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Te Kokiringa Taumata

FEEDBACK ON 'MANAGED RETREAT' CONSULTATION

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Introduction

1. Te Kokiringa Taumata | New Zealand Planning Institute (NZPI) welcomes the opportunity to present this feedback on the 'Adapt and Thrive: Building a climate resilient New Zealand' Managed Retreat consultation. We appreciate the opportunity to provide feedback that will help inform the initial stages of policy development for the Climate Adaptation Act (CAA).
2. NZPI strongly supports the need for legislation on managed retreat and we call for strong leadership from central government on this issue. We are encouraged by the discussion in the consultation document, but can see that there is a significant way to go in the policy development process. This legislation will deal with one of the 'wicked problems', not just for planning but for our society as a whole in New Zealand, and it needs to be bold and confront the issues head-on.
3. This submission is structured with general comments on policy development for managed retreat presented first, followed by specific feedback on the groups of questions included in the consultation document. Feedback is primarily from a planning practice point of view, driven by our desire that policy decisions are based on 'on the ground' examples and evidence, and that the legislation is practical and workable. The feedback in this submission parallels the feedback provided by NZPI on the Draft National Adaptation Plan (NAP).

General comments

Problem definition

4. NZPI agrees with the problem definition and the justification for the need for legislation on managed retreat. As stated in the consultation document, managed retreat raises unprecedented governance, policy, funding and implementation issues. Underlying these issues are concepts and assumptions that have been fundamental to the way our resource management system has operated to date. Legislation on managed retreat, by necessity, will challenge and change these concepts and assumptions. This needs to be done with care, with regard to the lessons learned from our New Zealand experiences, and in accordance with Te Ao Māori.
5. These key concepts and assumptions inform our submissions points, and they include:
 - Assumptions about the robustness and strength of private property rights
 - The tension between public good/safety and individual rights
 - The assumption that knowledge leads to 'good' individual decision-making
 - The idea that decision-making should be undertaken as close to the community affected as possible
 - New Zealanders' heavy commitment to investment in property

Intolerable risk

6. Managed retreat is described in the consultation document as 'an approach to reduce or eliminate exposure to intolerable risk'. NZPI supports this description, but 'intolerable risk' must be defined. It is essential to the efficient and effective operation of the CAA that the legislation includes a clear



definition of intolerable risk. Experience shows that a significant amount of time and resources currently goes into determining whether a risk is intolerable or not. This requires substantial technical assessment and often a substantial community engagement process. The discretion to determine whether a risk is intolerable or not is a barrier to progressing managed retreat and other risk reduction measures in a timely and efficient manner. The lack of a definition of intolerable risk is also a significant litigation risk, and the failure to provide a definition will see a big role for the Courts in determining what intolerable means.

7. A number of local authorities in New Zealand have been through processes to develop methodologies for determining levels of risk and for defining 'intolerable' risk (or equivalent), including consultation processes with communities (for example the Bay of Plenty Regional Policy Statement, the Otago Regional Policy Statement, and the Christchurch Replacement District Plan). There are also guidance documents used nationally, such as the Australian Geomechanics Society Landslide Guidelines. The Government would therefore not be starting from scratch in defining intolerable risk.
8. Consistent risk terminology between the CAA, Natural and Built Environment Act (NBA), the Spatial Planning Act (SPA), and the National Planning Framework (NPF) is also essential to the efficient and effective operation of a managed retreat system. Currently, the Resource Management Act (RMA) uses the term 'significant' risk, and RMA planning documents throughout the country use a variety of terms such as 'significant', 'intolerable', and 'high' to mean similar things, which is confusing and inefficient.

Natural hazards AND climate change risks

9. Policy decisions on managed retreat need to consider the two distinct situations in which managed retreat might be necessary:
 - The need to retreat is 'immediate', due to intolerable risk to life from natural hazards, or hazard events such as flooding that are already occurring with increased frequency due to climate change.
 - Gradual onset effects of climate change and sea level, where the need to retreat is not immediate but will be required at some point in the future.
10. The circumstances in which retreat would be implemented in each of these situations, and therefore the policy settings for each, are different, most notably in relation to the implications of the time available for implementation. These differences need to be accounted for and addressed in the CAA. A one-size-fits-all approach will not work.

