

Submission on the Natural and Built Environment And Spatial Planning Bills

February 2023

[Parents for Climate Aotearoa](#) is a group of largely parents and wider whānau, concerned with our families and particularly the future of our tamariki and mokopuna in a rapidly warming world. Our parents come from a range of backgrounds and experiences including climate science, social science and policy. We are also ordinary parents standing up for climate justice, in between our family and community commitments, to ensure all children have a safe climate and world to live in.

We are very concerned for those already impacted, vulnerable, and whose voices are ignored in our society. They are most at risk of the consequences of climate change and by poorly thought out mitigation and adaptation measures. **Our society's role, led by the government is to ensure that no one is left behind.** Our lack of urgency and action today is already being felt with increasing extreme weather events here in Aotearoa and around the world. The consequences of our inaction will also be felt by our children tomorrow - many people, particularly women and children are hurting today around the world, from the consequences of global warming.

Submission Contents

Title and about Parents for Climate Aotearoa	1
Contents and Glossary	2
Introduction	3
Our Concerns and Recommendations	4
Community Trust and Participation	4
<u>A: Plain language accessible information</u>	4
<u>B: Community contribution and Participation</u>	5
<i>Digital System</i>	7
New System and Decision Making	8
<u>Decision Making</u>	8
Resourcing of the change	10
Alignment with other legislation	11
Climate Change	11
<u>Climate Adaptation Act (CCA)</u>	11
<u>Transitional Climate Change Directives</u>	11
<u>Climate Change Mitigation</u>	12
Other specific recommendations	13
Environmental limits	13
Fast-track pathway for housing and infrastructure	13
Measurements, Monitoring and Enforcement	13
Aquaculture	14

Glossary of terms

CAA	Climate Adaptation Act
IHP	Independent Hearings Panel
NBA	Natural and Built Environment Act
NBE Bill	Natural and Built Environment Bill
NBE plan	Natural and built environment plan
NME	National Māori Entity
NPF	National Planning Framework
RMA	Resource Management Act 1991
RPC	Regional planning committee
RSS	Regional spatial strategy/Regional spatial strategies
SCOs	Statements of Community Outcomes
SP Bill	Spatial Planning Bill
SPA	Spatial Planning Act

Introduction

We welcome the intent of these reforms. As we stated in our submission on the National Adaptation Plan last year “We are in the midst of making and implementing major decisions on how we respond and adapt to a warming climate, including limiting that warming to below 1.5 degrees. A major barrier to real democratic engagement however is lack of plain language and accessibility. These plans will have a long lasting impact on people’s lives, particularly our tamariki and we continue to feel frustrated by the gatekeeping language and inaccessibility for everyday people.” This is the same for the Resource Management Act (RMA) reforms.

In the spirit of plain language, these bills were hard yakka to read let alone understand. Many organisations, including ours, had trouble making their way through and it has been extremely difficult for civil society to meaningfully engage with the content. We can appreciate how difficult it is to convey this information when constricted by bureaucratic processes and if the government is sincere in bringing everyone along and gaining the social licence and support needed then these systems of engagement need to vastly improve.

As we have mentioned in many submissions before, people came together in 2020 to protect the people we love and our communities from Covid-19 because of the clear direct communication from our elected leaders. We knew the problem, the scale and we acted accordingly. This is the case for all our big national and local challenges, be it housing, health, freshwater, biodiversity or climate change. **These reforms are intended to be a tool to meet these challenges and we need our communities to be a key part.** These bills have been subject to misinformation and disinformation, due to a lack of good, clear communication and education on what these changes mean for people in their everyday lives. We are clearly seeing the same thing happen with Three Waters proposals which intend to address our fragile ageing water infrastructure.

Our submission is informed from our many previous submissions, input from our community and our wealth of knowledge and experience in our organisation on what is important to New Zealand parents and grandparents. As we did with the National Adaptation Plan submission, in the spirit of accessibility, we summarise our recommendations as below.

We support the intent of this legislation subject to our Concerns and Recommendations below. We welcome the move to outcome based decision making, setting environmental limits, councils working together regionally and the mandated partnership with māori and iwi.

Our Concerns and Recommendations

Community Trust and Participation

Our communities are at the heart of our society and without thriving, healthy people we do not have an economy. Our people are connected to everything, including how we look after our ecosystems. We feel our communities and people are continually under valued in government reforms like this one. To achieve the goals of the reforms and good outcomes for our communities and environment, communities need to be a central part of the whole system. This can be achieved by:

- A. delivering accessible plain language information and education about the new system, how to contribute and information to contribute to consultations and navigate the system.
- B. Make contributing and participation to the strategies and plans as accessible and easy as possible that work for all our diverse communities.

