clearly result in significant negative historic heritage outcomes.</p> <p>This uncertainty will be a situation facing a broad range of community organisations across Aotearoa New Zealand who advocate for public benefit matters contained in the PB and NEB.</p> <p><b>Spatial plans</b></p> <p>Heritage Taranaki supports in part sch 2, cl 14(c), allowing any member of the public to provide comment on draft regional spatial plans. Heritage Taranaki considers that given the scale and complexity of spatial plans, the timeframe for submissions should be greater than 20 working days.</p> <p><b>PB consents</b></p> <p>Heritage Taranaki agrees with PB, cl 125, that public notification of consents has to occur where the effects on the built environment or people are more than minor. This is the same threshold as under the RMA and is considered appropriate.</p> <p>Heritage Taranaki is again, however, extremely concerned about our ability to make a submission on a publicly notified consent given that under cl 131(1) only <i>qualifying residents</i> or <i>affected persons</i> are able</p>	<p><i>made publicly available to provide written submissions on the draft regional spatial plan.</i></p> <p><b>PB consents</b></p> <p>Heritage Taranaki strongly recommends substantive amendments to cl 131(1), deleting sub-clauses (a)-(b) and amending (1) to enable any member of the public to make a submission on proposed land plans.</p> <p><b>131 Submissions on applications</b></p> <p>(1) <i>If an application for a planning consent is publicly notified, the following persons any member of the public may make a submission about it to the consent authority:</i></p> <p><i>(a) a qualifying resident of the district to which the application relates;</i></p> <p><i>(b) a person who is not a qualifying resident of the district to which the application relates if that person is an affected person under section 128.</i></p> <p>(2) <i>If an application [...].</i></p>

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				<p>to submit. The question is again; would we be considered a qualifying resident? We strongly oppose cl 131(1) in its current form.</p> <p>It is our view that if Heritage Taranaki and other community heritage groups, who hold significant technical knowledge about historic heritage in Taranaki and neighbouring regions, are unable to make a submission on matters relating to historic heritage, then it is going to result in adverse historic heritage outcomes, severely hampering efforts to achieve the goal of protecting historic heritage specified in cl 11(1)(g)(iii).</p>	
	Centralised policy setting and decision making	PB & NEB, all relevant	Oppose	<p>Heritage Taranaki expresses considerable concern over the shift to a more centralised policy making system. There is a considerable risk of undermining local democracy and the ability for local communities to protect, historic heritage or otherwise, those things that make their district and region distinctive and enjoyable to live in.</p> <p>We also express considerable concern at the provision made for the Minister to intervene in local decision making at numerous clauses. The power to set national direction onto one person excludes local authorities, organisations, and individuals from making decisions about what is best for their communities. There are no safeguards to prevent the Minister from pursuing their own agenda and ignoring expert advice. There is a significant risk that the Minister will prioritise development outcomes over the environment with consequent detrimental effects. We consider that ministerial intervention should be reserved for the most extreme situations.</p>	Review all clauses where ministerial intervention is enabled and assess whether this is necessary to achieve the goals of the Bills, or a situation of ministerial overreach.

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	New Zealand Heritage List/Rārangi Kōrero	PB, sch 3		<p><b>Plans</b></p> <p>The New Zealand Heritage List/Rārangi Kōrero (the List) administered by Heritage New Zealand Pouhere Taonga (HNZPT), is Aotearoa New Zealand's national record of our rich and diverse place-based heritage.</p> <p>Items on the list have established heritage significance, having been assessed in line with principles comparable to those proposed in the PB. Given the established significance of places on the New Zealand Heritage List/Rārangi Kōrero, local authorities should be mandated to give regard to the New Zealand Heritage List/Rārangi Kōrero when developing relevant plans. This precedent was established under the RMA and continued under the NBA.</p>	<p><b>Land use plans</b></p> <p>Heritage Taranaki recommends that sch 3 is amended to include a new clause mandating that when preparing land use plans local authorities must have regard to entries on the New Zealand Heritage List/Rārangi Kōrero. This provision could be similar to RMA 174(2) and/or NBA 174(2)(a):</p> <p><i>(...) When a local authority is preparing or changing a plan, it must have regard to—(...)</i> relevant entries on the New Zealand Heritage List/ Rārangi Kōrero made under the Heritage New Zealand Pouhere Taonga Act 2014.</p> <p><b>Spatial plans</b></p> <p>Heritage Taranaki recommends that sch 2 is amended to include a new clause mandating that when preparing spatial plans local authorities must have regard to entries on the New Zealand Heritage List/Rārangi Kōrero. This provision could be similar to RMA 174(2) and/or NBA 174(2)(a):</p> <p><b>5 General considerations</b></p> <p>(1) <i>A spatial plan committee must [...].</i></p> <p>(2) <i>The spatial plan committee must [...]</i></p> <p>(a) <i>have regard to—</i></p>

