

**Submission of Wise Response Society
on the
Natural and Built Environments Bill**

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Thank you for the opportunity to submit on this Bill

Our submission consists of several key concepts followed by some suggested changes to the Bill that express them.

1. Overarching objectives for this bill should be:
 - i. *working within resource limits involves a transition toward a steady-state and circular economy based on sustainable use of renewable resources, including energy.*
 - ii. *operating within resource limits which are sustainable at all geographical scales and show good faith with international agreements.*
 - iii. *an operating space that includes not just limits on stress on the environment, but also where our excess consumption is identified and curtailed. i.e., both resource supply and demand sides impact on sustainability and need assessment.*
 - iv. *ecological net benefit achieved for both individual and collective developments while minimising disruption to natural systems irrespective of any regulatory baseline.*
 - v. *“fair share” criterion regarding access to and use of resources with the primary goal of wellbeing for the greatest number.*
 - vi. *continued cross-community involvement in planning process as the general public have proven the most reliable voice for environmental policy development and implementation.*
2. Include as part of the tests for consenting any development proposal adjudicated by the planning committee for the region
 - *Are there renewable energy flows, material resources and waste systems for the building, maintenance and functioning of the proposal to sustain it under 80% reduction in GHG?*
 - *If it meets the other criteria, but cannot achieve net ecological gain, is it the least ecologically compromising option, rather than just above a bottom-line?*
 - *Does it enhance community resilience at system scale?*
 - *Is it within both national and international sustainable environmental limits?*
3. Below are some comments on the Bill that apply the above general principles

Part 2 Purpose and related provisions

4 Purpose of this Act

(1) The purpose of this Act is to enable—

(a) Te Oranga o te Taiao

~~(a)(b) to be upheld, including by protecting and enhancing the natural environment; the restoration, enhancement and protection of ecological processes and~~

(c) people and communities to ~~use the environment~~ identify and function within the biophysical capacity of a district and region, and account for planetary boundaries, and

~~(b)(d) a way that supports the~~ well-being of present generations while minimising the risk of adverse effects on the ~~without compromising the~~ wellbeing of future generations.

(2) To achieve the purpose of the Act,—

(a) use of the environment must comply with environmental limits and what are reasonable and sustainable demand limits at all geographical scales; and

(b) outcomes for the benefit of the environment must be achieved~~promoted~~; and

(c) any adverse effects on the environment of its use must be avoided, remedied, or mitigated through the application of concepts of sufficiency and fair share.

~~(e)(d)~~ Ensure that all developments achieve ecological net benefit and advance the transition toward a steady state and circular economy with minimum resource use and wastage and a largely renewable energy base.

(3) In this section, **Te Oranga o te Taiao** incorporates—

(a) the health of the natural environment; and

(b) the intrinsic relationship between iwi and hapū and te taiao; and

(c) the interconnectedness of all parts of the natural environment; and

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(d) the essential relationship between the health of the natural environment and its capacity to sustain all life.

6 Te Tiriti o Waitangi

All persons exercising powers and performing functions and duties under this Act must give effect to the principles of te Tiriti o Waitangi.

7 Environmental limits

- (1) The purpose of recognizing environmental limits is to achieve either some or all ~~protect either or both~~ of the following:
 - (a) protect the ecological integrity of the natural environment;
 - (b) protect human health of present and future generations.
 - (c) prolong the life of non-renewable resources
 - ~~(b)~~(d) provide a planning framework other than endless material expansion
- (2) Environmental limits must be prescribed—
 - (a) in the national planning framework (*see* **section 12**); or
 - (b) in plans, as prescribed in the national planning framework (*see* **section 25**).
- (3) Environmental limits may be formulated as—
 - (a) the minimum biophysical state of the natural environment or of a specified part of that environment:
 - (b) the maximum amount of access, use, harm or stress that may be permitted on the natural environment or on a specified part of that environment.
 - ~~(b)~~(c) [rephrase in terms of minimising adverse impact above a baseline. In other words, rather than imply anything above a baseline is acceptable phrase it that any use starts to undermine the natural resilience and should be minimised so we avoid moving toward a flatline at the minimum. In many environmental situations a natural range of variability needs to be retained (eg rivers)].
- (4) Environmental limits must be prescribed for the following matters:
 - (a) air:
 - (b) biodiversity, habitats, and ecosystems:
 - (c) coastal waters:
 - (d) estuaries:
 - (e) freshwater:
 - (f) soil
 - ~~(f)~~(g) non-renewable resources.
- (5) Environmental limits may also be prescribed for any other matter that accords with the purpose of the limits set out in **subsection (1)**.
- (6) All persons using, protecting, or enhancing the environment must comply with environmental limits.
- (7) In **subsection (3)(a)**, **biophysical** means biotic or abiotic physical features.

