



TE KŌKIRINGA TAUMATA
NEW ZEALAND PLANNING INSTITUTE



FEEDBACK ON INQUIRY INTO CLIMATE ADAPTATION

1 NOVEMBER 2023

Submission of Te Kōkiringa Taumata | New Zealand Planning Institute
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Planning is essential to achieving a better New Zealand

Te Kōkiringa Taumata | New Zealand Planning Institute (NZPI) is the voice of planning in New Zealand. It is the professional organisation representing this country's planners, resource managers, urban designers, and environmental practitioners.

Planners have a critical role in shaping New Zealand's future by helping to develop solutions to key issues, such as population growth, infrastructure needs, pressure on natural resources and environments, demographic change, and transport.



EXECUTIVE SUMMARY

Climate change is one of the most important challenges facing Aotearoa New Zealand and the world today. Te Kōkiringa Taumata | New Zealand Planning Institute (NZPI), along with Papa Pounamu (Special Interest Group of NZPI), recommends the new government takes meaningful action to enable communities to proactively adapt in response to the increasing risks from climate change and natural hazards.

We support the need for new or amended legislation on adaptation that contains all the responsibilities, powers, mechanisms and tools for adaptation planning and implementation. Legislation should provide clear national leadership and create the new mechanisms required to deliver an enduring and equitable transition to a climate resilient future with consistency across NZ.

As the industry body representing professionals working within the resource management system, NZPI acknowledges the existing resource management system lacks the tools and processes for managing the unprecedented uncertainties and complexities experienced in proactive adaptation and planned relocation. We recommend a hybrid adaptation system is developed through new or amended legislation, that uses the parts of the existing system that work well and supplements it with the necessary new tools and processes.

Māori are disproportionately affected by the impacts of climate change. Māori often do not have equitable access to resources to adequately plan for climate change and are not able to 'retreat' to other locations due to whakapapa and lineage to whenua, moana, awa and other cultural assets.¹ We recommend that any adaptation system must empower mana motuhake and rangatiratanga of iwi, hapū, and whānau. This includes Māori landowners being considered at the outset of any climate adaptation planning.

Recognising the complexity of adapting to the increasing risks from climate change and natural hazards, and the potential impacts adaptation decisions can have on community wellbeing, we recommend greater support for local decision makers from central government. National direction, provision of centralised expert resources, and greater protection from potential liability are required to support decision makers to be informed and act in good faith.

In this submission, we use the term 'planned relocation' rather than 'managed retreat', as we consider this to be a more appropriate term.

NZPI Recommendations

Adaptation legislation

- a) New or amended legislation for an adaptation system is developed urgently with bipartisan support. This legislation should align all the different powers, functions and responsibilities, both existing and new, that are required for successful adaptation planning and implementation.
- b) Legislation on adaptation provides for adaptation to risks arising from both the effects of climate change and natural hazards, not just the effects of climate change.

¹ Ministry for the Environment. 2020. National climate change risk assessment. Wellington: Ministry for the Environment



- c) Legislation on adaptation includes the mandated requirement to undertake climate change and natural hazard risk assessments and local adaptation planning, and clearly assigns responsibility to the appropriate decision-making body.

Adaptation system

- d) A hybrid system for adaptation is developed through new or amended legislation on adaptation. This would supplement the current system with additional powers and mechanisms to remove barriers and enable equitable and enduring adaptation action.
- e) Where a planned relocation response is determined to be appropriate, the system must contain the right mix of voluntary and mandatory powers.
- f) The role of regional spatial planning is strengthened as a key mechanism for enabling the implementation of local adaptation plans.
- g) Planning decisions made now should stop development being located in areas of high or increasing risk, so that the need for planned relocation in the future is avoided.
- h) A hybrid system for adaptation should enable a Dynamic Adaptive Pathway Planning (DAPP) approach, supporting the predominant adaptation planning approach being applied in New Zealand and aligning with international best practice², provided the process upholds Te Tiriti principles and includes local mātauranga Māori and tikanga.
- i) The following aspects for an adaptation and planned relocation system proposed by the Expert Working Group on Managed Retreat should be incorporated into an adaptation system:
 - i. The principles and outcomes for an adaptation and planned relocation system, and the inclusion of wellbeing as an overarching objective.
 - ii. The use of adaptation designations for adaptation areas to support local adaptation planning.
 - iii. The proposed 'Framework for adaptation planning and planned relocation'.
 - iv. 'Pre-event recovery plans' are required as part of local adaptation plans.
 - v. The checks and balances proposed for the adaptation system.
- j) The process established for adaptation planning is sustainable for all those involved. The process must be reasonable and proportionate.
- k) Central government must provide coordination, direction, and resourcing for standardising formats and digital systems and platforms for generating and storing data for supporting risk assessment and local adaptation planning.
- l) The term 'community centred adaptation' should be used as the overarching label for the *process* of adaptation, and 'planned relocation' should be the term used for the adaptation *option* that involves leaving one place and moving to another.

Te Tiriti-based adaptation

- m) The 'Core Components of a Te Tiriti-based adaptation system' identified in the Ministry for the Environment Issues and Options paper should be incorporated into an adaptation system.

² Ministry for the Environment. 2017. Coastal Hazards and Climate Change – Guidance for local government. Wellington: Ministry for the Environment



- n) Māori must be resourced by central and local government agencies to support and implement participation in an adaptation system.
- o) Council and government agencies must support and implement Māori decision-making processes based on te ao Māori values and principles where requested by iwi and hapū.
- p) The information sharing protocols of iwi and hapū knowledge is defined and determined by iwi and hapū for the use and access of their information for adaptation planning.

Risk Assessment

- q) Climate change and natural hazard risks are assessed broadly, with a focus on wellbeing. This should include consideration of risk to physical and financial capital, human capability, natural environment, and social cohesion, consistent with the Treasury Living Standards Framework.³
- r) National direction on risk assessment requirements, methodologies, and metrics must be developed to improve the quality, certainty, and consistency of approach toward climate change and natural hazard risk assessments.
- s) National direction on risk tolerance requirements, methodologies, and national tolerance limits should be developed to provide greater certainty into the system and allow communities to make informed decisions.
- t) National direction must provide for Māori to lead risk assessments based on their mātauranga Māori, values and principles. It must allow for bespoke frameworks and responses to be developed by Māori based on their tikanga, kawa and priorities.
- u) A similar framework such as Te Mana o Te Wai or the Hierarchy of Obligations in the National Policy Statement for Freshwater, should be incorporated in national direction on adaptation.
- v) Climate change and natural hazard risk is assessed at a regional level for the purpose of identifying areas requiring adaptation planning. Area-specific risk assessments should support local adaptation planning.
- w) Risk assessments are subject to technical peer review and audit by an independent national body, rather than being contested in the courts.

Decision making and community engagement

- x) Local decision makers are provided with a greater level of support from central government throughout the adaptation process. This can be achieved through the establishment of a centralised resource unit with the diverse expertise and capacity required for the delivery of high-quality local adaptation planning.
- y) Local decision makers are specifically trained for decision making on climate change risks, natural hazard risks, and adaptation approaches; and that decision makers are certified (in a similar way to Freshwater Commissioners).
- z) Local decision makers are provided with greater protection from litigation risk through mandates to act, clearly assigned responsibilities, and strong national direction.
- aa) Local adaptation planning should be community centred and nationally enabled, with central government support and national direction empowering local decision makers to determine the future of their communities.

³ The Treasury. 2021. The Living Standards Framework 2021. Wellington: The New Zealand Treasury



- bb) Specialist 'navigators' or 'advocates' are appointed to help communities to engage and participate in local adaptation planning processes.
- cc) The Expert Working Group's recommendation for Ministerial approval of decisions on planned relocation is incorporated into an adaptation system.

Funding and financing adaptation

- dd) Greater direction from central government is provided for adaptation funding to support communities to plan ahead with an understanding of how the costs will be shared.
- ee) The outcomes and principles for funding adaptation in the MfE Issues and Options paper should be the basis for the adaptation system.