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					<p>[...]</p> <p>(xiv) any planning document [...]</p> <p>(A) [...]</p> <p>(B) [...]</p> <p>(xv) relevant entries on the New Zealand Heritage List/ Rārangi Kōrero made under the Heritage New Zealand Pouhere Taonga Act 2014.</p>
Role of Heritage New Zealand Pouhere Taonga	PB, cl 46 & sch 3; NEB			<p><b>Plans</b></p> <p>Heritage Taranaki considers that Heritage New Zealand Pouhere Taonga should be given a greater role in the development of plans under the Bills, as well as in the development of national instruments.</p> <p>Heritage New Zealand Pouhere Taonga should be consulted on the development of land plans, as a minimum, given this is the primary plan managing the effects of activities on historic heritage.</p> <p>It may also be appropriate for Heritage New Zealand Pouhere Taonga to play a role in the development of spatial plans and natural environment plans given the inclusion of sites of significance to Māori, which are often also archaeological sites. This involvement would be necessary if sch 2, cl 3 was amended to include historic heritage as a matter that must be identified and provided for, as is being recommended by Heritage Taranaki.</p>	<p><b>Land use plans</b></p> <p>Heritage Taranaki recommends that a clause be inserted into sch 3 at the appropriate point mandating the consultation of HNZPT on the development of land use plans so far as they relate to historic heritage.</p> <p>This could be inserted under sch 3(5)(1):</p> <p><b>5 Pre-notification consultation on proposed plan</b></p> <p>(1) Before notifying a proposed plan for submissions, a local authority must consult on the subject matter of the proposed plan with—</p> <p>(a) the Minister; and</p> <p>(b) any other Minister of the Crown [...]; and</p>

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				<p><b>National instruments</b></p> <p>Heritage New Zealand Pouhere Taonga should be actively engaged in the development and review of any national instrument impacting historic heritage. For any national instrument focused primarily or solely on historic heritage, Heritage New Zealand Pouhere Taonga should play a key and meaningful role in its development.</p> <p>Involving Heritage New Zealand Pouhere Taonga early in the development of national instruments will help detect and hopefully avoid policy issues before wider consultation occurs.</p>	<p>(c) any nearby local authority; and</p> <p>(d) tangata whenua of the district [...]; and</p> <p>(e) any customary marine title group that [...],—</p> <p>(i) in the case of [...]; or</p> <p>(ii) in the case of [...]; and</p> <p>(f) <i>Heritage New Zealand Pouhere Taonga, in the case of any plan containing historic heritage provisions.</i></p> <p><b>Spatial plans</b></p> <p>Heritage Taranaki recommends that sch 2 be amended at the appropriate point and a new clause inserted mandating the consultation of HNZPT on the development of spatial plans so far as they relate to historic heritage. This could read:</p> <p><i>(...) Before notifying a spatial plan for submissions, a local authority must consult on the subject matter of the proposed plan with—</i></p> <p><i>(...) Heritage New Zealand Pouhere Taonga, in the case of any plan containing historic heritage provisions.</i></p> <p><i>National Instruments</i></p>

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					<p><b>National instruments</b></p> <p>Heritage Taranaki recommends that a new clause be inserted into the PB requiring the Minister to consult with Heritage New Zealand Pouhere Taonga on any national instrument including historic heritage matters. This could read as a paragraph under cl 46(6):</p> <p><b>46 Process for making national instrument</b></p> <p>[...]</p> <p><i>(6) The Minister must consult—</i></p> <p><i>(a) the Minister of Conservation on any proposal that relates to the coastal marine area; and</i></p> <p><i>(b) Heritage New Zealand Pouhere Taonga on any proposal that relates to historic heritage.</i></p> <p>[...]</p>
<b>Definitions</b>	Historic heritage	PB, cl 3	Support in Part	<p>Heritage Taranaki largely supports the definition of historic heritage as proposed. This definition includes core elements of historic heritage recognised in the RMA and of cultural heritage in the NBA.</p> <p>The definition of historic heritage as proposed, includes sites of significance to Māori and this is supported by Heritage Taranaki (with the exception that we prefer the term sites and areas of significance</p>	<p>Minor amendments to the definition of historic heritage are recommended, including to correct a spelling error:</p> <p><i>historic heritage—</i></p> <p><i>(a) means those natural and physical resources that contribute to an understanding and</i></p>