Pro-active retreat

11. For responding to both natural hazard and climate change risks, the ability to be pro-active is key. Practice shows that under the current system it is extremely difficult to be proactive at reducing risk in New Zealand before an event occurs. The often cited, high-profile examples of managed retreat occurring in New Zealand (the Christchurch Red Zone and the Matatā debris flow on the Awatarariki Fanhead) were both planned and implemented after a significant event had occurred.

Addressing the key concepts and assumptions highlighted in paragraph 4 will be essential for allowing pro-active managed retreat before an event, or sea level rise threshold, occurs.

12. The definition of intolerable risk and its use as a trigger for actions in the legislation will be an important consideration for enabling pro-active retreat. Pro-active retreat in the gradual onset situation described above means managed retreat in advance of risk becoming intolerable. That situation raises different policy considerations to retreat in response to imminent danger.
13. The consultation document states that much of the planning process that could result in a managed retreat will be done through the NBA and SPA processes. This makes sense and NZPI supports this. However, for this to work in practice, the NBA and SPA legislation needs to deal with the same key concepts and assumptions that the CAA has to address. Given the timing of the CAA in relation to the NBA and SPA, there is a need to ensure the CAA has the strength to be directive to NBA and SPA process and documents, to ensure a comprehensive systems approach to managed retreat.

Scale

14. The scale at which managed retreat might need to be implemented is also likely to differ, and the community concerned may be very small or very large. Again, the policy considerations are different when considering small scale and large scale retreat, even though intolerable risk may be present in both situations. The legislation therefore needs to be scalable.

Data

15. Data is a critical core component of making good decisions. The points made in the NZPI feedback on the draft NAP on data and technology apply equally to managed retreat and are not repeated here. Nationally available and consistent data and modelling will lead to better decision-making and a fairer process. Central government has the ability to coordinate the development of natural hazard and climate change information. The policy decisions on the CAA must make appropriate provision for this. Means by which to direct and link the work done in the National Science Challenges to 'on the ground' managed retreat situations need to be provided.

Professional capacity and capability

16. NZPI is conscious that the issues associated with managed retreat are complex and can be very technical. Risk assessments and risk metrics can be challenging to understand, and a degree of translation is often needed for a technical risk assessment to be understood by planners, decision-makers and the community. The mechanisms of managed retreat and what it looks like in practice are not very familiar to us, because there have not been many examples of managed retreat occurring in New Zealand.
17. These considerations raise concerns for NZPI over the ability of the system to administer the CAA and we would like to raise, at this early stage, the need for significant investment in developing capacity and capability within the system to deal with managed retreat.

Objectives and Principles

18. NZPI's submission on the draft NAP included specific comments on each of the two sets of objectives and principles (for the legislation and for funding responsibilities). Rather than repeating those comments, the following comments add to those made in the submission on the draft NAP.
19. Wellbeing is a concept that needs to be integrated into the objectives of the legislation and funding responsibilities. Wellbeing incorporates social, cultural, economic and environmental considerations and is integral to the purpose of the NBA (in both Pākehā and Māori contexts). Using wellbeing as an overarching objective for managed retreat would enhance system coherence. Wellbeing would provide a reference point for managed retreat decision-making and provide for consideration of both the risk outcome managed retreat would achieve, and the full suite of costs of achieving it. The question becomes, are the costs to community wellbeing of implementing managed retreat outweighed by the benefits to community wellbeing of the risk reduction achieved by the managed retreat.
20. NZPI recommends the inclusion of an objective such as "that managed retreat is a practical option to provide for the wellbeing of people and communities" be added to the objectives of the legislation. And that an objective such as "the funding and financing of managed retreat maintains or enhances the wellbeing of people and communities" be added to the objectives of funding responsibilities.
21. As written, the funding objectives appear focused on climate change risk. NZPI wants to ensure that funding for retreat from areas of intolerable risk from natural hazards has not been inadvertently excluded. This should be rectified by adding 'intolerable risk from natural hazards' or similar where climate change is mentioned in the objectives.
22. As discussed in NZPI's submission on the draft NAP, the focus on limiting Crown liability and exposure in the funding responsibilities objectives and principles is counter productive and not helpful. NZPI has expressed support for the principle that "risks and responsibilities are appropriately shared across parties including property owners, local government, central government, and banking and insurance industries". We consider cost sharing to be an appropriate principle, and that the principle to "limit Crown's fiscal exposure" should be deleted. We also suggest that infrastructure providers are added to the list of parties included in the principle. In terms of the related objective, "to reduce liabilities, including contingent liabilities to the Crown", NZPI considers this should be framed more holistically, and refer to managing liabilities for individuals, local government, central government and infrastructure providers in a clear, fair, timely, and equitable way.
23. This submission has identified the tension between public good/safety and individual property rights as a key issue the CAA will need to overcome. Clear and bold policy decisions are needed in this regard. A principle should be added to the list for the managed retreat legislation, that public good/safety overrides individual property rights in situations of intolerable risk. Such a principle is

consistent with the objective of providing for community wellbeing that we recommend be included, and would provide considerable clarity for future managed retreat processes. This principle is also aligned with our comments below on appeal processes and the role of the Courts.