INTRODUCTION

1. Te Kōkiringa Taumata | New Zealand Planning Institute (NZPI), along with Papa Pounamu, welcomes the opportunity to present this feedback on the Environment Committee's 'Inquiry into Climate Adaptation'. We appreciate the opportunity to provide feedback that will help address the issues and options for an effective system for adaptation and community-led relocation.
2. As the industry body that represents planning professionals in New Zealand, NZPI has a strong interest in the climate change adaptation system and its integration with the resource management system. Planning decisions have the ability to influence how natural hazard events impact communities, services, and infrastructure, putting planners at the forefront of adaptation planning.
3. Papa Pounamu feedback is integrated throughout this submission. Papa Pounamu is the Māori Special Interest Group for the New Zealand Planning Institute. Papa Pounamu are a grouping of Māori professionals and practitioners that practice in Aotearoa New Zealand's resource management system. Papa Pounamu have provided comments, in particular, with regards to a Te Tiriti based adaptation system that supports working with iwi, hapū and wider Māori communities on issues that affect their whenua, cultural assets, and decision making frameworks.
4. NZPI strongly supports the need for legislation on adaptation and planned relocation, and we call for strong leadership from the new government and bipartisan support on these issues. Climate change increasingly presents significant and unprecedented challenges for Aotearoa New Zealand, impacting the wellbeing of our communities, as well as critical infrastructure and cultural assets. Meaningful action must be taken to enable communities to proactively adapt to these risks without delay.
5. We are encouraged by the discussion and blueprint for an equitable and enduring system for adaptation and planned relocation proposed in the Report of the Expert Working Group on Managed Retreat.⁴ The recommended framework presents a practical and workable system to support communities and decision makers to act.
6. Over the duration of the Inquiry period, we have engaged with our members to gather our perspectives relating to the issues and options for adaptation planning. We have undertaken a survey of our membership, conducted a member's webinar, and run a series of small discussion group sessions.
7. Papa Pounamu were supported by engagement at a Climate Adaptation Symposium held at Whakaue Marae, Maketū, Bay of Plenty, hosted by whānau and organised by the National Science Challenge. NZPI and Papa Pounamu acknowledge the attendees and organisers who provided valuable commentary to the issues and opportunities surrounding climate adaptation planning. We have included key themes from the Symposium that inform this submission, along with emerging factors from Papa Pounamu members who are currently working in climate change and adaptation planning across the country.
8. Along with our membership engagement, we have also engaged more widely with other industry organisations including Local Government New Zealand (LGNZ), Te Uru Kahika | Regional and Unitary Councils Aotearoa, Taituarā | Local Government Professionals Aotearoa, the New Zealand Law Society, the New Zealand Association for Impact Assessment, the Insurance Council of New Zealand, Engineering New Zealand, and the Resource Management Law Association.

⁴ Expert Working Group on Managed Retreat. 2023. Report of the Expert Working Group on Managed Retreat: A Proposed System for Te Hekenga Rauora/Planned Relocation. Wellington: Expert Working Group on Managed Retreat



9. NZPI has had the chance to review the submissions of LGNZ, Te Uru Kahika, and Taituarā. We note that there is general agreement between our four organisations on the key issues being considered by the Inquiry. NZPI's submission highlights some particular areas of agreement and alignment with these other submissions.
10. This submission provides overarching points, followed by specific feedback on the key issues and key opportunities for climate change adaptation. Feedback is from a planning practice point of view, driven by our desire to ensure that policy decisions are based on practical examples and evidence, and that the system is fit for purpose.
11. In this submission, we use the term 'planned relocation' rather than 'managed retreat', as we consider this to be a more appropriate term. This is discussed in more detail under the heading 'Terminology for Te Tiriti-based Adaptation'.



PART 1: OVERARCHING SUBMISSION POINTS

Challenge and urgency

12. The climate crisis is one of the most important challenges facing Aotearoa New Zealand. Its direct effects are already occurring, with recent extreme weather events such as flooding, inundation, fires, and drought. These events are becoming more severe and frequent, significantly impacting community wellbeing, disrupting commercial activities, increasing the cost of living, and degrading our iconic natural environment and cultural assets.⁵ In addition, New Zealand faces significant risks from geological natural hazards, such as earthquakes, that we also need to adapt to.
13. Māori are disproportionately affected by the impacts of climate change, largely living in rural and remote areas that are exposed to multiple natural hazards, including severe flooding, coastal erosion, droughts in dry seasons, high winds, pollution to natural environments and loss of taonga species and biodiversity.
14. In the face of climate change, cross-party support is needed to change the status quo and enable communities to make an enduring and equitable transition to a climate and hazard resilient future. This sentiment is echoed in the submissions of LGNZ, Taituarā and Te Uru Kahika.
15. We acknowledge the numerous examples of the impacts and costs climate change and natural hazard risks pose to Aotearoa New Zealand that are identified in the submissions from Taituarā and Te Uru Kahika. We agree with the recommendations from Taituarā and Te Uru Kahika that nationally consistent framework, legislation, tools, and funding for adaptation is developed urgently, with cross- party support and collaboration with local government.^{6,7}

The need for adaptation legislation

16. Communities in New Zealand need to be able to adapt to the risks they currently face, and the new and increased risks they will face in the future. The cost of responding to the impacts of climate change and natural hazards is increasing exponentially as time goes on, and the physical and emotional toll on people cannot be ignored. Communities need the ability to be pro-active about the risks they face and to plan to adapt to those risks. They also need to the ability to implement the adaptation measures they plan for, including when planned relocation is required.
17. The resource management system, under both the Resource Management Act (RMA) and the Natural and Built Environment Act (NBEA), is inadequate to support proactive adaptation and planned relocation. We agree with the Ministry for the Environment (MfE) 'Community-led retreat and adaptation funding: Issues and options' paper and Report of the Expert Working Group on Managed Retreat on this matter.⁸ Neither the RMA nor the NBEA were intended to provide for adaptation and planned relocation, leaving gaps in the powers and processes necessary to plan for and implement adaptation and planned relocation.
18. There are a number of examples of adaptation plans being developed around the country. However, these plans have not been prepared under the RMA. Rather, they have generally relied on non-statutory or Local Government Act processes. This demonstrates that the resource management system is not well equipped for adaptation planning. We also note that

⁵ Ministry for the Environment. 2022. Aotearoa New Zealand's first national adaptation plan. Wellington: Ministry for the Environment

⁶ Taituarā Local Government Professionals Aotearoa. 2023. Submission of Taituarā – Local Government Professionals Aotearoa to the Environment Committee's Inquiry into Climate Adaptation

⁷ Te Uru Kahika | Regional and Unitary Councils Aotearoa. 2023. Submission: Inquiry into community-led retreat and adaptation funding

⁸ Ministry for the Environment. 2023. Community-led retreat and adaptation funding: Issues and options. Wellington: Ministry for the Environment



implementation of the adaptation plans developed to-date has been extremely challenging. Implementation faces significant hurdles – particularly in relation to who is financially responsible.

19. Regional policy statements and regional and district plans under the RMA are used to manage risk from natural hazards, but the focus is generally on risk to new development. Management of risk from natural hazards under the RMA is not equivalent to the type of adaptation planning necessary to respond to increasing risks from climate change, particularly the option of proactive planned relocation. Adaptation planning requires more than just managing land use. It requires:
 - a) strategic consideration of areas at risk and areas for people to relocate to, against the other issues relevant for a region
 - b) clarity of how much adaptation will cost and who will pay
 - c) coordination between, and action by, multiple actors: infrastructure providers, local government, iwi and hapū, central government, insurers, bankers, and people and their communities.
20. NZPI recommends a single piece of comprehensive legislation (either new or amended) as the best way to align all the different powers, functions and responsibilities, both existing and new, that are required for successful adaptation planning and implementation.
21. NZPI's position is that new or amended adaptation legislation must provide for adaptation to risks arising from both the effects of climate change and natural hazards, not just the effects of climate change in isolation. This was the recommendation in the Randerson Report and the Environment Select Committee's report into the new resource management reform laws in June 2023.⁹ While the current and future states of many natural hazards such as flooding, landslides, droughts, and coastal inundation are inherently connected to the effects of climate change, we consider it is short sighted to exclude non-climatic hazards such as earthquake, tsunami, or volcanic activity from legislation enabling proactive adaptation. New legislation should enable communities to adapt to risk, no matter what the driver of that risk is.
22. NZPI recommends that new or amended legislation on adaptation includes a mandatory requirement to undertake climate change and natural hazard risk assessments and local adaptation planning. This mandate needs to be clearly assigned to the appropriate decision-making body. Feedback from our members is that because councils currently have discretion in relation to undertaking climate-related risk assessments and local adaptation planning, other mandatory requirements are prioritised due to capacity and budget constraints.

Adaptation system

23. Adaptation planning and implementation needs to draw on a number of different types of existing and new processes, powers, and responsibilities. For this reason, NZPI recommends a hybrid system for adaptation planning and implementation, where useful aspects of the existing system are supplemented with additional processes, powers, and responsibilities to provide a comprehensive system.
24. We support the recommended principles from the Expert Working Group on how a Te Tiriti led approach to adaptation planning can occur for communities.¹⁰ However, bespoke approaches lead by iwi and hapū should be provided for, as climate change and natural hazards will differ at place, as will the values and principles that often guide kaupapa Māori planning and decision making.