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				<p>to Māori – many significant Māori sites form part of a landscape or area that itself is of significance).</p> <p>Our reasoning for the inclusion of sites of significance to Māori/sites and areas of significance to Māori within the definition of historic heritage, largely aligns with the comments made by the New Plymouth District Council in their submission on the Bills.</p> <p>This is that following the release of the National Planning Standards in 2019 and the separation of sites and areas of significance to Māori and historic heritage, there have been some practical difficulties for local authorities and others in defining and managing these through district plans, resulting in duplication and some confusion.</p> <p>Including sites of significance to Māori/sites and areas of significance to Māori within the definition of historic heritage is likely to result in less duplication and greater planning efficiencies. This is important in Taranaki where many archaeological sites are also sites of significance to Māori/sites and areas of significance to Māori – largely a legacy of the Taranaki Wars.</p>	<p><i>appreciation of New Zealand's history and cultures, deriving from any of the following qualities:</i></p> <p><i>(i) archaeological:</i></p> <p><i>(ii) architectural:</i></p> <p><i>(iii) cultural:</i></p> <p><i>(iv) historic:</i></p> <p><i>(v) scientific:</i></p> <p><i>(vi) technological; and</i></p> <p><i>(b) includes—</i></p> <p><i>(i) historic sites, structures, places, and areas; and</i></p> <p><i>(ii) archaeological sites; and</i></p> <p><i>(iii) sites and areas of significance to Māori, including wāhi tapu, water bodies, or sites in or on the coastal marine area; and</i></p> <p><i>(iv) surroundings associated with those natural and physical resources</i></p> <p>We largely support the recommendations of the New Plymouth District Council in their submission points on historic heritage. An exception is our view that the subjective term <i>significant historic heritage</i> should be replaced in all instances with the more</p>

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					objective and clearly defined and established term <i>historic heritage</i> .
Specified topic	PB & NEB	Oppose		<p>Heritage Taranaki opposes the inclusion of specified topic in relation to the proposed regulatory relief framework, as outlined in the Bills, in its entirety.</p> <p>We oppose the inclusion of historic heritage and sites of significance to Māori/sites and areas of significance to Māori in the definition of specified topic.</p> <p>We also oppose the inclusion of the specified topic pathway for regulatory relief, contained in the Bills, in its entirety.</p> <p>Our reasoning for our opposition to the specified topic pathway and regulatory relief provisions more generally can be found under that topic heading.</p>	<p>Heritage Taranaki's preference is for the term specified topic, as well as the associated regulatory relief provisions, to be removed from the Bills. The definitions should be deleted:</p> <p><i>specified topic means any of the following topics:</i></p> <p><i>(a) significant historic heritage sites or significant historic heritage structures;</i></p> <p><i>(b) outstanding natural landscapes or outstanding natural features;</i></p> <p><i>(c) sites of significance to Māori;</i></p> <p><i>(d) areas of high natural character in the coastal environment, wetlands, lakes, rivers, or their margins</i></p> <p><i>specified topic means any of the following topics:</i></p> <p><i>(a) a significant natural area;</i></p> <p><i>(b) a site of significance to Māori;</i></p> <p><i>(c) terrestrial indigenous biodiversity</i></p> <p>Our second preference is for historic heritage and sites of significance to Māori to be removed from the definition of specified topic. This is consistent</p>

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					<p>with the recommendations of the New Plymouth District Council in their submission:</p> <p><i>specified topic means any of the following topics:</i></p> <p>(a) <del>significant historic heritage sites or significant historic heritage structures:</del></p> <p>(b) <i>outstanding natural landscapes or outstanding natural features:</i></p> <p>(c) <del>sites of significance to Māori:</del></p> <p>(d) <i>areas of high natural character in the coastal environment, wetlands, lakes, rivers, or their margins</i></p> <p><i>specified topic means any of the following topics:</i></p> <p>(a) <i>a significant natural area:</i></p> <p>(b) <del>a site of significance to Māori:</del></p> <p>(c) <i>terrestrial indigenous biodiversity</i></p>
	Qualifying person	PB & NEB	Oppose	Heritage Taranaki is concerned that the inclusion of the term qualifying person, as it is currently defined and utilised in the Bills, excessively constrains the ability of persons with legitimate public interests to submit on plans and consent applications. It is our view that submissions on all plans should be open to anyone, as should submissions on publicly notified consents. Limiting public involvement is likely to lead to poorer quality information for decision	<p>It is Heritage Taranaki's preferred position that the term <i>qualifying person</i> is removed from the bills altogether. Its continued inclusion does nothing to promote good quality policy outcomes.</p> <p>If it is decided to retain the term, then the definition should be amended substantially to enable wider public participation in policy making under the Bills.</p>