Establishing a process for managed retreat

24. The process set out in Figure 2 of the consultation document is logical but represents a theoretical ideal of how a managed retreat process might play out. NZPI wants to ensure that practical considerations are incorporated into the development of a managed retreat process.

Initiation of managed retreat

25. It must be recognised that managed retreat is likely to be considered as part of a wider planning, infrastructure, or risk management context. It will be one option amongst others being considered to address intolerable risk. A project will not necessarily start as a managed retreat project, as managed retreat may not be considered a necessary or viable option until later in the project. In this way, there may be no clear point of 'initiation' of a managed retreat project. Spatial strategies and NBA plans may be the planning context for considering managed retreat, but equally, a 30-year infrastructure plan may be the context for considering managed retreat. As such, there is a need for the legislation to not isolate a managed retreat process from other risk management, infrastructure management or land use planning processes. Managed retreat is an integrated process, and the legislation needs to provide for this.
26. NZPI is cognisant of the timing of the CAA legislation in relation to the NBA and SPA. If managed retreat is initiated via a spatial planning process under the SPA, before the CAA is enacted and takes effect, NZPI foresees significant issues for the system addressing managed retreat in a comprehensive way, and is concerned about delays in decision-making and action and inefficiencies in the planning process as a result.
27. New information about risk levels or climate change impacts is a practical trigger for considering managed retreat that is not identified in Figure 2. Under the current system, it is generally the regional council that investigates natural hazards and climate change impacts, but there are also other sources of this information, such as the Crown Research Institutes (like NIWA or GNS Science). There is currently no statutory obligation under the RMA for the regional or district council to act on that information. However, if the location is urban, it is likely that the district council will respond to that information as part of a plan review process, and the information is the trigger to initiate a potential managed retreat process. NZPI wants to ensure that the new system provides clarity on roles and responsibilities in relation to the source of new information and who is responsible for initiating action on it. Related to this, we recommend national coordination of science and data on climate change and managed retreat.

Non-linear process

28. A managed retreat process will not be linear. As a planning or infrastructure project progresses, there will be increasing levels of detail in the information obtained (such as moving from a



qualitative risk assessment to a quantitative risk assessment), and a number of decision that are made before any decision on managed retreat is made (for example a consideration of a wide range of response options, narrowed down to one or two preferred options, and then a final decision on managed retreat). There are likely to be multiple engagements with the affected community as the process progresses. The legislation must recognise the 'loop backs' that are likely within the process and allow for flexibility.

Timeliness

29. Figure 2 gives no indication of the time spent at each of the identified steps. NZPI considers a key role of the legislation should be providing certainty to people and communities on managed retreat in a timely manner. Once a potential intolerable level of risk is identified, or an inevitable impact from climate change, uncertainty arises. Because this uncertainty relates to fundamental aspects of peoples' lives, such as whether they will be able to continue to live in their homes or not, it impacts peoples' wellbeing. Ensuring the process produces results in a timely manner is critical.
30. Under the current system, there is an assumption that a high level of detail and robust assessments are needed to progress risk management responses such as managed retreat, due to the potentially significant impact they have on the community. Quality, robust information takes time to produce and can be expensive. There is always something further that can be investigated, and it is difficult to draw the line and get on with decision-making. The new managed retreat system needs to address the issue of quality and quantity of information for decision-making, to ensure decisions are made in a timely manner. Put another way, clarifying the distinction between comprehensive information and complete information. NZPI sees potential in the NPF providing standard methodologies for risk assessments and the professional accreditations required to undertake the assessments as a means of addressing this issue. As discussed elsewhere in this submission, NZPI recommends the national coordination of science information for climate change and natural hazards.
31. NZPI is particularly concerned about situations where hazard events have already increased in frequency, or situations of existing intolerable risk from natural hazards. There are numerous situations throughout New Zealand where communities are dealing with repeated flooding events and significant risks to life from natural hazards. The time already spent in considering some of these situations, without substantial progress, has been significant. With the timing misalignment between the NBA and SPA and the CAA, NPZI wants to see national direction on how to use the information already available to progress action in these pressing situations. We need to be able to make progress to provide for the wellbeing of communities currently facing difficult decisions. The NPF should be used to make sure timely decision-making can occur in advance of the CAA taking effect.