A: Plain language accessible information

Our families need good, accessible, plain language information. Our members want to contribute, though at present there are many barriers. There are major **risks to our democracy, which we think are increasing, as there is a lack of shared understanding of our big challenges, which are likely to erode social cohesion and trust in our institutions.**

Public participation is crucial, especially in the development of Regional Spatial Strategies (RSS) and Natural and Built Environment Plans (NBE plan). **There is a disconnect in current concern about our big challenges like climate change, what is needed to tackle them, and the general public understanding of changes needed.** We see this everyday with our families, friends and communities. It is important that we connect the dots between what is happening to our communities and ecosystems and why and what are our options and solutions. At present our communities have incomplete information, often mainly just the problems and consequences. **Which results in people feeling disempowered and worried. Even worse, disengaged.**

At the same time, the central government has been concentrating on foundational legislation and reforms, without adequate in-depth community conversations as to why. **We are currently stuck with this incomplete shared understanding and to move forward collectively we need a more complete shared understanding.** This must be done in a way that doesn't disempower people with an overload of doom, but frames a positive future which supports people better than our current economic and social systems.

We have a lot of information, though it can be hard to find and use. **As a climate advocacy organisation, we are aware of this wealth of information, though rarely do we come across any that is in a form that most of our members and communities can access and understand.** It is just too hard and overwhelming for many we speak too.

A core aspect of accessibility is translating that wealth of data and information into a variety of formats and language that is suited to our diverse communities. **Putting it on a website is not enough,** as there are issues with accessibility and the need for people to talk about it.

Too much of the information is targeted to the central and local governments and their bureaucratic language. We need ongoing information and resources, from a variety of trusted messengers to lead and enable conversations at the community and family level. **Then people and their communities can effectively engage in deciding with local and central governments how we change, where and how that changes through time.**

We need well resourced communications and engagement teams in the RPCs, that work closely and partner with their councils and trusted community groups and organisations. These teams would also be tasked to deliver plain language information to their communities.

Our recommendations for plain language accessible information

- Plain language information made available in a number of formats (summaries, long technical documents, video, audio etc) and languages.
- Properly resource information and resources at all levels.
 - Government information
 - Council education and engagement
 - Community organisations and trusted sources that represent our diverse communities
- Specific provision for the RPCs, of providing and supporting information in a variety of accessible forms that meets the needs of our diverse communities.
- Strong directives in the reforms that set requirements to deliver plain language information that supports all members in our communities to contribute to Statements of Community Outcomes (SCOs), RSS, NBE plans and be able to navigate the consenting process.

B: Community contribution and Participation

One of the major issues with the current RMA system is accessibility and these reforms do not seem to adequately address it. While there is intention to reduce costs and provide more certainty to people, this is likely to mainly help people and groups that have resources and know how to navigate our complex bureaucratic

systems. We have significant concerns that it will do little to enable more widespread input by our communities. This is especially important in the plan development phase as it sets the rules. We are disappointed that there appears to be little beyond the status quo of the current RMA system for “Public participation in the future system”.

We recommend that the RPC **must consider** and “put in place effective input from the region, using a range of tools and approaches” (p.52 Ministry for the Environment. 2022. Our Future Resource Management System: Overview – Te Pūnaha Whakahaere Rauemi o Anamata: Tirowhānui)), instead of “is expected to consider how best to encourage...”. Budgets are always tight and without clear direction, we can see that community engagement could be inadequate. There will be similarities around the country, and there will be specific local community needs, hence we recommend collaboration between RPCs and their councils.

There must be directives to RPC and central government to provide ongoing extensive education on how to contribute to the RSS and NBE plans in their regions, including their rights, how to raise objections and navigate the all of the RPC processes.

We have noticed and welcomed how some councils have taken steps to make their consultations more accessible. **These include providing short summary (or snapshot style) documents, alongside the more information dense documents.** Some have made improvements to their submission options, with a limited number of questions and multiple ways of giving feedback, including going into communities in their trusted spaces. We have seen the benefit of these examples of flexible engagement and collaborations and know that one major barrier to do more is council resources.

A people centric approach includes reducing barriers to participate at all levels of governance and decision making. We need to provide a number of ways to participate that fits the needs of communities and different stages of life. For example families with young kids have different needs of youth and different needs of retired people. **We need all parts of our society to actively contribute, especially the most affected voices.** This includes multiple ways of engagement and contributions, that include the current written submissions and more that suits the needs of each community.