⁹ Resource Management Review Panel. 2020. New directions for resource management in New Zealand. Wellington: Resource Management Review Panel

¹⁰ Report of the Expert Working Group on Managed Retreat. Recommendation #3. Page 24



25. Any new climate adaptation system must empower mana motuhake and rangatiratanga of iwi, hapū and whānau. This includes Māori landowners being considered at the outset of any climate adaptation planning process. Our recommendation for a hybrid system includes incorporation of te ao Māori values and principles and the ability to develop bespoke approaches and processes for working in partnership with agencies.
26. As the professional body representing those working within the resource management system, NZPI's recommendations in this submission focus on the helpful aspects and the gaps in the current resource management system (RMA and NBEA). The resource management system provides a strong basis for the 'planning' aspect of an adaptation system. Included in the 'planning' aspect is assessment of risk – the essential first step in planning to adapt is understanding what we need to adapt to. However, the resource management system has significant gaps when it comes to implementation of adaptation measures, which we discuss further, later in this submission. Successful implementation requires new powers and functions compared to those that currently exist under the RMA or NBEA.
27. NZPI supports the Expert Working Group's principles and outcomes for an adaptation and planned relocation system.¹¹ NZPI recommends the addition of wellbeing as an overarching objective. Wellbeing incorporates social, cultural, economic, and environmental considerations. As an overarching objective, wellbeing would provide decision makers with a wider range of considerations for adaptation outcomes beyond just people and property (the traditional focus of risk management in RMA planning documents).
28. Where a planned relocation response is determined to be appropriate, we consider the system must contain a mix of voluntary and mandatory powers. Mandatory powers are required to ensure vulnerable and disengaged people are not left behind and the desired outcomes of a planned relocation process are achieved.

Community centred decision making

29. NZPI supports decision making on adaptation remaining local and focused on communities, including iwi, hapū and whānau. Local knowledge, relationships, and trust are important and must be upheld throughout adaptation planning.
30. The system must support and implement Māori decision-making processes based on te ao Māori values and principles, where requested by iwi and hapū. Acknowledgement of mātauranga Māori to inform decision making is critical, but we agree there is an important place for western science to support and inform these decisions.
31. NZPI has no preference for which institutional bodies are assigned the responsibility of local decision making, except that the system must provide for Māori decision-making. Clarity of responsibility and mandate for adaptation planning is essential, and we recommend that new legislation clearly defines roles and responsibilities for decision makers and other actors in the system. The need for clarity is support by LGNZ and Taituarā.

¹¹ Report of the Expert Working Group on Managed Retreat. Recommendation #1. Page 23



PART 2: ISSUES FOR CLIMATE CHANGE AND NATURAL HAZARD ADAPTATION

Barriers to Māori adaptation

32. We agree with the challenges identified as 'Barriers to Māori adaptation' set out in the Community led retreat: Issues and options paper. Though not an exhaustive list the following are significant issues:
 - a. Historical dispossession
 - b. Limited resources
 - c. Institutional barriers
 - d. Power imbalance
 - e. Cultural disconnect
33. We further agree with the Expert Working Group that the colonisation of Aotearoa New Zealand resulted in the rapid alienation of Māori land from tangata whenua, resulting in the acquisition of Māori customary land to be readily available for trade and sale.
34. We agree that this still occurs today, and that policy and legislation has dispossessed Māori of their land and hindered the ability of whānau to use their land for customary and economic practices. This displacement has significantly reduced, and in some case cut off, the ability of Māori to access their kaimoana, mahinga kai, and an inability to exercise their mana and rangatiratanga over their whenua and taonga as guaranteed under Te Tiriti o Waitangi.
35. Māori do not have equitable access to resources to plan adequately for climate change and are not able to 'retreat' to other locations due to whakapapa and lineage to whenua, moana, awa and other cultural assets. There is nowhere else to go or 'retreat' to for many Māori.
36. Mātauranga Māori is not given the same weighting and importance as western science. Yet many Māori have pūrakau and korero tuku iho handed down through generations that describe the vulnerability and changes to the environment that tupuna have dealt with for many years prior. All communities and decision makers can benefit from the unique value of mātauranga Māori in how understanding and assessing risks in their rohe might be done.
37. Competing priorities for local authorities and central government often do not align with Māori. In turn, this reduces the level of protection councils are willing to give to cultural assets and infrastructure.
38. Inadequate resourcing, funding and education is hindering the ability of many Māori to have conversations on and plan for climate adaptation. Timeframes, values and decision-making processes differ significantly between Māori and non-Māori communities, often resulting in unclear direction and competing priorities between groups causing disruption and unresolved discussions.
39. National planning directives do not prioritise climate change and natural hazard planning above other topics, often resulting in local authorities dismissing or reducing the importance of including planning provisions in regulatory plans due to competing priorities.

Issues for risk assessment

40. Assessing the risks arising from the effects of climate change and natural hazards is an essential step in the adaptation process. An assessment of risk allows us to understand what we need to respond to, and why.



41. The lack of national direction on risk assessment is a fundamental issue with New Zealand's current approach to climate change and natural hazard risk assessment. It creates inconsistent approaches to identifying and assessing risks across regions and generates uncertainty in decision making. Key risk assessment aspects that lack national direction include:
 - a. How risk is defined, and what we need to consider risk to (individuals, communities, buildings, property, infrastructure, human health, cultural heritage, the natural environment, etc)
 - b. The terminology applied in risk assessments, including the descriptors and categories of risk magnitudes (i.e., low, medium, high, very high) and interpretation of risk factors such as vulnerability, sensitivity, and adaptive capacity.
 - c. Mandatory considerations for the scope of risk assessments (i.e., what hazards must be considered and at what scales)
 - d. Information concerning best-practice methodologies for undertaking risk assessment, including how to incorporate mātauranga Māori
 - e. Guidance for when and how communities should be engaged during risk assessment.
42. Furthermore, there are currently no national standards or thresholds / tolerances for natural hazard and climate-related risks in New Zealand. As a result, when planning for adaptation prior to a hazard event occurring or undertaking planned relocation in post-event situations, risk tolerance has often been considered on a case-by-case basis and strongly influenced by personal and political interests.
43. There is litigation risk for councils associated with undertaking risk assessments, because of what the risk assessment could lead to (e.g. decisions made to undertake planned relocation). A related issue is uncertainty over what degree of risk assessment is required and whether a decision-maker has 'enough' information to proceed. This uncertainty and litigation risk leads to inaction and delay as decision makers wait for 'perfect' information. There is evidence of the litigation risk being realised for local government in New Zealand, such as the challenge by local residents to the inclusion of coastal hazard lines on Land Information Memorandums in the Kapiti District.
44. Risk assessments are resource intensive and expensive for local councils. This is another reason why risk assessments might not be undertaken, and why action is delayed.

Issues with the current resource management system

45. Local adaptation planning enables decision makers and communities to consider the risks they face and identify the action and pathways that must be taken to uphold community wellbeing. However, at present, in the absence of supporting adaptation legislation or an adequate resource management system, general uncertainty relating to what can be done, how can it be implemented, and who pays, continues to limit meaningful proactive adaptation.
46. Key issues with the current resource management system for local adaptation planning include:
 - a. Plans that set out the types of development that can occur in various locations and the provisions for the protection of significant values, are prepared based on static maps and rely on the information available at the time the plan is prepared. They have a 10-year review cycle. Given the pace of climate-related research, particularly the ongoing updates to international and regional climate change projections occurring every 6-7 years, this approach risks plan objectives being inadequate for managing climate change and natural hazard risks for a considerable portion of their life.



- b. The current resource management system performs best with certainty and struggles to deal with the deep uncertainties that are inherent in the timing and exact nature of the actions required to adapt to climate change. As stated above, plans are informed by spatially and temporally static measures and fixed for the 10-year life of the plan. The policies and rules that govern activities are also fixed. If a signal indicates conditions are changing more quickly than anticipated and that a different action is required than the one anticipated when the plan was prepared, a plan change process will be required, which can be time consuming and costly.
 - c. Plans prepared under the RMA are not directive. That is, they cannot require actions to be taken or assign responsibility to particular agencies. Pro-active adaptation requires actions to be taken in a purposeful way, and it is not possible to use RMA plans to achieve this.
 - d. The resource management system provides protection for existing and established uses, generally referred to as 'existing use rights'. This protection makes it very difficult for policy and rules to be developed that seek to reduce development potential in response to increasing risk.
47. In addition to these issues with the resource management system, engagement with our membership highlighted two key issues for adaptation planning as a result of a lack of integration with the resource management system and other systems. Specifically:
- a. Decision makers and affected communities, including iwi and hapū, currently have limited and inconsistent access to funding and financing for the planning and delivery of local adaptation interventions. Adaptation can be expensive, and as LGNZ, Taituarā, and Te Uru Kahika have indicated in their submissions, Councils cannot meet the costs of adaptation alone. Iwi and hapū have no direct funding for adaptation. Where the best long-term solution is significantly more expensive than temporary mitigation measures, the lack of clear accessible adaptation funding can see decision makers incentivised to defer major investment and invest in short-term protection measures. In some cases, this can increase long-term risk and cost.
 - b. At present, where significant adaptation action is required proactively (in pre-event situations, where the risk is known but has not yet occurred) there are often challenges building public and political support, less social licence to act, and more public controversy. As a result, significant proactive adaptation responses such as planned relocation may be perceived negatively by the affected community and seen as a last resort option.