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				makers, and consequently, poor policy outcomes and greater unintended consequences, more likely to lead to litigation.	
Purpose, goals, and principles	Purpose	PB & NEB, cl 4	Oppose	The Bills lack a substantive purpose. The current procedural purposes do not describe what measurable successes or outcomes should look like under the proposed system, with regard to historic heritage or any other matters.	The purposes of both Bills should be amended to include a substantive policy purpose in line with the specified goals, we recommend this is focused on the concept of sustainable management and reference measurable outcomes of matters including historic heritage.
	Goals	PB, cl 11	Support in Part	<p>Heritage Taranaki partially supports the inclusion of (1) (g) (iii):</p> <p><i>(g) to protect from inappropriate development the identified values and characteristics of—</i></p> <p><i>(iii) sites significant historic heritage:</i></p> <p>As stated in our introduction, historic heritage, when managed appropriately, contribute positively to the use and enjoyment of Taranaki and other regions by residents and visitors alike and also have realised and untapped broader economic potential. It is therefore appropriate to protect these historic heritage assets from inappropriate development.</p> <p>However, it is noted that this clause has been amended from RMA 6 (f) <i>the protection of historic heritage from inappropriate subdivision, use, and development:</i></p>	<p>Heritage Taranaki strongly recommends amending PB, cl 11(1) (g) (iii) to protect historic heritage from <i>inappropriate subdivision, use, and development.</i></p> <p>We also strongly recommend the removal of the highly subjective <i>significant</i> modifier.</p> <p>We support, in principle, the New Plymouth District Council's position stated in their submission that the goals should be re-drafted to remove indications of hierarchy.</p> <p>We further add that the subparagraphs may be interpreted as sub-goals of lesser importance and that all goals should have their own paragraph.</p> <p>Adapting the New Plymouth District Council's example amendment, the amended cl 11 could read:</p>

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				<p>The inclusion of <i>subdivision</i> and <i>use</i> in the RMA was deliberate and their removal in the PB will almost certainly have significant negative outcomes for historic heritage assets.</p> <p>Managing the <i>subdivision</i> of historic heritage is significant to protect the identified historic heritage values of heritage places. For example, in Ngāmotu New Plymouth, the scheduled Hen and Chickens historic houses (a group of six houses completed in the mid-1860s for one family), contain relatively large sections that strongly contribute to the heritage value of both the houses individually and as a group, with each visible from the public street frontage. The inappropriate subdivision of these sections, such as of the street-fronting portion, followed by the subsequent construction of another structure on the property, would severely erode the individual and group heritage values of these historic heritage places.</p> <p>Managing the <i>use</i> of historic heritage is also vitally important for ensuring long-term protection and preservation. An example is a pā or redoubt scheduled as an archaeological site. These contain fragile earthworks (ditches, banks etc.) that are easily damaged by uses such as forestry. It is therefore appropriate to manage the use of these sites to activities that do not cause damage and ensure their long-term protection. Taranaki has a number of well-preserved examples of fragile pā and redoubt structures, as does neighbouring Whanganui and Waikato, some centuries old, that are likely to be severely damaged if their use is not appropriately managed.</p>	<p><i>The goals of the Bill are to provide for –</i></p> <p><i>[...]</i></p> <p><i>(f) public access to and along [...]</i></p> <p><i>(g) the protection of historic heritage from inappropriate subdivision, use, and development;</i></p> <p><i>(h) the protection of outstanding natural features and landscapes from [...]:</i></p> <p><i>[...]</i></p> <p>Although not Heritage Taranaki's preferred option, if sub-paragraphs are retained the amended paragraph (g) could read:</p> <p><i>to protect from inappropriate subdivision, use, and development the identified values and characteristics of—</i></p> <p><i>(i) areas of high natural character within the coastal environment, wetlands, and lakes and rivers and their margins;</i></p> <p><i>(ii) outstanding natural features and landscapes;</i></p> <p><i>(iii) sites <b>significant</b> historic heritage;</i></p>

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				<p><b>Significant historic heritage</b></p> <p>Heritage Taranaki notes the term <i>significant historic heritage</i> is not defined in the Bill. We are concerned that the use of <i>significant</i> acts as a highly subjective modifier that is difficult to measure objectively. The ability to objectively assess the value of historic heritage is important to ensure accuracy and fairness, including for private property owners, and ensure the right historic heritage places are identified, protected, and appropriately managed through the resource management system. The inclusion of the term <i>significant</i> will inevitably result in historic heritage assessments based on personal evaluation or opinion, rather than objective significance. Subjective assessments are likely to undermine the effectiveness and efficiency of the system, as well as increase the potential for litigation.</p> <p><b>Layout/drafting of goals</b></p> <p>We are also concerned that the layout/drafting of the goals, including terminology and levels, may indicate a hierarchy or primacy where one is not explicitly stated, and where Heritage Taranaki believes one should not exist. There exists a risk that development-focused goals will be given primacy over historic heritage and other public benefit protections.</p>	
	Effects outside scope	PB, cl 14	Support in Part	Heritage Taranaki considers that the inclusion of historic heritage in cl 14(2)(c) is appropriate and necessary to ensure historic heritage places can be effectively identified and protected given a number of	Heritage Taranaki supports the retention of historic heritage in PB, cl 14(2) with the following amendments to remove the subjective <i>significant</i> modifier, and eliminate definitional duplication. Several effects proposed as being outside of scope