At the same time community engagement must not be left wholly up to the councils. RCPs are ultimately the decision makers, so the committee and its secretariats should have a good understanding of all their community needs and wants.

Part of this is building trust in our systems and institutions, and it is likely that the RPCs will not be trusted or will be weary of by some of our communities. One part of

building that trust will be partnering with trusted community groups, organisations and individuals who are well respected.

The hearings, appeals etc must be truly accessible and not just to those with deep pockets. The RSS and NBE plans are very important to the whole system. There must be clear, simple accessible information on how to input into the plans and how to raise objections and navigate the hearing process run by an Independent Hearing Panel (IHP).

We support a hearings process that is “inquisitorial (investigation based)”, as it is less intimidating to our communities.

We also support early engagement and conflict resolution. For this to work well, our communities need good, clear information, and the ability to discuss with trusted members in their communities in trusted, accessible spaces. Again, well resourced community partnerships are really important, as trust is low in our institutions in many communities.

Digital System

We recommend that there are specific provisions to assist people to use system digital tools and alternative options in the cases where there are challenges with access to the internet and digital devices. Work must also be ongoing to deliver an accessible digital system that works for people that have English as a second language, disabilities, other challenges and those with a lack of trust in our government systems. It must also work for Māori and their diverse community needs.

Our recommendations for improving community trust and participation:

- We recommend that community and its role and responsibilities are a larger part of the reforms and provisions to support their role.
- Provide ongoing, ring-fenced funds for consultation and engagement.
 - A significant proportion of the funds should go to people to have these conversations within their communities and all demographics in a way that suits their needs.
- For large important consultations like the Regional Spatial Strategies (RSS) and Natural and Built Environment Plans (NBE), provide a number of ways to contribute including through discussions in community spaces, such as:
 - The opportunity to listen to and ask questions of officials, including one-on-one (which works better for those who don't feel comfortable addressing a crowd), in a variety of spaces and places that suit the needs of all in our communities
 - Short surveys, discussions with officials, support group specific community submissions

- Facilitated community discussions. We have many skilled people in Aotearoa who are apt at facilitating difficult discussions. We should resource this facilitation.
- Clear defined roles of the central government, RPCs and councils on their responsibilities for working with their communities and engagement in the reform processes.
- Working with organisations and individuals who know their community needs to have the best chance of developing an accessible system.
- Ongoing ring fenced funds provided for central government, RCPs, councils and their community partners for increasing accessibility and using the digital system.

New System and Decision Making

Our financial and social systems are fundamentally broken. It only works for the very small percent of people, ironically the very percentage that have often contributed to most of our social and environmental problems. These systems were created by people and are not their own living breathing entities that need to be continually revived. They can be changed. We have an opportunity right now to replace these antiquated systems to one that vastly improves the lives of our people and restore our ecosystems.

To do this, we need new tools and systems, not just amalgamations, streamlining, good intentions and rehashing of our current ways for doing things. While we see a number of promising initiatives in these reforms, too much of the old RMA system is incorporated. While fewer strategies and plans for people to navigate between councils will be useful, they will still be very large and complex documents and are quite frankly a daunting prospect to contribute to.

While we acknowledge that this is complex and we have significant challenges, that is not a reason to stick only to our known ways. At the very least, as discussed above, a large effort is needed to simplify and encourage community engagement and participation, this would be a step in the right direction. Options include a form of deliberative democracy co-designed and in true partnership with Māori, developed to suit our culture and history, resourcing community involvement, a fostered culture of contribution to our local decision making and leadership that reflects their community.

Decision Making

How decisions are made is just as important and what the constraints are on decision making. One of the key issues we see is how we navigate power imbalances and actively address and minimise them. We need clear mandatory guidelines that weigh these needs highly. **An open and transparent process will help and one that is backed up with clear and ongoing communication and**

engagement in ways that work for all of our communities, especially those marginalised and vulnerable.

We see a way to navigate these tough conversations and decision making. Good information is a key start, as discussed above, and where people have time to listen and be heard. **There must be a process for equitable representation and engagement, where the marginalised and vulnerable and our ecosystems are given high weighting in decisions.** We support the legislated Māori participation in these reforms as a big step in the right direction and recommend including prescriptions in providing for all our vulnerable and marginalised groups in decision making in the RCPs.

The secretariat of the RPC needs to have expertise in the wide range of needs of their regions, including disabled, gender diverse, youth and children, immigrants and refugees, racism etc. It is better to front foot this expertise at the start of the planning process to better ensure a truly inclusive planning process. This is in addition to the outreach and collaboration discussed earlier. This internal expertise will also help those on the committee in their understanding of the diverse needs of their region. One option could be to have a sub committee, as long as it's not siloed off.