Public consultation

32. NZPI considers that engagement with the public and iwi is imperative and critical to a successful managed retreat process. Adequate time and resources need to be dedicated to engagement. For engagement on managed retreat to be successful, a two-stage process is required, where the first



stage is informing the community and iwi and sharing the technical risk information in a manner that members of the public can understand, in order to develop the community and iwi's capacity and capability to contribute to the process in a meaningful way. Following this, feedback can be sought. These consultation processes to do need to take a long time, but patience is required to ensure meaningful engagement.

33. Practice show that traditional consultation processes are usually dominated by directly affected landowner voices, and in the case of managed retreat, these may be at odds with the wider community view and in the interests of public safety. We recognise it is very difficult, even using non-traditional engagement techniques, to hear from other groups in the community like renters, people new to an area, young people, iwi, hapū etc. Consideration of future generations is essential in any managed retreat consideration, and NZPI would like to see particular emphasis on this perspective in the new managed retreat system, as well as resourcing and funding for it.
34. Expectations of what can be achieved in community engagement on managed retreat are important. Practice suggests that while it might be possible to gauge community tolerance to risk in an 'arms length' situation (as was done for the Bay of Plenty Regional Policy Statement), it is challenging to do this in a specific risk management situation (such as at Matatā), and consensus is most likely not possible. NZPI recommends that the new process sets the expectation that the decision-maker will make the ultimate decision, informed by community consultation but not determined by it.

Appeals

35. NPZI is concerned at the length of time and significant amount of resources that appeals relating to managed retreat decisions are likely to attract. New Zealand is not short of examples of climate change and natural hazards planning decisions ended up in Court, the result of which has often been to delay action with risk increasing in the meantime.
36. The legislation must provide as much certainty as possible in terms of the decision-making process, and give serious consideration to limiting appeal rights. This issue was discussed in NZPI's submission on the draft NAP, and is discussed in the specific context of managed retreat in the following paragraphs.
37. NZPI recommends the new process incorporates an independent national body to consider and determine areas of intolerable risk for both natural hazards and climate change impacts. The nature of the body should be technical/science based, and the scope of this body could include identification of areas currently subject to intolerable risk, as well as areas of future intolerable risk. The purpose of this body should be to remove debate over the science, which is currently a significant barrier and delay to taking action. There is already an example of this occurring in New Zealand, in the National Climate Change Risk Assessment 2020. The NFP could be used to set the process and procedure followed by this national body, including scope for any public consultation.
38. Once areas of current or future intolerable risk were determined, the focus of public input would be on how to respond, including how a managed retreat might be implemented in any particular



circumstance. NZPI considers that there could be limited appeal rights associated with this part of the decision-making process. Work being done by MfE on plan making under the NBA, to shift the focus from appeals to the early plan making process, should inform consideration of the appeal process for managed retreat decisions.

Stop things getting worse

39. The cost of responding to climate change impacts and intolerable risk from natural hazards, including through managed retreat, is increasing as time goes on. Coastal property continues to change hands, and the value of coastal property continues to increase. NZPI suggests that consideration of effective ways to stop this, such as imposing a moratorium on further development in areas of known current and future intolerable risk, is needed. If the Government is serious about limiting liability for addressing climate impacts and providing for managed retreat as a realistic option, decisive action such as a moratorium is required. The longer we put off making the hard decisions, the greater the impact on our wellbeing.
40. A moratorium could be a very effective part of a managed retreat process, and there are a number of ways it could be used to leverage momentum into the system. For example, a moratorium in a particular area of intolerable risk would put people on notice of the issue and provide a 'bright line' for applying a buyer beware principle to future financial responsibility.