PART 3: OPPORTUNITIES FOR CLIMATE CHANGE AND NATURAL HAZARD ADAPTATION

A Te Tiriti-based adaptation system

48. The Expert Working Group on Managed Retreat advised that the system for addressing climate change and adaptation issues must uphold Te Tiriti o Waitangi. This means ensuring the adaptation system is Te Tiriti-based, Māori rights and interests are upheld, and that Māori have meaningful involvement as partners with the ability to lead decision making throughout the process.
49. We agree with the Expert Working Group on Managed Retreat that Māori should be empowered to participate throughout the adaptation planning process.¹² This is not just through engagement, but the application and implementation of the key principles of rangatiratanga, kaitiakitanga, mātauranga Māori, and manaakitanga.
50. We agree with the 'Core Components of a Te Tiriti-based adaptation system' identified in the MfE Issues and Options paper, and that Māori must be resourced by central and local government agencies to support and implement this.¹³
51. NZPI supports the submission made by E Oho! Awakening Aotearoa¹⁴, which focuses on four key areas: rangatiratanga/mana Motuhake; mātauranga Māori, tikanga, and kawa. In particular, we support the following key points:
 - Iwi, hapū, whānau must be empowered and enabled by central and local government to determine and lead their own adaptation plans, strategies, and actions. A 'by Māori, with Māori, and for Māori' approach.
 - The key principles for more progressive and innovative funding for Māori adaptation set out in the submission under the heading 'Tuatahi: Rangatiratanga'.
 - That there needs to be transparent accountability and meaningful acknowledgement of Te Tiriti, more awareness of siloing "all things Māori", and framing and maintaining a thread of empowerment for Māori in adaptation processes.
 - Solid, early, and meaningful co-development of adaptation planning with mana whenua will ensure tikanga and kawa is in place from the beginning
52. We note ways in which a system for adaptation planning can address te ao Māori and Te Tiriti issues throughout the following sections of this submission.

Lessons learned from severe weather events and natural disasters

53. In developing our submission, NZPI engaged with members recently effected by Cyclone Gabrielle to gather their experiences from responding to a severe weather event in Aotearoa New Zealand and lessons learned relating to local adaptation.

¹² Report of the Expert Working Group on Managed Retreat. Recommendation #5. Page 24

¹³ Community-led retreat and adaptation funding. Table 5. Page 26

¹⁴ A submission on behalf of multiple voices, including Māori planners, practitioners, scientists, kaitiaki, educators and pakeke from across NZ, following a wānanga on the topic "community-led retreat and adaptation funding", held on 2 October 2023 at Whakauae Marae, Maketū, Bay of Plenty.



Certainty

54. Certainty is critical in a recovery situation. Certainty of who is responsible for which functions, and also certainty of processes to be followed. Clearly assigned roles and responsibilities is more important than who actually gets assigned the roles and responsibilities. Any system for proactive adaptation will also need role and process certainty and clarity.

Technical and financial support

55. There was an informal sharing of technical expertise following Cyclone Gabrielle, which saw councils from outside the affected regions provide technical staff to support those on the ground. The idea of a centralised pool of expertise that would be available to assist with adaptation planning, as recommended elsewhere in this submission, was supported by the group.
56. As noted by Te Uru Kahika, the provision of early financial assistance towards recovery efforts from the government was important and appreciated by the communities affected. This included \$35.4m to support the wellbeing of rural communities, \$10.5m for woody debris management, and just over \$200m for the disposal of silt and debris.¹⁵

Pre-event planning

57. Members advocate strongly for the value of proactive pre-event recovery planning, noting that people are often not able to deliver their best work during, or in the wake of, a disaster. Having valuable commonly required resources to inform action, such as pre-prepared draft Orders in Council that can be implemented quickly following an event, subject to event specific details being added, can save time, and provide greater confidence for decision makers.
58. The need to apply for retrospective resource consents under the RMA for recovery activities does not seem like a good use of time and money. Rather, recovery activities could be anticipated, considered in a strategic context, and enabling rules included in district plans in advance of them being needed. This is likely to reduce the need for national intervention such as Orders in Council.
59. Effective pre-event planning is also recommended as a good measure for mitigating risks of maladaptation or unintended consequences that may occur during the recovery process. Necessary actions, such as the cleaning up of silt following Cyclone Gabrielle, have been approached inconsistently by property owners across affected areas, particularly in close proximity to rivers and flood plains, increasing risks of compounding flood related issues in previously unknown at-risk areas.
60. Having institutional structures ready for recovery would also be of assistance. It took time to set up the regional recovery agency following Cyclone Gabrielle, which adds delay to recovery. The planning processes required by the agency had unreasonable timeframes, which impacts on the quality of the output. Pre-prepared governance structures and process would be beneficial.

Supporting the community

61. Marae provided a valuable refuge for communities affected by Cyclone Gabrielle due to their presence in the community, iwi and hapū staff becoming first responders on the ground, and their ability to accommodate large numbers of people. While their role was critical to supporting the safety and wellbeing of the wider community, decision makers need to be conscious that this is due to a lack of civil defence centres being readily available elsewhere, and that responsibilities should not be 'outsourced' to Marae just because they are there.
62. It is important that planning for adaptation is undertaken with a thorough understanding of the particular local communities involved. There will be nuances that allow for smarter planning for

¹⁵ Te Uru Kahika Submission: Inquiry into community-led retreat and adaptation funding



resilience. The social aspects of community are just as important as the physical and built aspects when considering resilience.

63. It was noted that City and District Councils are often more connected to the community than Regional Councils, which is particularly important for supporting community communications and engagement during and following a disaster event. However, as with Cyclone Gabrielle, council boundaries were not relevant in some cases as the communities 'sense of place' spanned across multiple jurisdictions. In these cases, having so many bodies representing and engaging with one 'community' proved to hinder the response and recovery. Clearer roles and responsibilities for post-event situations would be helpful.

Spatial planning

64. Spatial planning was emphasised as being very important for considering planned relocation, supporting the comments later in this submission about the role of spatial planning in adaptation.

Land categorisation

65. Following Cyclone Gabrielle, where risk to inhabit land was deemed intolerable, learnings following the Christchurch Earthquake 'red zoning' process supported land categorisation by adopting a 'going in and going hard' approach. While the results of this process will not deliver perfect outcomes for all stakeholders, it is thought to reduce compounding trauma by reducing ongoing uncertainty for property owners. This view is shared by Te Uru Kahika in their submission as an important learning following Cyclone Gabrielle, where early and decisive development of the property / affected-land classification system was valuable. It helped provide assurance about insurance and enabled people to 'get on with their lives'.
66. An adversarial negotiation process between the Central government and local government in this situation was not considered beneficial. Pre-determined processes for identifying at-risk land, for example through national direction as recommended elsewhere in this submission, and pre-determined formulas or responsibilities for funding planned relocation and other risk reduction actions, would greatly assist.

Terminology for Te Tiriti-based adaptation

67. 'Managed retreat' and 'Community-led retreat' are historical and present terms used in the Climate Change arena. These are western terms which do not resonate with a te ao Māori world view. These terms have multiple meanings for multiple scenarios from multiple parties. The terms also reinforce colonisation, applies a Pākehā concept, initiates a negative context, is a policy maker's script, is reactive not proactive, suggests Crown dissociation and many more. Impacts from climate change on whenua, awa and moana differ in locations, therefore appropriate solutions differ from iwi, hapū, whānau and hāpori Māori in their rohe.
68. We support iwi and hapū locally to define and determine terminology that applies to adaptation in their rohe. This requires leadership from various levels for discussions to happen and determine a way forward. A good example is a Plan led by Ngā Iwi Ō Maketū (Te Rūnanga o Ngāti Whakaue ki Maketū, Whakaue Marae Trustees and Ngāti Pikiao Environmental Society) and developed by the community, with support from Bay of Plenty Regional Council is the "He Toka Tu Moana Maketu Climate Change Adaptation".
69. The terms 'Managed retreat' or 'Community led retreat' are not supported. We note that this position aligns with the submission of E Oho! Awakening Aotearoa. We recommend terminology for the 'adaptation required' should be defined and determined by iwi, hapū, hāpori Māori and the wider community. This recommendation is shared by Te Uru Kahika in their submission.