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				<p>proposed out of scope effects in cl 14(1) are important for historic heritage identification and assessment.</p> <p>However, as previously mentioned, Heritage Taranaki is concerned that the use of <i>significant</i> when referring to historic heritage acts as a highly subjective modifier that is difficult to measure objectively.</p> <p>The PB definition of historic heritage includes sites of significance to Māori and does not require duplication.</p> <p>Heritage Taranaki considers that the inclusion of some of the outside of scope effects in cl 14(1) are likely to result in negative outcomes for Taranaki's historic heritage and wider heritage landscape and should be removed from the Bill. These are:</p> <ul style="list-style-type: none"> <li>cl 14(1)(c) regarding <b>retail distribution effects</b> - this effect should remain in scope to ensure local authorities can effectively plan for competitive and vibrant retail centres where people want to visit and undertake activities. Taranaki's city and town centres, where retail activity is focused, contain the highest concentrations of scheduled historic heritage buildings in the region, and the active use and maintenance of these buildings is important to ensure their long term survival – this is best achieved where retail activity is concentrated, occupancy rates are high, and thriving environments result in good levels of public and private infrastructure investment. Where investment is</li> </ul>	<p>in cl 14(1) should be brought into scope and be deleted, including retail distribution effects, visual amenity and landscape:</p> <p>(2) This section does not restrict the management of—</p> <p>(a) areas of high natural character within the coastal environment, wetlands, lakes, rivers, and their margins:</p> <p>(b) outstanding natural landscapes and features:</p> <p>(c) <b>sites of significant</b> historic heritage:</p> <p>(d) <b>sites of significance to Māori</b>:</p> <p>(e) the effects of natural hazards.</p> <p>Heritage Taranaki recommends amendments to PB, cl 14(1) as follows:</p> <p><b>14 Effects outside the scope of this Act</b></p> <p>(1) <i>A person exercising or performing a function, duty, or power under this Act who is considering the effects of an activity must disregard—</i></p> <p>(a) <i>the internal and external layout of buildings on a site (for example, the provision of private open space):</i></p>

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				<p>higher there is lower likelihood of the loss of historic heritage through demolition by neglect.</p> <ul style="list-style-type: none"> <li>cl 14(1)(e) regarding <b>visual amenity</b> - this effect should remain in scope to ensure local authorities can effectively plan for well-functioning urban environments, including the development of character areas. Heritage Taranaki supports the ability for local authorities to continue to schedule character areas, which have recognised social, environmental and economic benefits (for example see Howie, Auckland's Special Character Areas: He Taonga o Tāmaki Makaurau, 2024). Such areas can protect the wider contextual values of scheduled historic heritage, such as streetscapes. In Taranaki, a section of Ngāmotu New Plymouth's city centre where there is a high concentration of scheduled heritage buildings is defined as a heritage character area in the Part Operative New Plymouth District Plan. Heritage Taranaki considers that this heritage character area is vital for protecting the contextual heritage values of this area.</li> <li>cl 14(1)(h) regarding <b>landscape</b> - this effect should remain in scope to ensure local authorities can effectively plan for and protect Taranaki's unique wider heritage landscape that is the setting for scheduled historic and natural heritage features.</li> </ul>	<p>(b) <i>negative effects of development on trade competitors, including on competing providers of input goods and services:</i></p> <p>(c) <del>retail distribution effects:</del></p> <p>(d) <i>the demand for or financial viability of a project unless it is a matter to which section 11(1)(b) or (d) relates:</i></p> <p>(e) <del>the visual amenity of a use, development, or building in relation to its character, appearance, aesthetic qualities, or other physical feature:</del></p> <p>(f) <i>the following matters:</i></p> <p>(i) <i>the type of residential use; and</i></p> <p>(ii) <i>the social and economic status of future residents of a new development:</i></p> <p>(g) <i>views from private property:</i></p> <p>(h) <del>the effect on landscape:</del></p> <p>(i) <i>the effect of setting a precedent:</i></p> <p>(j) <i>any matter where the land use effects of an activity are dealt with under other legislation.</i></p>