Our other concern is by regionalising the strategies and plans, it could make it harder for local solutions to local problems. This reform needs really robust transparent two way communication between local communities, their councils and RPCs. With climate change we need to change and adapt quickly. This reform needs to be agile to accommodate the uncertainty and unpredictability and crucially not put barriers in the way of needed rapid change.

Our recommendations for a New System and Decision Making

- A rethink of the whole system to evaluate whether the reforms are fit for our current and future challenges.
- A framework on how power imbalances are identified and how these will be mitigated and monitored.
- Diverse expertise in the secretariat
- We recommend true co-creation, iterative, integrated approach going forward, with iwi and hapu, and communities throughout Aotearoa.
- A governance model that has a holistic framework in keeping with the Te Ao Māori worldview and not just in the goals and objectives, but embedded throughout the system.
- Flexible planning that can change quickly with the growing uncertainty of a warming world.

Resourcing of the change

These reforms will result in a huge work programme over the coming years, particularly for our councils. The public service is already under heavy pressure from the Covid-19 response and regular climate enhanced disasters and in no position to pick up additional responsibilities especially now we have record low unemployment. **We are concerned on how the central government and local councils will be able to carry out these reforms.**

Local Governments have been carrying the burden of the current RMA and climate change response and adaptation. Councils and their communities do need better legislation and they also need increased capacity to do that work. **Councils and communities are the ones who deal with the interconnectedness of the risks, impacts and solutions, so it is vital that there are coordinated co-created reforms between councils and central government.**

We are concerned that there will not be enough resources for councils and regions implementing these reforms. **This is a significant amount of change and it needs to be resourced properly, including communicating these plans and related information.** We are concerned that the quality and accessibility of the reforms will vary around the motu if more funding is not provided. If the councils are required to fund the RPCs, councils must have more funding from the national tax takes. Otherwise we recommend that the central government allocate ongoing funds to councils and RCPs to provide consistent good outcomes. Equity must also be taken into account.

Our communities also need to be better resourced to contribute, such as community leaders and organisers to facilitate and bring people together. Community could help, especially around information and engagement. We recommend the government put aside ring fenced funds to go to community support for the reforms.

Māori and iwi must be well funded to carry out their responsibilities under this reform and we recommend this come from ring fenced central government funds.

Our recommendations for resourcing of the change:

- That councils are fully resourced to do this work, that includes significant funds for their community engagement, either by new allocation from part of the national tax take or specific ongoing ring fenced funds to councils and the RCPs .
- Government staff are fully resourced and supported to do this work and prioritised.
- Ongoing community participation and engagement ring fenced funding delivered through the RCPs and councils
- Ring fenced funding for Māori and iwi legislated work

Alignment with other legislation

This government has a number of large reforms underway, of which we support the intent to various degrees. We are very concerned with the continued siloed approach. This is a continuation of our problematic bureaucratic system and it is disappointing more has not been done to address this in the intervening years. We and many others including iwi, hapu and Māori organisations have continually raised this in previous submissions on climate change and other legislation. We must work through big changes in a more holistic way to reduce the possibilities of unintended consequences.

Our human and environmental challenges, as well as climate change are very closely interrelated. We think that more needs to be done to weave these together in these reforms. Many of the challenges we face for adapting to climate change, such as information accessibility, engagement and participation are the same for reducing our emissions and restoring our ecosystems. **We must do both together, otherwise we face unintended consequences and make it harder for future generations to adapt and have a worsening climate.**

Our recommendations:

- We need an interwoven approach across all the government reforms. All of our society can benefit by this approach, that puts the wellbeing of all at the centre and is a truly holistic approach.

Climate Change

Climate Adaptation Act (CCA)

Timing

We see problems with the timing that NPF will be developed before the CCA is enacted. We recommend that once the CCA is enacted that the NPF **have a specific evaluation and public consultation process** to make sure the NPF is consistent with the CCA

Integration

We need more information as soon as possible as to how the CCA will interact with the rest of the RMA reforms.

Transitional Climate Change Directives

We are concerned about the timeframes for implementation in respect to some of the serious flaws the current RMA has. In this reform transition, **government departments and agencies and councils are making infrastructure and project decisions that could result in reducing future adaptation options and stranded assets.** Examples include new libraries beside coastal rivers, airport expansions, houses built in increasingly vulnerable places and new roads. Our members see this

in their communities and it is difficult (though we still try) to have discussions with councils about these projects and unintended consequences. It is vital we stop the bad stuff as soon as possible. **New infrastructure and anchor projects built now in vulnerable areas, will most likely result in needing expensive protections into the future. It reduces the options to what are the best adaptation solutions for those areas and potentially puts a heavy cost burden on future generations.**

While we do need new legislation and a framework to facilitate better decision making, we also have enough information now to put a directive out that decisions must take a precautionary approach. **We cannot continue to rely on historic and current decision making processes, as risks are changing.** We need transitional measures that give directives to councils, the environment court and the public that mandates climate change mitigation and adaptation be addressed in all consents, government and council work now.