70. From a te ao Māori perspective, it is not necessarily a singular word, or transliteration from English to Māori, or bilingual naming. Each iwi and hapū should have autonomy to define and determine the terminology of what describes their adaptation. Iwi and hapū locally would be guided by their own mātauranga Māori, tikanga Māori, and/or Whakataauaki / Whakatauki to reflect their knowledge and understanding of all things tangible and intangible which relates to all things Māori, incorporates a Māori worldview, and applies connections for iwi, hapū and whānau relationships with the natural and physical environment.
71. Some suggestions offered through wānanga and projects that describes the 'adaptation required' include Mana restored, Mana enhanced, Mana Motuhake, Resilience, Tohutanga, Kaitiakitanga and Need to survive, are but a few references.
72. In addition to the above comments, we agree with the submission points of LGNZ and Taituarā that 'community-led retreat' is not an appropriate term. The term can be misleading, as communities will not always be the decision-makers.
73. NZPI's position on terminology is set out in the following list:
 - NZPI considers that 'adaptation' is a good overarching label.
 - NZPI prefers the term 'community centred' over 'community-led' to describe the process, as a better reflection of what the process involves.
 - Although 'managed retreat' is a commonly used term, NZPI does not prefer the use of 'retreat', because of the cultural implications identified above, and because it ignores the important second half of where people move to.
 - NZPI prefers 'relocation' over 'retreat', as 'relocation' incorporates both leaving one place and moving to a new place.
 - As planners, we prefer the term 'planned' over 'managed', as 'planned' conveys a more comprehensive process than 'managed'.
74. Overall, our preference is for 'community centred adaptation' to be the overarching label for the *process*, and for 'planned relocation' to be the term used for the adaptation *option* that involves leaving one place and moving to another. This reflects the fact that we will not often plan specifically to leave a place, except in extreme situations. Rather, we will plan to adapt, and relocating may be an option as a result of that process. There will be other labels required for other options, in particular, other labels for options that specifically suit Māori responses. These other labels do not need to be prescribed – they can be developed as options for adaptation are developed.

Risk Assessments: First Step in Adaptation

75. NZPI agrees with the proposal of the Expert Working Group that risk be assessed at a regional level for the purpose of identifying areas requiring adaptation planning, with more specific and detailed risk assessments being undertaken for each individual area that requires adaptation planning.¹⁶

¹⁶ Expert Working Group on Managed Retreat. Recommendation 16. Page 26



76. We support Taituarā in their position that robust, nationally consistent, mandatory risk assessments must be the cornerstone of a new national framework for climate adaptation.
77. We recommend that national direction on risk assessment requirements, methodologies, and metrics is developed to further improve the quality, certainty, and consistency in approach toward climate change and natural hazard risk assessments. As stated in the Expert Working Group report, national direction on managing risk needs to apply to both the resource management system and to any adaptation system.¹⁷ That is, national direction must apply to risk assessments that help us locate development in the appropriate locations in the first place, as well as to understanding the degree of intervention needed to reduce risk when development has ended up in an inappropriate location.
78. National direction, such as the proposed National Policy Statement on Natural Hazards Decision Making (NPS-NHD), must provide for Māori to lead risk assessments based on their mātauranga Māori, values and principles. We support Kaupapa Māori lead risk assessment processes, such as Te Rauora, but acknowledge iwi and hapū may have their own frameworks to inform decision-making. For example, Te Awa Tupua Treaty Settlement legislation has Te Pā Auroa, a legal framework for Te Awa Tupua addressing multiple aspects for the health and wellbeing of Te Awa Tupua, including risk assessment, monitoring, and education. We recommend any national direction allows for bespoke frameworks and responses to be developed by Māori based on their tikanga, kawa and priorities.
79. We recommend a similar framework such as Te Mana o Te Wai or the Hierarchy of Obligations in the National Policy Statement for Freshwater, is incorporated in national direction on adaptation planning, and considered as part of the proposed NPS-NHD.
80. There are many competing priorities in national direction, and national direction on adapting to risks from natural hazards and climate change must not automatically prioritise other issues over adaptation. We note that the proposed NPS-NHD proposes to give priority to urban development over natural hazards. We agree there is a housing crisis, and more homes are needed for Māori and vulnerable communities, in particular where lack of investment and planning has occurred. Where there is a need for more housing, careful consideration must be given to all options, including not intensifying development in areas vulnerable to natural hazards and climate change risks, and funding and support for adequate infrastructure to deal with natural hazards and risks. For example, appropriate stormwater and wastewater services to deal with flooding events.
81. National direction should provide decision makers and risk assessment practitioners with nationally consistent direction concerning the variable aspects of a risk assessment, such as scope of assessment, the role of the community in assessing risks, the climate future scenarios to use, and standardised terminologies and definitions. This would be alongside partnering with iwi and hapū to support bespoke risk assessment processes. In the context of local adaptation planning, particularly where adaptation interventions may be significantly costly or disruptive, consistency and confidence in risk assessment processes and results is important for supporting good decision making.
82. The concept of risk tolerance and its role in adaptation decision making needs to be part of the national direction. NZPI recommends that tolerance of risk is used to help determine thresholds for action – tolerance for a particular risk situation tells us whether we need to intervene to reduce that risk, and if so, how strong that intervention needs to be. There will be different tolerances, or thresholds, for different risk situations and communities, including iwi and hapu. NZPI recommends that the local community, iwi, and hapu needs a prominent role in determining thresholds for action. NZPI is in agreement with LGNZ in this regard. A prominent role for the community is particularly important if the system has mandatory elements to it (which NZPI

¹⁷ Expert Working Group on Managed Retreat. Recommendation 14. Page 26



recommends it should) – if there is no individual choice about whether to leave or not, there needs to be an explicit and significant opportunity to provide input to the decision. At the same time, there needs to be a degree of national consistency in what triggers action, to ensure decision-making and risk outcomes are equitable on a national scale, and to ensure central government funding is applied consistently.

83. Methodologies for assessing tolerance and determining thresholds for action must be set nationally and in consultation with Māori. NZPI recommends an effective option is to set risk tolerance nationally for key dependencies such as infrastructure and for emergency services. For infrastructure, this may be a requirement to maintain a particular level of service following events, and the point at which that level of service can no longer be maintained would be the trigger for withdrawal. For emergency services, this may be a maximum level of risk that emergency responders can be reasonably expected to rescue people from. Setting these tolerance levels at a national level will provide certainty in the system and allow communities to plan around when infrastructure may start to be relocated out of an area, and when emergency service support during an extreme event cannot be guaranteed.
84. Tolerance or thresholds for action could also be addressed through the use of national 'bottom lines' or limits, in a similar way to the management of freshwater. For example, a maximum risk tolerance could be set nationally, or a national bottom line or limit that risk is not to exceed. This is another way to provide certainty into the system. Communities would know the maximum level of risk that is acceptable and could decide if a lower level of risk was more appropriate for their particular situation. Development could then be allowed to increase risk up to that point, and any areas subject to risk that exceeds that level would undertake adaptation planning to reduce the risk. We believe that new adaptation legislation and national direction for climate change and natural hazard risk assessment, alongside national direction on risk tolerance, will reduce the risk of litigation for decision makers in adaptation planning.
85. We agree with Te Uru Kahika that protection from litigation is important. Protection for decision makers from litigation risk associated with risk assessments can be provided through mandates to act, clear responsibilities for who is required to take which actions, and strong national direction that sets out the applicable methods and standards. The clearer these measures are, the less discretion involved for local decision makers on methodologies and standards, and the more protection provided from litigation risk.
86. NZPI recommends that risk is assessed broadly, with a focus on wellbeing. This is consistent with the Treasury Living Standards Framework, which requires consideration of risk to physical and financial capital, human capability, natural environment, and social cohesion.¹⁸ In a holistic view of risk, social and cultural aspects are important, and these are not well considered under a more traditional engineering or scientific assessment of risk. Considering the drivers of exposure and vulnerability, rather than just consequences, is very helpful for this – risk should be considered as the overlap or intersection between hazards, exposure, and vulnerability. Vulnerability can be broken down into sensitivity and adaptive capacity, allowing us to consider social, cultural, and other non-hazard drivers of risk.
87. Assessment of risk in this manner necessitates the input of a range of experts, including specialists in hazard and vulnerability assessment, mātauranga Māori, tikanga, natural environment, engineering, finance, and social risk. NZPI supports the use of expert panels to undertake risk assessments, to account for the need for diverse inputs. As stated, this range of expertise is unlikely to be readily available to local decision makers. For this reason, NZPI recommends a centralised resource unit (that might sit within MfE, for example), or an independent national body, that can provide capacity and capability to local decision makers for

¹⁸ Living Standards Framework. 2021



risk assessments that inform adaptation planning. The resources provided by this unit should also be available to assist with other aspects of adaptation planning and implementation.

