



26 January 2023

\$23.03

Submission to the Environment Select Committee on the Natural and Built Environment Bill 186-1

Introduction

1. The National Council of Women of New Zealand, Te Kaunihera Wāhine o Aotearoa (NCWNZ) is an umbrella group representing around 60 affiliated organisations and 300 individual members. Collectively our reach is over 200,000 with many of our membership organisations representing all genders. NCWNZ has 13 branches across the country.
2. NCWNZ's vision is a gender equal New Zealand and research shows we will be better off socially and economically if we are gender equal. Through research, discussion and action, NCWNZ in partnership with others, seeks to realise its vision of gender equality because it is a basic human right.
3. This submission has been prepared by NCWNZ through the Parliamentary Watch and Climate Change and Environmental Sustainability Hubs with consultation with the membership of NCWNZ. It draws from several decades of NCWNZ policy¹ and submissions² on issues endorsed by the membership. NCWNZ was a submitter on the Inquiry on the Natural and Built Environments Bill: Parliamentary paper^{3,4} in 2021.

¹ NCWNZ. 2012. 115 years of resolution.

<https://d3n8a8pro7vhmx.cloudfront.net/ncwnz/pages/1025/attachments/original/1585374688/115-years-Register-everything-2.pdf?1585374688>

² <https://www.ncwnz.org.nz/submissions>

³ NCWNZ. 2021. Submission to the Environment Select Committee on the Inquiry on the Natural and Built Environments Bill: Parliamentary Paper. S21.17

https://d3n8a8pro7vhmx.cloudfront.net/ncwnz/pages/1026/attachments/original/1628041279/S21.17_Inquiry_on_the_Natural_and_Built_Environments_Bill_.pdf?1628041279

⁴ NCWNZ. 2021. Oral submission to the Environment Select Committee on the Inquiry on the Natural and Built Environments Bill: Parliamentary Paper. S21.07 oral.

https://d3n8a8pro7vhmx.cloudfront.net/ncwnz/pages/1026/attachments/original/1631604755/S21.17_oral_Inquiry_on_the_Natural_and_Built_Environments_Bill_.pdf?1631604755

4. The National Council of Women commends the government in reviewing the Resource Management Act 1991⁵ in what is described as the most significant statutory change in many decades. NCWNZ welcomes the opportunity to submit its views to the Environment Select Committee regarding this, the first of the three replacement Bills.

Part One Purpose and preliminary matters

Part 1 Purpose and preliminary matters.

Subpart 1—Purpose and related matters

Clause 3 Purpose of this Act

5. NCWNZ membership supports the Purpose of this Act in that it recognises and upholds Te Oranga o te Taiao. Also strengthened is the necessity to give effect to the principles of Te Tiriti o Waitangi⁶, whereas the current Resource Management Act 1991 (RMA) requirement for decision makers was merely to 'take into account' the principles of the Treaty of Waitangi.
6. Aspects of the Purpose that require strengthening in the view of NCWNZ is that a clearer definition of environment is necessary.
7. It is recommended: That environment be defined in terms of
 - natural environment (ecological integrity, mana and mauri of air, water, soils and connected landscapes should be central);
 - community and human rights, health and wellbeing;
 - urban form, the systems for the built structures and landscapes for healthy human settlement.
8. All are interrelated and dependent on the health and wellbeing of the natural environment. A wide concern is that environmental integrity should not be left to politics⁷.
9. Science is an essential part of modelling and monitoring for integrated wellbeing. It is submitted that Te Oranga o te Taiao cannot be given effect to unless a science component and the above changes are included. This will support greater equality and wellbeing for communities. In particular women and children are dependent on healthy living environments in everyday life to ensure their health and wellbeing.
10. It is recommended: That the Purpose of this Act should be broadened to include amenity values, with the addition of a new subclause: (v) *Supports and protects amenity values of*

⁵ Resource Management Act 1991.

https://www.legislation.govt.nz/act/public/1991/0069/latest/DLM230265.html?search=ta_act%40act_R_a_c%40ainf%40anif_an%40bn%40rn_25_a&p=5

⁶ Wilson J. 'Nation and government – The origins of nationhood', Te Ara – the Encyclopedia of New Zealand, <http://www.TeAra.govt.nz/en/document/4216/the-three-articles-of-the-treaty-of-waitangi>

⁷ Sylvester J. 2022. Nature sidelined in new environment bill.