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<b>Te Tiriti o Waitangi</b>	All	PB & NEB, cl 8	Oppose	<p>Heritage Taranaki strongly opposes the Tiriti o Waitangi clauses in the PB and NEB as they currently stand.</p> <p>The proposed approach to Te Tiriti o Waitangi in the PB and NEB clearly fails to uphold the Crown's obligations under Te Tiriti, and do not adequately provide for partnership, active protection, rangatiratanga and the exercise of kaitiakitanga.</p> <p>Heritage Taranaki values its relationships with mana whenua in Taranaki and the narrow interpretation of Te Tiriti in these Bills does not align with our interpretation of being a good Treaty partner.</p>	Heritage Taranaki recommends amending cl 8 in both Bills to give effect to the wider principles of Te Tiriti o Waitangi. New provisions could be based on Section 8 of the RMA and/or Section 5 of the NBA.
<b>Subdivision</b>	Gifts to Heritage New Zealand Pouhere Taonga	PB, cl 19(f)	Support	Heritage Taranaki supports retaining the waiver of subdivision consent requirements where land is a transfer or gift to Heritage New Zealand Pouhere Taonga.	Retain PB cl 19(f) without amendments.
<b>National Instruments</b>	All		Support in Part	<p>The Bills, as they stand, rely on national instruments for much of the detail of the proposed system, including that relating to the management of historic heritage. The Bills as they stand are generic and enabling, not specific. Given the proposed national instruments are not currently available and are not planned to be available for a considerable time, it is very difficult to comment on some aspects of the Bills given their intended close interaction.</p>	<p>Heritage Taranaki recommends the development of a national policy direction and national standards on historic heritage as a matter of urgency.</p> <p>Heritage Taranaki would like to see public benefit community heritage organisations closely involved in the development and drafting of national policy instruments relating to historic heritage. Public benefit community heritage organisations are the organisations on the ground, dealing with a variety of historic heritage matters every day, and can offer</p>

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					valuable insights into the practical outcomes of policy directions and initiatives.
Regulatory relief	All	PB, cl 92 & sch 3 part 4; NEB cl 111	Oppose	<p>Heritage Taranaki opposes all current provisions relating to regulatory relief in the Bills.</p> <p>Heritage Taranaki supports other organisations such as the New Plymouth District Council, Historic Places Aotearoa, and many others, who are calling for regulatory relief not to be applied to historic heritage and for the regulatory relief framework to be scrapped entirely.</p> <p>The proposed regulatory relief provisions are highly likely to have a significant negative impact on historic heritage, heritage more widely, and other legitimate public interest matters.</p> <p>It is not our intention to cover all issues with the regulatory relief provisions as there are many and these are covered in detail by other submitters, but it is our view that they are heavily flawed.</p> <p>We are of the view that the rationale for the introduction of such provisions is weak. Evidence that environmental controls through the RMA, including historic heritage, has substantially weakened private property interests lacks sound evidence base and appears largely anecdotal. Whilst we acknowledge the importance of private property rights in our society, they have not, and should not, be absolute where the public interest in matters such as the protection of historic heritage is at stake. It is noted that existing RMA Section 85 provisions</p>	<p><b>Specified rules pathway</b></p> <p>Heritage Taranaki strongly recommends removing the heavily flawed specified rules regulatory relief pathway completely from the PB and NEB. This includes removing:</p> <p>Part 4 of Schedule 3 of the Planning Bill; Clauses 111 of the NEB and 92 of the Planning Bill; and all other cross-references to Part 4 of Schedule 3 of the Planning Bill.</p> <p><b>General relief pathway</b></p> <p>Heritage Taranaki recommends amending PB cl 105 and NEB cl 122 to remove the relief threshold of "severe impairment" and replace it with the "incapable of reasonable use" threshold. This provides a means of addressing situations where true regulatory overreach has occurred.</p> <p><b>Eligibility criteria</b></p> <p>In line with the recommendation of the New Plymouth District Council, we recommend replacing cl 68(6)-(7) with a new sub-clause which provides that a person is not eligible for relief in respect of land subject to a rule in the RMA</p>

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				<p>protecting private land from being rendered incapable of reasonable use, have been seldom used.</p> <p><b>Specified rules pathway</b></p> <p>Heritage Taranaki opposes the inclusion of the specified rules pathway for regulatory relief in its entirety.</p> <p>The inclusion of historic heritage as a specified topic, making it subject to the specified rules provisions, is likely to result in significant adverse historic heritage outcomes. The requirement for local authorities to provide relief to owners of historic heritage places to which rules apply, will almost certainly limit the protection of historic heritage places. This situation is likely to be exacerbated through the proposed rate caps.</p> <p>Heritage Taranaki prefers the use of incentives to assist historic heritage owners to protect their heritage places. We have outlined further detail on a proposed national heritage incentives framework under our comments on incentives.</p> <p><b>General relief pathway</b></p> <p>The general relief pathway provided in PB cl 105 and NEB cl 122 is largely a modified RMA cl 85. Heritage Taranaki is concerned at the change to the lower relief threshold of “severe impairment”, relative to the RMA’s “incapable of reasonable use” threshold. It is likely that this lower threshold will result in the application of relief in situations where there has not been true regulatory overreach, either to historic</p>	<p>operative plan that is similar to a specified rule in the first proposed plan unless the impact on the land is substantially worse.</p> <p><b>Incentives</b></p> <p>Heritage Taranaki strongly recommends that as part of the current regulatory reforms, a national heritage incentives framework is established. Further details regarding this framework can be found under the incentives heading of this submission.</p>