8 Environmental outcomes

To ~~assist in achieving~~ achieve the purpose of the Act, the national planning framework and all plans must promote the following environmental outcomes:

(a) the quality of air, freshwater, coastal waters, estuaries, and soils is protected, or where degraded, restored, or improved:

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(b) ecological integrity is protected, or where degraded restored, or improved:

(c) outstanding natural features and landscapes are protected, or where degraded, restored, or improved:

(d) areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected, or where degraded restored, or improved:

(e) in respect of the coast, lakes, rivers, wetlands, and their margins,— (i) public access to and along them is protected or enhanced; and (ii) their natural character is preserved:

(f) the relationship of iwi and hapū, and their tikanga and traditions, with their ancestral lands, water, sites, wāhi tapu, and other taonga is restored and protected:

(g) the mana and mauri of the natural environment are protected and where degraded, restored:

(h) cultural heritage, including cultural landscapes, is identified, protected, and sustained through active management that is proportionate to its cultural values:

(i) protected customary rights are recognised:

(j) a rate of greenhouse gas emissions ~~are reduced~~ consistent with prevailing international agreements to retain safe concentrations and there is an increase in the including removal of those gases from the atmosphere:

(k) urban areas that are well-functioning and responsive to unavoidable growth and other changes, including by—

(i) enabling a range of sustainable economic, social, and cultural activities; and

(ii) ensuring a resilient urban form with good transport links within and beyond the urban area:

(l) a housing supply is developed to—

(i) provide sustainable choice to consumers; and

(ii) contribute to the affordability of sustainable housing; and

- (iii) meet the diverse and changing needs of people and communities; and
- (iv) support Māori housing aims:
- (m) in relation to rural areas, development is pursued that—
 - (i) enables a range of [sustainable](#) economic, social, and cultural activities; and
 - (ii) contributes to the [transition to more development of](#) adaptable and economically resilient communities; and
 - ~~(iii) promotes the protection of highly~~ [protects highly](#) productive land from inappropriate subdivision, use, and development:
 - ~~(iii)~~(iv) [adopts a fully integrated approach to landscape management that maximises natural and community resilience overall and takes into account pending resource constraints](#)
- (n) the protection and sustainable use of the marine environment:

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- (o) the ongoing provision of infrastructure services to support the well-being of people and communities, including by supporting—
 - (i) the use of land for [sustainable](#) economic, social, and cultural activities:
 - (ii) an increase in the generation, storage, transmission, and use of renewable energy [consistent with achieving GHG targets](#):
- (p) in relation to natural hazards and climate change,—
 - (i) the significant risks of both are ~~effectively addressed~~[reduced](#); and
 - (ii) the resilience of the environment to natural hazards and the effects of climate change is improved.

Part 3 National planning framework

Requirement for national planning framework

9 National planning framework

- (1) There must at all times be a national planning framework.
- (2) The national planning framework—
 - (a) must be prepared and maintained by the Minister in the manner set out in **Schedule 1**; and
 - (b) has effect when it is made by the Governor-General by Order in Council under **section 11**.

10 Purpose of national planning framework

The purpose of the national planning framework is to further the purpose of this Act by providing integrated direction on—

- (a) matters of national significance; or
- (b) matters for which national [and international](#) consistency is desirable; or
- (c) matters for which consistency is desirable in some, but not all, parts of New Zealand.