<https://www.newsroom.co.nz/ideasroom/nature-sidelined-in-new-environment-bill>

the natural and built environment for the good of the planet and people and add consequential changes.

11. Amenity values are defined as the "natural and physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes"⁸.
12. Amenity values provide for an environmental outcome that enables health and wellbeing, not only for the environment but also for communities including women and children. This is consistent with Te Oranga o te Taiao.

Clause 5 System outcomes

13. It is recommended: That matters identified in Clause 5 be classified as being of National Importance both in the NBE Act and in the National Planning Framework (NPF). Of the matters listed, priorities should be identified.
14. It is recommended: That the following new subclauses be added to Clause 5, with appropriate renumbering:
15. Clause 5(a)(i)(C). Add after indigenous biodiversity, including indigenous afforestation.
16. An important part of our indigenous biodiversity is found in our indigenous afforestation. This provides living green lungs⁹ for our natural and built environments that supports and maintains air cooling (in a heating planet) and air quality that in turn supports human health and wellbeing including women and children.
17. Clause 5(b). Add new subclause (iv) *reduction of risk from sea-level rise and storm surges by building resilience into all land activity and management (or similar)*.
18. Clause 5(b). Add new subclause (v) *policy, planning for and the management of all coastal and fresh water bodies and their catchments to build resilience against rising temperatures in order to protect healthy ecological systems*.
19. The reason is that water is an essential life-supporting resource. The health of water and surrounding ecosystems must be protected from the effects of climate change and inappropriate land activity. Communities are vulnerable to declining natural water systems, including women and children who are more impacted and vulnerable.
20. Clause 5(c)(i). Add after business use, *open space*.
21. To support human health and healthy ecological corridors, open space provides not only the lungs of urban areas, space for flora and fauna but also space for recreation. Access to and the quality of open space supports human health, emotional and physical, including the wellbeing of women and community.

⁸ Brown S. nd. The Assessment & Management of Amenity. <https://www.nzaia.org.nz/stephen-brown.html>

⁹ Karlsruhe Institute of Technology. 2019. "Green Lungs" for a Good Urban Climate. https://www.kit.edu/kit/english/pi_2019_057_green-lungs-for-a-good-urban-climate.php

22. Clause 5(c)(ii). Add after economic in the third (ii), *recreational*. [NB there are three points numbered (ii) in 5(c).]
23. Add new subclause 5(c)(v) *and ensures that life cycle costing¹⁰ of development is accounted for to provide for efficient, low impact long-term outcomes.*
24. Add new subclause 5(c)(vi) *ensuring that system efficiencies in a new build, reduce the long term operational and environmental costs.*
25. Add new subsection 5(j) *To maintain and enhance amenity values for the emotional and physical wellbeing of communities whether urban or rural or an area of high natural value.*
26. Add new subclause 5(c)(vii) *urban neighbourhoods that are connected and friendly and where transport and community networks are accessible to all while minimizing dangerous enforced proximity.*
27. Add new subclause 5(c)(viii) *a relationship between the natural and built environment that supports the lonely, the disabled, low income, solo parents, and those at risk in society.*
28. It is recommended: That a statement be included to cross reference Clause 223 and Clause 5 to provide for essential criteria and assessment by a consenting authority.
29. It is submitted that the above amendments would enable integrated outcomes that deliver a lesser carbon footprint. With a long-term holistic approach, the best value for money is the lowest whole of life cost. Outcomes provide for improved environmental and human health and wellbeing, including for women and children and community and those with additional health or social needs¹¹. Long-term thinking and connected actions are required in the Act to support health outcomes. This approach would also support the enhancement of the intrinsic qualities of the built and natural environments and reduce carbon footprint.