88. We agree with the Expert Working Group's recommendation that risk assessments should be conducted at a regional level first.¹⁹ However, we support Taituarā in their recommendation that there may be instances where the need is so great that a local (community level) assessment must occur before a comprehensive regional assessment. In this case we agree with the Taituarā expectation that the local risk assessment will inform the regional assessment and any future action.
89. We note that Engineering New Zealand have not made a submission on the Inquiry into Climate Adaptation, but they have reviewed this risk assessment section of this NZPI submission and indicated that they support the key points.

Planning to Adapt: Second Step in Adaptation

Stop things getting worse

90. NZPI is of the strong view that we should be making planning decisions now that avoid the need for planned relocation in the future. There has been a lack of national direction to support councils to effectively manage land use to avoid creating new areas of risk to-date. The New Zealand Coastal Policy Statement has had limited effect in this regard. We note that a proposed National Policy Statement on Natural Hazard Decision Making is currently open for consultation. As mentioned above, national direction on managing risk needs to apply to both the resource management system and to any adaptation system. Stopping things getting worse and undoing past decisions should not be separated out – the same principles and policy approaches are needed for both aspects of managing risk.

A hybrid system for adaptation

91. NZPI recommends that a hybrid adaptation system is developed through new legislation on adaptation, where the current resource management system is supplemented with additional powers and mechanisms to address existing resource management system issues and mitigate decision-making barriers to enable equitable and enduring adaptation action.
92. In developing a hybrid system for adaptation, we recommend new mechanisms and powers are integrated with the existing strengths of the resource management system which complement those needed for adaptation planning. These existing resource management system strengths include:
 - a. Planning is evidence-based and provides for critical analysis of a wide variety of inputs and points of view. Given the complexity of climate change impacts, interactions with natural hazards, and the deep uncertainty associated with the timing and nature of impacts, the ability to critically analyse diverse information is important.
 - b. Strategic spatial planning (whether undertaken under the Local Government Act or the Spatial Planning Act) provides a clear road map of what the future may look like by identifying areas that need adaptation planning, areas where growth is appropriate and communities may be able to relocate to, and how changes in the provision of infrastructure can support adaptation.

¹⁹ Report of the Expert Working Group on Managed Retreat. Recommendation #16. Page 26



- c. Current planning processes require a strong emphasis on community engagement, which is essential in adaptation planning for building social licence and trust with affected communities and developing community-led planned relocation pathways.

Aligned with the Dynamic Adaptive Pathway Planning approach

93. Due to the uncertainty of future climate change impacts, future development and long-term planning conducted under a hybrid system for adaptation needs to have a degree of flexibility applied to avoid 'locking in' land-use options and ensure that an option implemented in the short-term can still preserve the viability of future options more suitable for the changing climate. Dynamic Adaptive Pathway Planning (DAPP) has emerged internationally as a best practice approach to supporting adaptive decision making and has commonly formed the basis for local adaptation planning to date in New Zealand, although it is not the only approach.²⁰ We recommend that a hybrid system for adaptation enables the DAPP approach.
94. NZPI supports the submission points of E Oho! Awakening Aotearoa, that use of the DAPP approach in Aotearoa has not always upheld Te Tiriti principles or involved mātauranga Māori or tikanga, and that use of DAPP needs to demonstrate it is fit for the unique cultural, social, environmental and governance frameworks of Aotearoa. Rather than required a DAPP approach for all adaptation planning, NZPI's recommendation is that DAPP is enabled as one option, and that use of DAPP must uphold Te Tiriti principles and include local mātauranga Māori and tikanga.
95. A key part of the DAPP process is defining a series of signals and triggers which will indicate when a certain threshold is being reached that requires an action to be taken. Through adaptive forward planning, when a threshold is nearing, a previously agreed action or pathway can be adopted to proactively avoid the pre-agreed risk eventuating. This approach allows decision makers to provide communities with some certainty in the form of an adaptation 'roadmap' and enables greater ability to nimbly adapt.
96. The plan measures required to implement a DAPP approach for an area will need to be enabled in a hybrid system. We support the Expert Working Group's proposed approach of utilising designations for adaptation areas to support local adaptation planning. The designations would be embedded in the district plan, and unlike normal designations, would also authorise plan changes, providing a single point for all planning changes and approvals required to proactively implement the appropriate alternative adaptation pathway suitable for the changing conditions.

Strategic spatial planning

97. Strategic spatial planning is a key component of effective local adaptation planning. Whether through the Spatial Planning Act or an equivalent, we recommend strengthening the role of regional spatial planning as a key mechanism for enabling the implementation of local adaptation plans by avoiding development in high-risk areas and identifying adaptation areas for the activities required to adapt or relocate communities. This position aligns with LGNZ.
98. We support the recommendations of LGNZ, that land use and spatial planning decisions must enable the development and infrastructure necessary to support relocation, and that the framework must enable integration between local adaptation planning and urban regeneration projects where possible. The question of where people move to must be a central aspect of adaptation planning.
99. We agree with the point made in the submission of NZAIA, that regional spatial planning provides an essential framework within which local adaptation responses can be developed. It is an important tool for taking a holistic approach and ensuring there is consideration of unintended consequences and cumulative effects. We agree that impact assessment, of both positive and

²⁰ Coastal Hazards and Climate Change. 2017



negative impacts, is important as part of spatial planning. It is also important that spatial planning includes consideration of future scenarios for climate change and growth.

Pre-event recovery planning

100. As climate-related natural hazard events are unpredictable in their precise timing and severity, these events may occur during the planning or implementation of a local adaptation plan, not necessarily after we have adapted and prepared. NZPI supports the recommendation in the Expert Working Group Report that 'pre-event recovery plans' be required as part of local adaptation plans. Recovery plans should provide direction on how adaptation options or pathways change post-event and ensure that decisions made during critical situations do not lock in maladaptive measures. Following the recent experiences of NZPI members in areas affected by Cyclone Gabrielle, we recommend other measures are taken to aid recovery, such as having pre-prepared draft Orders in Council that can be implemented quickly following an event, subject to event specific details being added, and the required resources and support prepared for community refuge centres such as marae and rural schools.
101. Often it is Māori who are responding to the impacts of climate change first and supporting all communities not only Māori through recovery. This occurs with generally minimal resources and within constraints of emergency situations that can have devastating social, cultural, and economic effects on everyone living in a community.
102. Previous examples include marae being refuge centres, kaitiaki and iwi hapū staff becoming first responders on the ground, and iwi and hapū leaders managing responses throughout large regions and districts if local authorities are not set up appropriately to respond. Often this will go on for months, if not years in some places where adequate funding and resources are limited in local authorities and through CDEM.

Technology and data

103. New and emerging technologies offer new solutions to how we manage and monitor risks and make evidence-based decisions. A connected Internet of Things would allow for a pooling of information from a range of different sources that would help us understand how our built and natural environments function and react. Combining this with meteorological data and hazard modelling, we can apply very effective scenario modelling and testing of proposed adaptation actions, resulting in well informed decision making, even where there is uncertainty. The potential for Artificial Intelligence (AI) to foster continual improvements in how we prepare, manage and recover from climate impacts should be harnessed.
104. Standardised formats and platforms for generating and storing data is essential to enable a connected system to produce the benefits described above. NZPI recommends the Central government provide coordination and direction in this regard, as well as resourcing. It is much more efficient for this role to be centralised, and adequate resourcing is necessary to ensure the data and information that underpin risk assessment and adaptation planning is developed at the rate and quality required.
105. Technology also offers innovative ways to engage and empower communities in adaptation processes, and for sharing information. The system should enable use of these technologies, as adaptation planning is a process that requires significant engagement with the community, iwi and hapu. Allowing flexibility for community-specific processes to be developed for local adaptation planning is a way the system can enable the use of innovative technology.
106. We support better use of technology, in particular those developed by Māori to inform Māori decision making. The capture and use of data and information is important to contribute to evidence to apply the appropriate solution based on relevant information.



107. It is important to liaise with iwi and hapū on how they wish to proceed with data and information capture, including funding Māori researchers and technical specialists to seek funding for research application proposals.