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				<p>heritage, sites of significance to Māori, or other public benefit environmental protections.</p> <p><b>Eligibility criteria</b></p> <p>The application of the regulatory relief framework to existing sites, including historic heritage, that are already regulated in plans under the RMA is wholly inappropriate. These sites have already been through a robust planning assessment and appeals process, those in New Plymouth District very recently. A number of historic heritage sites in Taranaki have also been protected for decades, some since the era of the Town and Country Planning Act. Such sites have been through multiple plan changes under different legislative regimes and their significance and public benefit is well established; there is an expectation of protection for these sites. Requiring local authorities to reassess sites of historic heritage or other specified topics already scheduled in RMA plans will reopen resolved issues and present them with a significant administrative burden, the cost of which is likely to be passed on to ratepayers.</p>	
<b>Responsibilities of territorial authorities</b>	Overview of responsibilities of territorial authorities	PB, cl 184(2)	Support in Part	PB cl 184(2) requires a territorial authority to regulate and manage significant historic heritage, but there is no requirement to identify historic heritage. This creates a strong risk that historic heritage will not be identified during the planning process and thus not protected, an outcome that is not in line with the goal to protect historic heritage	Heritage Taranaki strongly recommends amending PB cl 184 to ensure territorial authorities meet their goals to protect historic heritage and other topics, as well as removing the highly subjective <i>significant</i> modifier:

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				<p>in PB cl 11. The same argument applies to the other categories under PB cl 11.</p> <p>As previously mentioned, Heritage Taranaki is concerned that the use of <i>significant</i> when referring to historic heritage acts as a highly subjective modifier that is difficult to measure objectively.</p>	<p><b>184 Overview of responsibilities of territorial authorities</b></p> <p>(1) Every territorial authority must [...]</p> <p>(2) In undertaking its responsibilities subsection (1), a territorial authority must <i>identify, regulate, and manage the following matters:</i></p> <p>[...]</p> <p>(f) <i>significant</i> historic heritage</p> <p>[...]</p>
<b>Regional spatial plans</b>	Mandatory contents	PB, sch 2, cl 3	Support In Part	<p>PB sch 2, cl 3 lists a range of matters that must be identified and provided for in regional spatial plans. Whilst cl 3(1)(k) includes <i>sites of significance to Māori</i> (according to the PB definition a sub-category of historic heritage), historic heritage itself is a notable omission. As protection of significant historic heritage from inappropriate development is a goal that those exercising or performing functions, duties, or powers under the Bill must seek to achieve, its exclusion from cl 3 is highly concerning.</p>	<p>It is recommended that to effectively achieve the goals of the Bill, sch 2, cl 3 is amended to include historic heritage. As sites of significance to Māori are, by definition, a sub-category of historic heritage, this has been removed to avoid duplication. This could read as follows:</p> <p><b>3 Contents of regional spatial plans: mandatory matters</b></p> <p>(1) The mandatory matters referred to in clause 2(1)(a) are as follows:</p> <p>[...]</p> <p>(j) any statutory acknowledgements [...]</p>

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					<p>(k) <i>sites of significance to Māori historic heritage</i></p> <p>(l) <i>any customary marine title [...]</i></p>
	Role of Heritage New Zealand Pouhere Taonga	PB		Note earlier comments regarding the role of Heritage New Zealand Pouhere Taonga in the development of regional spatial plans.	Note earlier recommendations regarding the role of Heritage New Zealand Pouhere Taonga in the development of regional spatial plans.
Land use plans	Monitoring and reporting	PB, cl 185 & 186	Support in Part	PB cl 185(1)(b)(iii) requires monitoring the implementation and effectiveness of land use plans. This is a requirement for plans under the RMA currently, but very few local authorities monitor and report on the effectiveness of their plan's heritage provisions. This clause would be more effective if it set out minimum requirements for reporting – 185(2) is too generic to be any use. Likewise, cl 186, sets out the instruments whose effectiveness should be monitored but not how, nor minimum requirements. The monitoring provisions will not require territorial authorities to report on the state of the stock of historic heritage.	<p>We recommend including requirements to report on the following in relation to historic heritage explicit in the Bill:</p> <ul style="list-style-type: none"> <li>• The effectiveness of plan provisions and consenting in managing historic heritage; and</li> <li>• The state of historic heritage in the district, including the condition of heritage sites.</li> </ul>
	Legal effect of rules	PB, sch 3, cl 58	Support in Part	Heritage Taranaki supports with amendments sch 3, cl 58(2)(b)(i), that rules relating to significant historic heritage have immediate legal effect when a plan is notified.	<p>It is recommended that sch 3, cl 58(2)(b)(i) is largely retained and amended as follows to remove reference to the highly subjective <i>significant</i> modifier:</p> <p>58 When rules in proposed plans have legal effect</p>