Subpart 2—Other preliminary matters

Clause 7 Interpretation

30. It is recommended: Add amenity values as defined above or similar.
31. It is recommended: Add the definition of environment, the intent as set out above.

Part 2 Duties and restrictions

Subpart 1—Duties applying to all persons when carrying out activities under this Act

Clause 13 Environmental responsibility

32. It is recommended: That this Clause should be referenced to Clause 5 as a duty to implement its principles.

¹⁰ Kenton W. 2021. Whole-Life Cost. <https://www.investopedia.com/terms/w/whole-life-cost.asp>

¹¹ Walker H. 2021. Still Alone Together: How Loneliness changed in Aotearoa New Zealand in 2020 and what it means for public policy. <https://helenclark.foundation/publications-and-medias/still-alone-together/>

Part 3 National planning framework

Subpart 1—Requirement for national planning framework

Clause 33 Purpose of national planning framework (NPF)

33. The Purpose, as stated, is limited by the exclusion of reference to human health including the wellbeing of women and the community. Human wellbeing is critically dependent on the natural and built environment. The NPF should remove silos, in order to integrate human and environmental health and wellbeing, without which the purpose of the NPF and the Act cannot be achieved. This focus is necessary to enable gender equality that is a human right.

34. It is recommended: Add new sub section 33(d) setting targets for human health, *including women and community wellbeing*¹².

Subpart 2—Environmental limits and targets

Clause 37 Purpose of setting environmental limits

35. It is recommended: Add to 37(b) to protect human health, *including the wellbeing of women and community*.

Clause 38 Environmental limits

36. To promote human and environmental health it is recommended to amend by way of additional subclauses:

(g) open space

(h) indigenous afforestation

(i) productive land

Clause 40 Form of environmental limits

37. For the reasons in Clause 33, it is recommended: Add to 40(1) after ecological integrity of the natural environment or to human health, *including the wellbeing of women and community*.

Clause 42 Interim limits of human health

38. For reasons outlined above it is recommended in 42(1): Add after human health, *including the wellbeing of women and community*.

Clause 55 Matters relevant to setting management units

39. Freshwater and air are the two life giving resources that are required for human health and wellbeing and should be subject to the strictest of quality control mechanism. There are inadequate mechanisms elsewhere in the Bill, to protect freshwater systems that are polluted by existing and unconsented outflows or where higher density as of right, will increase runoff into already polluted catchments. There are many waterways that are

¹² ibid

not safe to swim or paddle in, and women and children are impacted disproportionately. The management unit approach will support water quality improvement.

40. It is recommended: Delete 55(4) as this section does not apply to management units set for environmental limits or targets relating to freshwater or air.

Subpart 6 Giving effect to national planning framework

Clause 68 Giving effect to the national planning framework in plans

41. It is recommended: That a Unitary Authority such as the Auckland Council, retains its regional planning committees to undertake the regional planning functions prescribed in the act. This would eliminate overlap and consequent cost and inefficiency that will be transferred into ineffectual outcomes and political stridency.

Part 5 Resource consenting and proposals of national significance

Subpart 5—Hearings and decisions

Clause 223 Consideration of resource consent application

42. This Clause does not provide adequately for addressing cross over effects of varying regulation and statute, such as the Urban Development Act 2020¹³, the National Policy Statement on Urban Development 2020 (amended in 2022)¹⁴, and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021¹⁵ passed into law on 20 December 2021. There is a lack of consistent policy and assessment and provision for compliance monitoring and enforcement to manage adverse effects.
43. As parts of Aotearoa New Zealand are becoming wetter and weather events are becoming more intense, risks are changing. Further, with the significant increase of impermeable surfaces from increased housing density an existing problem intensifies. As many urban areas densify, there will be substantial increases in surface water flooding and pollution of receiving waters. Much of this is currently undocumented and unconsented and existing infrastructure is not coping. This affects the health and safety of natural and built environments and presents tangible risks to people, including women and children and to property.