Data remains the property of tangata whenua

108. Data is a living tāonga and is of significant value to Māori. Māori data refers to data produced by Māori or that is about Māori and the environments they have relationships with. Māori data is subject to the rights articulated in Te Tiriti o Waitangi and the United Nations Declaration on the Rights of Indigenous Peoples, to which Aotearoa New Zealand is a signatory.²¹
109. We support that Māori data sovereignty is important for Māori rights and interests in data to be protected as the world moves into open data environment. Māori data sovereignty supports tribal sovereignty and the realisation of Māori and iwi aspirations.

Information protocols to support council and government processes

110. Mātauranga Māori and tikanga Māori is iwi or hapū knowledge, which is for iwi and hapū to direct the use of this knowledge and information. A key factor with information sharing protocols is relationships with iwi and hapū. Historical experiences of iwi and hapū sharing their knowledge, information or stories is of the misuse, misappropriation for other purposes, and interpretation by others. The adaptation system must recognise that information sharing protocols of iwi and hapū knowledge should be defined and determined by iwi and hapū for the use and access of their information for climate adaptation planning.
111. We agree with the Expert Working Group that the sharing of risk information and early adaptation planning is essential, so iwi, hapū and Māori communities have knowledge to make decisions. We recommend information sharing protocols to support council and government processes must be developed locally with iwi and hapū and be based on their mātauranga and tikanga.

Nature of the planning process

112. NZPI cautions that the process established for adaptation planning needs to be sustainable for all those involved. The time, cost and effort required to run and participate in adaptation planning exercises can be extensive. The process needs to be reasonable and proportionate. For example, it should make the most of existing information where possible, rather than requiring new assessments.
113. NZPI recommends there is flexibility in the process, to allow fit-for-purpose processes to be developed that suit the particular communities undertaking adaptation planning, including Māori communities, whilst aligning with nationally set direction, principles, and practice. A one-size-fits-all process prescribed in legislation is unlikely to achieving lasting results and enduring relationships between decision makers and the community. Enduring relationships are essential as the process moves from planning to implementation.
114. A constrained policy environment created through strong national direction, combined with flexibility for developing community-specific processes, will provide the balance required for a community centred, nationally enabled system.
115. Adaptation planning is circular in nature. It is not a linear process that moves logically from risk assessment, to planning to adapt, to implementing adaptation. Risk is increasing as a result of climate change, and constant monitoring and review of conditions and policy responses is required. The system must provide for monitoring and review in a responsive manner, rather than a standardised regular period, and it must allow for changes to plans and actions without needing to commence the process from the beginning. Events are also likely to occur during the

²¹ Te Mana Raraunga Māori Data Sovereignty Network. Our Charter



adaptation planning and implementation process. The system needs to allow for adjustments to the process following the occurrence of an event.

Expert Working Group's framework for adaptation planning and planned relocation

116. NZPI supports the recommended 'Framework for adaptation planning and planned relocation' from the Expert Working Group.²² We see the proposed framework as a practical and workable system that progresses logically from risk assessment and adaptation planning, to implementation, review, and monitoring. Most importantly, it provides users with the clarity and assurance required to act. The key aspects of the proposed framework we support include:
- a. It balances a community centred approach to adaptation planning with national direction and mandated requirements to provide certainty and consistency.
 - b. It empowers affected iwi and hapū and affected communities to plan for and implement adaptation.
 - c. It allows for flexibility in the process and accommodates a DAPP approach to progress logically with the three key steps.

Local adaptation planning system requirements

117. NZPI recommends that local adaptation planning should be community centred and nationally enabled. We are in agreement with LGNZ and Taituarā in this regard. This means that central government involvement and national direction empowers local decision makers to determine the future of their communities. Affected communities including iwi and hapū must play a significant role in determining their future. Building social licence and community support for adaptation, particularly in cases where planned relocation is required, depends on meaningful engagement with communities throughout all stages of an adaptation process.
118. Similar to the suggestion from the Expert Working Group, we support the concept of appointing specialist 'navigators' or 'advocates' to help communities to engage and participate in local adaptation planning processes and guide them through the adaptation 'journey'.
119. To support quality local decision making, NZPI proposes local decision makers are provided with the training required concerning climate change and natural hazard risks and adaptation approaches and decision making, and that decision makers are certified. This would be similar to the existing requirement for freshwater decision makers to be certified. We support Taituarā in exploring workforce development to address both current capacity and capabilities constraints, and welcome greater government support.
120. NZPI recommends a role for central government in the following aspects of adaptation planning and implementation of adaptation actions:
- a. To set national direction for risk assessment and adaptation planning processes and decision making
 - b. To provide resourcing and expertise to support local decision making
 - c. To provide Ministerial approval of planned relocation decision-making
 - d. To identify the areas of highest priority for adaptation planning on a national basis

²² Report of the Expert Working Group on Managed Retreat. Framework for adaptation planning and planned relocation. Page 96



- e. To provide 'one source of truth', or one position, for central government in local adaptation planning
 - f. To standardised, manage, and provide tools for data generation and modelling, including accessibility, on a national basis.
121. The need for (a) and (b), national direction and resourcing support, have been discussed earlier in this submission. Role (c) is discussed under the heading 'checks and balances for local adaptation planning' below. Role (f), related to technology and data, has also been discussed above.
122. A role for central government to identify areas of highest priority for adaptation planning is a mechanism to get adaptation planning underway quickly in the locations that really need it. In addition, central government direction to undertake adaptation planning provides a strong mandate for action. Central government has already demonstrated an ability to undertake similar work, evidenced by the report 'Vulnerable Communities Exposed to Flood Hazards', proactively released by the Department of Internal Affairs in October 2022.²³
123. A role for central government in identifying areas of highest priority for adaptation planning would also provide strategic oversight and national coordination of the resources and data needed to undertake adaptation planning simultaneously in different locations.
124. The role of providing one source of truth is essential to ensure an adaptation system works efficiently and effectively. Under current planning processes under the RMA, multiple government departments and agencies can be involved in planning processes, each putting forward their own positions that often conflict with the positions of other government departments and agencies. This leaves the local council to try and navigate and resolve competing central government positions, which is inefficient, ineffective, and not an appropriate role for local government. A benefit of the Spatial Planning Act is that it requires one government voice in regional spatial planning. NZPI recommends that there be a requirement for one government voice where the Central government is involved in local adaptation planning.

Checks and balances for local adaptation planning

125. We support the Expert Working Group's recommendations for checks and balances in an adaptation system.²⁴ These recommendations provide for different checks and balances for the different types of functions in the system.
126. We agree that there should be a minimal role for the courts in the adaptation planning process. Appeals to the courts are time consuming and expensive, result in an adversarial process, favour the well-resourced, and take decision making away from local communities. NZPI considers that the system should aim to enable inclusive processes and local decision making but acknowledges the important constitutional role of the courts to supervise the lawfulness of public decisions and decision-making processes.
127. NZPI agrees that risk assessments should be subject to technical peer review and audit by an independent national body, rather than being contested in the courts. We agree with LGNZ and Taituarā that risk assessments are largely a technical exercise, with a mātauranga Māori lens applied, and if carried out using nationally consistent methodologies the outputs should be subject to limited appeal rights on questions of law – work undertaken in good faith should not attract liability and an independent review of risk assessments should be sufficient to ensure their robustness. A requirement to follow national direction for undertaking risk assessments is an

²³ Department of Internal Affairs. 2022. *Vulnerable Communities Exposed to Flood Hazard*. Wellington: Department of Internal Affairs.

²⁴ Report of the Expert Working Group on Managed Retreat. Recommendation #12 and 13. Page 26



essential component of this proposal. Judicial review should still be available, to ensure risk assessments are undertaken in accordance with national direction and follow due process.

128. NZPI agrees that the value judgements and policy decisions on how to respond to risk through an adaptation planning process is the appropriate part of the system for a high degree of scrutiny. We support formal submission and hearing processes and consideration of submissions by independent commissioners with particular training in adaptation decision making and local knowledge, including of mātauranga Māori and tikanga. We agree with the Expert Working Group that appeals to the courts on adaptation decisions should be limited to points of law and judicial review.
129. We also support the additional check recommended by the Expert Working Group for planned relocation decision making, in particular.²⁵ This would see Ministerial approval of decisions on planned relocation. We consider this is an appropriate alternative to judicial approval, as planned relocation decisions are inherently political and will involve the spending of central government funds – the Minister is the highest office able to confirm the hard decisions made by local decision makers.