Monitoring and reporting

41. The process set out in Figure 2 does not incorporate monitoring and reporting. NZPI considers that monitoring and reporting are an essential part of the managed retreat process. Although it will be clear that retreat has been achieved when people and buildings have been moved away from an area, there should be a requirement to assess and report on the process to get to that point, including recording lessons learnt. There should be a feedback loop so that those lessons can inform future retreat processes.
42. In addition, there needs to be a requirement to monitor risk levels. Risk changes over time due to a number of factors, including increasing frequency of events due to climate change and increasing people and built development within an area subject to hazards. A requirement to monitor risk, particularly intolerable risk, is essential. The results of this monitoring should feed back into the initiation step of the process set out in Figure 2. If there is national level coordination of climate change and natural hazard information as recommended elsewhere in this submission, then there should be national level coordination of risk level monitoring.

Roles and Responsibilities

43. It is absolutely essential that roles and responsibilities are clearly set out in the CAA, particularly for decision-making and funding. The current overlap in responsibilities between regional councils and territorial authorities under sections 30 and 31 of the RMA is a key reason for a lack of action on natural hazard issues. The legislation is the place to set roles and responsibilities, as opposed to the NPF or other regulation, as the legislation provides the greatest certainty.



44. As mentioned earlier in this submission, one of the concepts that underpins resource management in New Zealand is that the level of government closest to the community affected should be responsible for decision-making. NZPI considers that this concept should not necessarily underpin the new managed retreat system. This is because NZPI promotes a sharing of roles and responsibilities between central and local government, with funding sitting with central government and planning for managed retreat sitting with local government. This is a challenge for the new legislation, as a separation between decision-making and funding raises a number of policy issues, but NZPI is confident these can, and must, be overcome.

National level

45. As outlined in NZPI's submission on the draft NAP, strong national leadership is needed on managed retreat. There are a number of roles and responsibilities for central government that have already been mentioned in this submission:
- National leadership to define 'intolerable risk' and to determine the situations in which retreat should be considered
 - A standard methodology for assessing risk
 - A national body to consider the technical/scientific information and identify areas of intolerable risk
 - National co-ordination of natural hazard and climate change impact data and modelling.
46. Central government must be the primary funder of managed retreat in New Zealand. The Crown has greater capacity than local government to fund managed retreat. The costs of managed retreat go far beyond the funding capabilities of local government. As discussed in NZPI's submission on the draft NAP, having centralised funding to rapidly manage and solve climate impacts for communities at risk is critical.
47. The Crown, as the body responsible for funding managed retreat, should put significant focus on spending money to avoid effects/impacts, rather than spending money on responding to and recovering from hazard or climate change events. It is generally accepted that it is more efficient to spend money on avoidance and resilience than on repair and rebuilding. However, it can be difficult to get buy-in from the community at a local level to spend money on preparing for an event that has not yet happened. Elevating this funding responsibility to the national level helps to overcome this significant hurdle to investing in resilience and avoiding impacts.
48. NZPI notes the body of research that exists on funding models for managed retreat, and recommends this is used and considered in the development of the legislation.

Regional level

49. NZPI sees two roles and responsibilities for regional level government. One is the undertaking of science and data collection, much as occurs currently, but coordinated by the national level. The other is the long-term planning for managed retreat. NZPI supports the use of spatial plans and NBA plans, especially with the increased emphasis on infrastructure, to plan for managed retreat. This



needs to include not just areas to retreat from, but areas to relocate to, including the withdrawal of infrastructure and the construction of new infrastructure in new areas.

Local level

50. The role of local level planning in the new resource management system is currently not well understood. NZPI sees the local level (territorial authorities) as the key body for undertaking community engagement, planning for site-specific managed retreat, and implementing managed retreat (but separate from funding and financing managed retreat). How such local planning would relate to, or be incorporated within, the NBA plans is an area that needs attention. In terms of how the system would work, NZPI considers that if the Crown identifies areas of intolerable risk, local government can focus on how managed retreat is achieved in a manner that best suits the particular community.

Infrastructure providers

51. Roles and responsibilities for infrastructure providers need more attention than has been given in the consultation document. The legislation will have to address the chicken and egg situation with infrastructure, where an infrastructure provider might decide to stop providing services before a managed retreat is considered, or a decision to retreat might be made and then infrastructure providers have to consider withdrawal of services. Recognition of critical infrastructure is fundamental in the process, both for the area being retreated from, and the area being relocated to. As set out in the draft NAP, infrastructure providers have a range of different motivations and are governed by a range of different types of entities, and this will be a challenge the legislation will need to address.

Individuals

52. Good information is important for members of the public to be able to participate in managed retreat processes. As discussed above, this is an important first step of any consultation process on managed retreat.
53. NZPI's submission on the draft NAP raised the issue that providing information to people is not enough to change their behaviour in relation to property purchases in areas of natural hazard and climate change risk.