¹³ Urban Development Act 2020.

https://www.legislation.govt.nz/act/public/2020/0042/latest/LMS290735.html?search=ta_act%40act_U_a_c%40ainf%40anif_an%40bn%40rn_25_a&p=1

¹⁴ National Policy Statement on Urban Development 2020 – Updated May 2022.

<https://environment.govt.nz/publications/national-policy-statement-on-urban-development-2020-updated-may-2022/>

¹⁵ Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

https://www.legislation.govt.nz/act/public/2021/0059/latest/LMS566049.html?search=ta_act%40act_R_a_c%40ainf%40anif%40aaif_ac%40bn%40rn_25_a&p=9

44. It is recommended: That Clause 223:

- a) and/or the immediate subsequent clauses should provide for assessment of the cumulative downstream risks associated with increasing impermeable surfaces, and
- b) that policy in the NPF and elsewhere as appropriate, be introduced to provide the framework to address these cumulative risks, across all relevant legislation and national policy statements.

After Clause 223 or similar – Add Clause on climate change

45. Reference should be included to prescribe the assessment of the potential impacts of the risks from changes to climate both in the immediate and over time. This is essential and should be enabled by policy in the NPF. The Intergovernmental Panel on Climate Change (IPCC) report¹⁶ discusses projected changes to 2100 in temperature and precipitation by region across Aotearoa New Zealand. The report identifies further "climate variables including solar radiation and relative humidity ... that are ... important to New Zealand society from both a human perspective and an agricultural one". One illustration is "Urban heat islands"¹⁷ in densely developed urban areas. It is women and children, disabled and the elderly who are less mobile, and who are more susceptible to health risks from extreme heat. Planning policy that provides for climate variables is essential if development is to be sustainable and resilient to change to support healthy living environments for people and nature.

46. It is recommended: That after Clause 223 or similar, a new clause *Climate Change* be inserted. "Assessment" should include reference to the effects of climate change, its variable risks and provision for mitigation and building of resilience, as appropriate. Policy in the NPF should be included to support this added assessment.

Part 12 Miscellaneous provisions

Clause 826(1)(a) and 826(1)(b)

47. The application of these funds to the restoration of ecosystems and to improving resilience against the effects of climate change and other natural disasters is supported. Women and children, disabled, and the elderly are known to be the most affected by the impacts of climate change and natural disasters. Access to food and water security, housing and to health care is key to their wellbeing. Additionally, family violence can be a significant risk at times of high stress from disasters, when women and children suffer

¹⁶ Ministry for Environment. 2018. Climate Change Projections for New Zealand: Atmospheric projections based on simulations undertaken for the IPCC 5th Assessment. 2nd edition.
<https://environment.govt.nz/assets/Publications/Files/Climate-change-projections-2nd-edition-final.pdf>

¹⁷ Centers for Disease Control and Prevention. 2022. Temperature Extremes.
https://www.cdc.gov/climateandhealth/effects/temperature_extremes.htm

disproportionately¹⁸. Appropriate use of these funds enables the giving effect to improving human rights.

Schedule 6 Preparation, change and review of national planning framework

Part 1 Standard process for preparing and amending national planning framework

Clause 3 Limits and targets review panel

48. NCWNZ submits that the limits and targets are too narrow, and the range of expertise required should be broadened to address community need.

49. It is recommended: That subclause 3(1)(a) be amended by adding, after measures to protect human health, *including women's health and community wellbeing*.

50. It is recommended: That subclause 3(3) be amended by adding new clause (f) *human health, including women's health, and community and sociological wellbeing*.

Clause 9 Board of inquiry

51. The appointment criteria to the board of enquiry as given in subclause 9(4) is too narrow and should include the appointment of women. It is critical that there is diversity of gender balance to provide for robust outcomes.

