

## Natural and Built Environment Bill Reform Series: Heritage

### Enhanced cultural heritage protections

The Natural and Built Environment Bill (**NBE Bill**) creates stronger protections for cultural heritage, previously known as historic heritage in the Resource Management Act 1991.

Heritage orders have changed, in the NBE Bill orders are strengthened to a more protective instrument, better equipped to protect cultural heritage sites by placing prescriptive duties on persons aware of a protection order to actively protect the identified cultural heritage. The purpose of providing for an active duty is to mitigate potential 'demolition by neglect' of cultural heritage sites.

Cultural heritage provisions increase scope for mana whenua involvement in decision making in relation to the status of cultural heritage sites and requirements for their protection.

Additionally, the definition of a Heritage Protection Authority now includes any Māori entity with mana whenua, including a group representing hapu or a Māori entity with an interest in a given place.

The NBE Bill introduces new concepts of cultural heritage offsetting and cultural heritage redress. These new provisions are a set of principles providing a standard for offsetting adverse effects on cultural heritage sites.

#### In summary:

- Cultural heritage offset is a commitment to redress any more than minor residual adverse impact and should be contemplated only after steps to avoid, minimise and remedy adverse effects are demonstrated to have been exhausted. The list should be considered sequentially e.g. minimise should be considered after avoid etc.
- Cultural heritage redress is a commitment to redress more than 1 minor residual adverse impact and should be contemplated only after steps to avoid, minimise, remedy, and offset adverse effects are demonstrated to have been exhausted. The list should be considered sequentially e.g. minimise should be considered after avoid etc.
- Cultural heritage compensation aims to achieve enhancement of cultural heritage sites greater than would normally have occurred in the absence of compensation.

General themes identified by submitters in relation to heritage include:

- Support for Te Tiriti provisions as an improvement on the current resource management system with the recognition of cultural heritage. However, concerns were raised by submitters that cultural heritage provisions are not integrated with the rest of the Bill or, if they are, the connection is unclear for property owners and members of the public.
- Concern at the lack of national direction on cultural heritage that will require the National Planning Framework to be comprehensive for the system outcome for cultural heritage.
- Concern Category 2 historic places are not included in the definition of 'specified cultural heritage'.
- Concern at the lack of process identified to decide what is specified cultural heritage.
- Concern the lack of hierarchy in system outcomes will lead to cultural heritage considered a low priority due to location in the system outcomes as currently drafted.

---

**Natural and Built Environment Bill Reform Series: Heritage**  
(Continued)

**Want to know more?**

Please contact a member of our [Environments, Planning and Natural Resources Team](#) if you would like to know more.