Topic	Sub-topic	Bill(s)/ Provision(s)	Position	Comment	Recommendations
				<p>As previously mentioned, Heritage Taranaki is concerned that the use of significant when referring to historic heritage acts as a highly subjective modifier that is difficult to measure objectively.</p>	<p>(1) Except as otherwise specified [...]</p> <p>(2) A rule in a proposed plan that is notified for public submissions has immediate legal effect if—</p> <p>(a) a national standard provides that the rule will have immediate legal effect; or</p> <p>(b) for a proposed land use plan only, the rule—</p> <p>(i) protects <b>significant</b> historic heritage; or</p> <p>(ii) relates to natural hazards; or</p> <p>[...]</p>
	Role of Heritage New Zealand Pouhere Taonga			<p>Note earlier comments regarding the role of Heritage New Zealand Pouhere Taonga in the development of land use plans.</p>	<p>Note earlier recommendations regarding the role of Heritage New Zealand Pouhere Taonga in the development of land use plans.</p>
<b>Evaluation reports and justification reports</b>	Justification reports	cls 87-91 & sch 3, cl 11	Oppose	<p>Heritage Taranaki is opposed to provisions requiring historic heritage be subject to justification reports as outlined in the PB.</p> <p>Heritage Taranaki considers the requirements relating to justification reports, which are much higher than those for evaluation reports, are unjustifiably high. Although the need for a clear evidential basis in such circumstances is recognised and supported, the impact of the requirements in cl 89, combined with the proposed regulatory relief framework (opposed in its entirety by Heritage Taranaki), will clearly</p>	<p>Heritage Taranaki's preference is for the regulatory relief framework, including specified topics, to be removed from the Bills completely. Should the regulatory relief framework remain, Heritage Taranaki would like to see either justification reports to be deleted from the PB entirely, or, alternatively, that as mentioned previously in our submission, that historic heritage is removed from the definition</p>

Topic	Sub-topic	Bill(s)/ Provision(s)	Position	Comment	Recommendations
				<p>act as a disincentive for local authorities to protect historic heritage. The protection of historic heritage is listed as a clear goal in cl 11.</p> <p>Heritage Taranaki considers that scheduling assessments, a standard report commonly used by heritage professionals and local authorities to establish the values of historic heritage items, combined with an evaluation report, will sufficiently justify the scheduling of historic heritage items. The requirements in cl 89(3), required for specified topics, are largely already standard in historic heritage assessments and requiring them again in justification reports risks introducing unnecessary duplication, costs and inefficiencies to the process.</p>	<p>of specified topics, and therefore not subject to either the regulatory relief framework or justification reports.</p> <p>Historic heritage should be dealt with more generally by evaluation reports and the PB amended to reflect this. Historic heritage should also be subject to robust scheduling assessments at the time of scheduling, as is already standard practice for district plan scheduling under the RMA, and that these be based on the definition of historic heritage, informed by national instruments based on established professional practice. Such a regime would ensure a fair and objective evaluation of proposed historic heritage items, without introducing unnecessary duplication, costs and inefficiencies to the process, as would be the case if historic heritage was subject to justification reports.</p>
<b>Environment Court</b>	Eligibility for appointment	sch 9, cl 24(2)(b)	Support	Heritage Taranaki supports sch 9, cl 24(2)(b) where the Attorney-General must have regard to the need to ensure that the Environment Court possesses a mix of knowledge and experience in matters coming before the court, including knowledge and experience in <i>heritage protection</i> .	Retain sch 9, cl 24(2)(b) without amendments.

Topic	Sub-topic	Bill(s)/ Provision(s)	Position	Comment	Recommendations
<b>Planning Tribunal</b>	Appointment of adjudicators	sch 10, cl 7(4)(b)(i)	Support	Heritage Taranaki supports sch 10, cl7(4)(b)(i) where <i>heritage protection</i> is considered a relevant area of practice for adjudicators.	Retain sch 10, cl7(4)(b)(i) without amendments.