Climate Change Mitigation

At this stage we are concerned that climate change mitigation does not have a big enough focus in the reforms. While we understand there are many details yet to be worked through, we need more confidence that the reforms will deliver for mitigation as well as adaptation. This is a crucial decade for limiting global mean temperatures to 1.5C and to date Aotearoa is not on a path to do its part to meet this goal. The long reform transition could hamper our mitigation efforts.

The objective “better prepare for adapting to climate change and risks from natural hazards, and better mitigate emissions contributing to climate change” is far too weak. **We must prepare and start adapting now, while reducing emissions as fast as possible**, that is the absolute minimum we owe ourselves now and future generations.

The reforms must include directives that the NPF, RSS and NBE plans be consistent with the Climate Change Response Act and its emission reduction and adaptation plans.

We recommend one of the environmental limits must be emissions, that at a minimum are consistent with the national emission budgets and also provide each region to set higher targets with their communities.

Our recommendations:

- More information on the CCA and a provision to have additional public input into the NPF after the CCA is enacted.
- A strong specific climate change mitigation and adaptation directive to minimise bad outcomes of consents in the reforms transitional period and be given immediate legal effect on the NBA enactment. With accompanying

guidance from central government to councils, Environment Court and the public on how to take climate change into account for consents, with references to our Emission Reduction Budgets, National Adaptation Plan etc. The Climate Change Commission could assist in this.

- Strong climate change mitigation focus, tools and limits in the reforms

Other specific recommendations

Environmental limits

We support environmental limits. **However, we need to go further, by restoring our environments as much as possible in our built and natural environments.**

This restoration is a key action we can take to increase our resilience, drawdown carbon and adapt to climate change. Need clear targets for restoration and improvement on key outcomes for human and environmental health, as well as limits. This is defined as a “minimum level target” in NPF and where “the current state of ecological integrity is unacceptably degraded”.

We are concerned on how these limits are set and the data and values these decisions are based on. Who sets and assesses environmental states? What is a good state, ok, bad etc? How are decisions made on what the minimum level targets are and are these different for ecological integrity and human health? **For confidence in the new system and limiting conflict and appeals etc, there needs to be transparency and trust in the inputs into decision making and the decision makers themselves.**

We recommend a framework set up collaboratively with the Parliamentary Commissioner for the Environment, National Māori Entity and science relevant representatives that weaves mātauranga Māori and western science.

Fast-track pathway for housing and infrastructure

We support more affordable, safe and healthy homes for our communities. While fast-tracking this sounds good, they must not be done, how we have been building them, in vulnerable places to natural and climate enhanced hazards and on good agricultural soils. This is a key problem with the current RMA and must be addressed for fast-tracking to result in good outcomes. This is a major weakness in the Climate Adaptation Act being delayed. **To have confidence in this pathway, we need more information on the decision making criteria and have a clear mandatory commitment to reducing risks overall to climate change, adaptation, environment and community health and wellbeing.**

Measurements, Monitoring and Enforcement

To know our problems, understand our options and make good decisions we need good consistent measurements and research across the motu. There are significant

gaps and issues in our current monitoring and research as outlined by the Parliamentary Commission for the Environment report last year. This is another weakness of the current RMA.

We support the Parliamentary Commissioner for the Environment and the proposed National Māori Entity to have oversight and input into the setting of what is and how it is monitored. We need consistency across the motu and recommend ring fenced funds by the central government to carry it out.

There must also be a supported well resourced consistent framework for monitoring and enforcing consents. This has also been a problem with the RMA. Councils have a tricky role in working with their communities, businesses and land owners and being a watchdog on their activities and consents. We see potential problems with the RCPs making the rules and the councils enforcing them and more work needs to be done collaboratively between the ministry and councils to work through the council's concerns.

Aquaculture

We support in principle the proposed management framework for aquaculture. This industry is facing significant challenges now from our warming oceans, while also being a lower emissions food source. We support regulations that will allow the industry to adapt to climate change and produce more low emissions food, while limiting any adverse environmental effects.

Thank you for reading our submission.

Ngā mihi,

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