Implementation of local adaptation plans: Third step in adaptation

130. Currently, the stage of implementation has the biggest gaps in terms of powers and tools to make things happen. In New Zealand, practice shows we are able to prepare adaptation plans, but that we struggle to implement them.
131. One reason for this is the disconnect between the resource management system, and the other systems and mechanisms that are needed to undertake actions such as physical works. Planning documents prepared under the RMA, such as regional policy statements and regional and district plans, set out the policy approach to managing resource use and development, and set the regulatory framework for these activities. However, RMA planning documents are not able to identify particular actions needed, they are not able to confirm funding for activities, and they are not able to compel people or agencies to take particular actions. District plans can set desired risk outcomes for communities, and they can regulate which types of activities can and cannot be undertaken in order to work towards that outcome, but they have no power to require proactive implementation steps to be taken to achieve it.
132. One of the reasons NZPI supports a new 'local adaptation plan', as recommended by the Expert Working Group, is that a new plan can have new powers and tools assigned to it to help with implementation, without interfering with the important role RMA planning documents already have. For example, the Expert Working Group recommends that local adaptation plans include a list of actions, responsibilities, and timing for those actions, and that these are binding obligations. This is an essential mechanism for being able to implement adaptation plans. We note that the implementation plans included in the Spatial Planning Act provide a good basis for documents that assign responsibilities and funding.
133. The resource management system will be an important vehicle for implementing adaptation, as an adaptation plan may require a change in policy approach, changes in zoning, restrictions on risk-sensitive activities, or changes in established uses, all of which can be implemented via district plans. In addition, regulatory approval is likely to be required for physical works such as sea walls and stopbanks via resource consents. The link between implementation of adaptation actions and the resource management system is therefore important.

²⁵ Ibid, Recommendation #14. Page 26



134. Implementation via the resource management system can occur without any changes to the current system. However, lengthy and costly processes are involved in changing plans and acquiring resource consents. It is inefficient to require these processes if an equivalent process has already been undertaken to develop a local adaptation plan. NZPI supports the proposal of the Expert Working Group for a new 'adaptation designation' to be introduced to the resource management system, to provide an effective and efficient link for adaptation actions that need to be implemented via the resource management system.²⁶
135. Funding processes are another aspect of implementation that is currently separate. There may be a number of different sources of funding, such as local government, infrastructure providers, and the Central government. Each of these sources is subject to its own processes and requirements. NZPI recommends clarity and coordination of funding processes for implementing adaptation as part of any new system.
136. An important aspect of implementing planned relocation, in particular, is the need to change ownership of land in most cases. This is a power that currently sits outside of the resource management system, except for limited situations where designations can be used. Furthermore, there is no specific power for changing ownership for the purpose of planned relocation.
137. Implementation of planned relocation, in particular, is going to require coordination between multiple agencies. It will require a lot of detailed planning of which actions are required when. There will also be compensation payments to be made, and there may be a need to exercise compulsory powers. NZPI supports the Expert Working Group's proposal for a 'retreat programme' for the implementation of planned relocation, which would provide the coordination and oversight required for this aspect of the process, and can be the vehicle for specific change of ownership powers.²⁷

Interaction with insurance

138. NZPI has discussed the interaction of insurance and adaptation planning with a representative from the insurance industry. There is agreement that avoiding development in risky places in the first instance is the best way to ensure good outcomes for all involved.
139. Where existing development is, or will be, exposed to high levels of risk that fall outside the appetite of insurers, the withdrawal of insurance will result in hardship, should an event occur prior to the implementation of adaptation measures. The experience of NZPI members is that the potential for the withdrawal of insurance is a big consideration for people involved in engagement processes on managing risk. We must recognise that we cannot afford to continue to rebuild in the same location multiple times, especially where risk exposure continues to increase. We need to be able to plan for adaptation and planned relocation in advance of insurance withdrawal, which means withdrawing before risk becomes intolerable to insurers. However, this may be a difficult thing to coordinate, as there is currently no link between the insurance industry and the resource management system.
140. NZPI considers that the starting point for a link between adaptation planning and insurance should be a common fact base. This means using the same data, models, descriptors and metrics to inform risk assessments. We acknowledge that there will be differences in how planning and insurance decision making responds to the risk. If tolerance for risk in planning decisions is lower than tolerance in insurance decisions, we should be able to plan to avoid insurance withdrawal.

²⁶ Report of the Expert Working Group. Recommendation #28. Page 28

²⁷ Ibid. Recommendation #29. Page 28



141. We agree with the insurance industry that involvement of that industry in adaptation planning is best targeted at the national level, on the policy settings that underlie the adaptation system. NZPI consider that the insurance industry should be involved in the development of national direction on risk assessment and adaptation decision-making, to help achieve alignment between the two systems.
142. An alternative way to avoid hardship as a result of insurance withdrawal is to have some sort of scheme that guarantees insurance cover once an adaptation planning process is underway. Care would be needed to ensure that any such scheme does not create perverse incentives or negatively affect the broader availability and affordability of insurance. NZPI supports the recommendations of the Expert Working Group on this matter.
143. There is a second issue of concern to NZPI related to the link between existing use rights and insurance. The protection of existing use rights underpins the current resource management system, meaning that unless there is a rule in a regional plan preventing it, houses can be rebuilt like-for-like following damage from an event, potentially putting development back in harm's way. The payout of insurance following events funds this rebuilding. Repair or rebuilding funded by insurance must be within the bounds of planning rules, so planning rules governing rebuilding are very important for reducing risk and increasing resilience. However, rules that restrict existing use rights are difficult to incorporate in plans and there are very few examples. They require clear objectives and support from regional policy statements and national direction. These rules are also a very narrow response, only able to deal with rebuilding issues on a site-by-site basis. Strong spatial planning to consider the issue on a regional basis is needed to provide coordination to site-by-site decision-making.



PART 4: FUNDING AND FINANCING ADAPTATION

144. NZPI calls for greater direction from the Central government on adaptation funding to support more accurate assessments of risk and enable communities to plan ahead with an understanding of how the costs may be shared.
145. Adaptation action can be costly and is often an ongoing expense, a cost which many councils cannot meet alone. Councils need a clear approach to understand the share of costs each stakeholder will be expected to pay when undertaking adaptation. Without a transparent and consistent means of understanding 'who pays' and assessing the financial risk of climate change and natural hazards, along with the affordability of proposed adaptation approaches, decision makers and their communities are significantly limited in their ability to make informed, confident decisions.
146. A transparent and consistent approach to adaptation funding, including if a differential compensation model is implemented (e.g., principal places of residence can receive generous compensation, whereas second homes would receive no compensation, etc) will likely influence the nature of community engagement processes. This influence must be cautiously approached throughout the adaptation planning process to ensure adaptation funding approaches do not preserve or exacerbate existing inequalities within communities.
147. NZPI agree with the potential outcomes and principles for funding adaptation listed in the MfE Issues and Options paper, particularly the outcome of ensuring equity among communities and across generations.²⁸ NZPI agrees with the Expert Working Group that compensation for planned relocation should be about avoiding hardship rather than preserving wealth.

Funding for Māori-led adaptation

148. Funding for Māori should be supported by local and central government agencies. Where possible private institutions should finance planned relocation or adaptation where economic plans and policies for supporting the Māori economy are in place. Including the banking and insurance sectors.
149. Local authorities who have lower rates bases will struggle to plan for climate adaptation. A central pool of funding should be set up to ensure councils can work in partnership with iwi and hapū to appropriately plan for climate adaptation. Criteria for access to a central pool of funding should also be developed in partnership with iwi and hapū to ensure needs of iwi and hapū are understood and considered, along with the wider community.
150. The following examples are funding models for consideration led by iwi and hapū in collaboration with Territorial Authorities as outlined below:
 - a. TE HEKE NGAHURU KI TE AWA TUPUA (TE AWA TUPUA STRATEGY)²⁹
 - Crown Contribution and Future Discussions to Fund Implementation
 - b. TE PŪWAHA - WHANGANUI PORT REVITALISATION PROJECT
 - A Council \$50million Project
 - c. PŪTIKI EMERGENCY RESPONSE GROUP, PUTIKI, WHANGANUI
 - Local Initiative Funding Through Civil Defence Emergency Services

²⁸ Community-led retreat and adaptation funding. Table 11. Page 64

²⁹ Te Awa Tupua (Whanganui River Claims Settlement) Act 2017



151. We encourage these current funding models to be investigated, to support development of options for funding climate adaptation planning. We believe a partnership approach between all agencies involved is required.

CLOSING

152. NZPI, along with Papa Pounamu, thank the Environment Committee for the opportunity to provide this submission to the Inquiry into Climate Adaptation.
153. We would like an opportunity to speak to this submission.
154. Contact details for the submission are: Emily Grace, Principal Policy Advisory
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