Priorities of uses

54. In reality, an area subject to intolerable risk will comprise residential, commercial, social and cultural uses. A managed retreat process, and the roles and responsibilities within it, therefore needs to address all of these uses. It would not be practical to have one process for residential property and one process for commercial property. However, it may be possible for the process to treat these different uses differently, for example in terms of the things considered in the calculation of compensation in each situation, and the priority or timing for implementing managed retreat, for example residential before commercial. There is a lot of detail for the new process to take account of when considering how the process would work for different uses, and NZPI recommends practical examples, rather than theoretical or hypothetical example, are used to help with this consideration.

Role of the Courts

55. NZIP's submission on the draft NAP and comments made above in this submission state our concern at the potentially significant role of the Courts in the managed retreat process. To reiterate, NZPI wants to see a system that keeps the involvement of the Courts to the minimum necessary to ensure due process and natural justice are adhered to. We consider that clear and strong leadership from central government via clear and directive legislation is essential to achieving this.

Property Transfer

56. All members of the community should have the opportunity to participate in a managed retreat process. Risk from natural hazards and climate change, and the implementation of any response to that risk, affects people's lives, regardless of whether they are home owners, renters, or someone working in an area.
57. In particular, as stated earlier in this submission, NZPI considers that the perspective of future generations needs particular attention in the legislation. When considering a long term managed retreat, which may be implemented 30 years in the future, current property owners and occupiers/users of the area are unlikely to be those who make up the community at the time of implementation. This is an important policy consideration for the legislation.
58. NZPI considers that under the current system, it would be very difficult to take different approaches for those who purchased properties before risk was identified and those who bought properties after the risk was identified. Such a differentiation would require a 'bright line' of when risk was known and when it wasn't, but these bright lines often do not exist in reality. In some situations, understanding of risk has increased over time, and it would be very difficult to say when the risk was known. Applying such a differentiation also assumes that the person buying the property knew what the information meant, and that they had a choice. If the property in the hazard area was the only one they could afford, and/or they did not have the technical knowledge to understand the information on a LIM (if they got a LIM in the first place), then it is difficult to say they bought the property in the knowledge of the risk and they should therefore accept the consequences. There seems to be an underlying assumption by members of the public that if there is development in an area, it must be safe, because if it is not safe, why is Council letting people build and live there. Under this assumption, it would not cross someone's mind that they need to make their own assessment of whether it is safe to live somewhere or not. Until this perception is changed, it would be very difficult to treat those who bought in a known hazard area differently.
59. NZPI recommends that options for a 'bright line' are considered and incorporated into the legislation, to allow for a differentiation between those who buy property in the knowledge of an issue and those who do not. One of these options, a moratorium on development, is discussed earlier in this submission.

Implications for Māori

60. A partnership role for mana whenua in planning and decision-making on managed retreat is critically important. NZPI's submission on the draft NAP discusses the importance of the Rauora framework, and this framework should be considered in the development of the CAA.
61. NZPI recommend the incorporation of a Mātauranga Māori approach to understanding natural hazards and climate change impacts, and for decision-making on managed retreat. The development of such an approach would need to be adequately resourced. There are deep connections between place and whakapapa that require consideration in a managed retreat process, and difficult decision that will need to be made in situations where areas of cultural significance are within areas of intolerable risk. Incorporation of Mātauranga Māori has the potential to significantly enhance the wellbeing approach suggested earlier in this submission, as well as providing for partnership with mana whenua.

The interaction with insurance

62. While NZPI does not hold expertise on insurance, we acknowledge that along with existing use rights, insurance is a significant barrier to resilience and reducing risk. Specifically, the ability to build back like for like, enabled by insurance pay-outs (along with existing use rights) makes reducing risk and building resilience extremely difficult. Restrictions on what insurance pay-outs can be used, or not used for, for would be a significant tool to achieve change.
63. If there is a lack of strong and directive leadership by the Crown in the CAA, NZPI foresees a situation where withdrawal of insurance will force/drive land use planning decisions. That is a reactive way to consider managed retreat and should be avoided. We need to be able to plan for managed retreat in advance of insurance withdrawal. As discussed earlier, there is a need for the legislation to allow for planning and potentially implementation of managed retreat before risk becomes intolerable, and to be able to act 'quickly' in situations where risk is already intolerable. If we are not able to plan effectively for managed retreat, insurers will do it for us.

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