11 National planning framework to be made as regulations

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make the national planning framework in the form of regulations.
- (2) The regulations may apply—
 - (a) to any specified region or district of a local authority; or
 - (b) to any specified part of New Zealand.
- (3) The regulations may—

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- (a) set directions, policies, goals, rules, or methods;
 - (b) provide criteria, targets, or definitions.
- (4) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Contents of national planning framework

12 Environmental limits

- (1) Environmental limits—
 - (a) [Will may](#) be prescribed in the national planning framework; or
 - (b) [Will may](#) be made in plans if the national planning framework prescribes the requirements relevant to the setting of limits by planning committees.
- (2) Environmental limits [willmay](#) be prescribed—
 - (a) qualitatively or quantitatively;
 - (b) at different levels for different circumstances and locations.

13 Topics that national planning framework must include

- (1) The national planning framework must set out provisions directing the outcomes described in—

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- (a) **section 8(a)** (the quality of air, freshwater, coastal waters, estuaries, and soils [and non-renewable resources](#)); and
 - (b) **section 8(b)** (ecological integrity); and
 - (c) **section 8(c)** (outstanding natural features and landscapes); and
 - (d) **section 8(d)** (areas of significant indigenous vegetation and significant habitats of indigenous animals); and
 - (e) **section 8(j)** ([sustainable](#) greenhouse gas emissions); and
 - (f) **section 8(k)** (urban areas); and
 - (g) **section 8(l)** ([sustainable](#) housing supply); and
 - (h) **section 8(o)** ([sustainable](#) infrastructure services); and
 - (i) **section 8(p)** (natural hazards and climate change);
- (2) The national planning framework may also include provisions on any other matter that accords with the purpose of the national planning framework, including a matter relevant to an environmental outcome provided for in **section 8**.
 - (3) In addition, the national planning framework must include provisions to help resolve conflicts relating to the environment, including conflicts between or among any of the environmental outcomes described in **section 8**.

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14 Strategic directions to be included

The provisions required by **sections 10, 12, and 13** must include strategic goals such as—

- (a) the vision, direction, and priorities for the integrated management of the environment within the environmental limits; and
- [\(b\)](#) how the well-being of present and future generations is to be provided for within the relevant environmental limits.

~~(b)~~(c) [\[Take into account the key objectives proposed at the start of this submission\]](#)

15 Implementation of national planning framework

- (1) The national planning framework may direct that certain provisions in the framework—
 - (a) must be given effect to through the plans; or
 - (b) must be given effect to through regional spatial strategies; or
 - (c) have direct legal effect without being incorporated into a plan or provided for through a regional spatial strategy.

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- (2) If certain provisions of the national planning framework must be given effect to through plans, the national planning framework may direct that planning committees—
- (a) make a public plan change; or
 - (b) insert that part of the framework directly into their plans without using the public plan change process; or
 - (c) amend their plans to give effect to that part of the framework, but without—
 - (i) inserting that part of the framework directly into their plans; or (ii) using the public plan change process.
- (3) Amendments required under this section must be made as soon as practicable within the time, if any, specified in the national planning framework.

16 Application of precautionary approach

In setting environmental limits, as required by **section 7**, the Minister must apply a precautionary approach.

17 [Placeholders]

[Placeholder for other matters to come, including—

- (i) the role of the Minister of Conservation in relation to the national planning framework; and
- (ii) the links between this Act and the Climate Change Response Act 2002.]

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18 Implementation principles

[Placeholder for implementation principles. The drafting of this clause is at the indicative stage; the precise form of the principles and of the statutory functions they apply to are still to be determined. In paras (b) and (e), the terms in square brackets need to be clarified as to the scope of their meaning in this clause.]

[Relevant persons must]—

- (a) promote the integrated management of the environment:
- (b) recognise and provide for the application, in relation to [te taiao], of [kawa, tikanga (including kaitiakitanga), and mātauranga Māori]:
- (c) ensure appropriate public participation in processes undertaken under this Act, to the extent that is important to good governance and proportionate to the significance of the matters at issue [within the ambit of sustainable limits and principles](#):
- (d) promote appropriate mechanisms for effective participation by iwi and hapū in processes undertaken under this Act:

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- (e) recognise and provide for the authority and responsibility of each iwi and hapū to protect and sustain the health and well-being of [te taiao]:
 - (f) have particular regard to any cumulative effects of the use and development of the environment:
 - (g) take a precautionary approach.