52. It is recommended: That a new 9(d) be added, and that the board maintains a gender balance.

Clause 19 What the board must consider

53. Subclause 19(2) the board must not have regard to:

- a) any effect on scenic views from private properties or land transport assets that are not stopping places; or

[This takes no account of private rights if there are other options available.]

- b) any effect on the visibility of commercial signage or advertising; or

[This takes no account of visual amenity and enables trashy environments. It has the potential to reduce health and emotional wellbeing.]

- c) any adverse effect arising from the use of the land by

- i. people on low incomes
- ii. people with special housing needs; or
- iii. people whose disabilities mean they need support or supervision in their housing.

¹⁸ Parkinson D, Zara C. 2013. The hidden disaster: domestic violence in the aftermath of natural disaster. AJEM | Australian Journal of Emergency Management, 28(2): 28-35.
<https://knowledge.aidr.org.au/resources/ajem-apr-2013-the-hidden-disaster-domestic-violence-in-the-aftermath-of-natural-disaster/>

54. These provisions give those in the public and private sector development industry a right to overlook significant portions of the act that enhance or protect social and environmental outcomes. The quality of public amenity values will be at risk for commercial gain. Scenic views for example provide for health and wellbeing of communities and support tourism. Additionally protecting scenic views, can support the wellbeing of the natural and built environments and its management.
55. Subclause (2)(c)(ii) and (iii) provide a template to create living environments that are unhealthy or unsuitable for habitation. It provides for the development of ghettos where those with housing needs are expected to live and where there can also be an unhealthy ecological environment. Women and children would be disproportionately adversely affected. Compliance monitoring and enforcing the activity base and occupancy of such developments once constructed, would be costly and may not be possible. Women and children are disproportionately affected by poverty and are most likely to be disaffected by what will be a substandard living environment. Clause 19 subclause 2 creates a fundamental human rights issue.
56. It is recommended: Delete subclause 19(2) in its entirety and consequential amendments such as in Clause 31(e)(i)
57. It is recommended: Delete Clause 223(8) Matters to be disregarded in its entirety as an additional consequential amendment.

Schedule 8 Provisions relating to membership, support, and operations of regional planning committees

Part 1 Appointment of Members

Clause 3 Composition arrangement

58. The composition arrangement required for regional planning committees is narrow. It does not provide for community representation or for gender balance by the appointment of women. More robust decision making occurs where women are included as members¹⁹. It is critical that women are empowered as decision makers through this legislation.
59. It is recommended: Amend Clause 3 and subsequent clauses as required: to provide for regional planning committees to have a composition that includes 40-60% women and added community representation.

¹⁹ European Parliament. 2022. Parliament approves landmark rules to boost gender equality on corporate boards. <https://www.europarl.europa.eu/news/en/press-room/20221118IPR55706/parliament-approves-landmark-rules-to-boost-gender-equality-on-corporate-boards>

Conclusions

60. There are several compelling conclusions that the National Council of Women draws from examination of the Bill.
61. The Purpose of the Act is not clear and is likely to require significant litigation and professional cost to interpret. The contextual balance between the natural and built environment is unclear and lacks guidance for decision making. The Act fails to provide for a holistic view that highlights internal inconsistencies.
62. There are significant overlaps and inconsistencies with other legislation, national policy statements and regulation that creates unnecessary complexity.
63. The government appears to underestimate the politics associated with outcomes for the reallocation of space or resources and the consequent effects on the natural environment and existing communities²⁰. NCWNZ submits that careful review to provide for clarity of process and outcomes is required to address these issues.
64. We agree with the view of Jono Sylvester²¹ that the ambiguities create the opportunities for lawyers to fill the gaps in their clients' interests. NCWNZ submits this will also marginalise communities, including those unable to afford engagement in the process, including women.
65. With the new NPF, that is embedded within the Natural and Built Environment Bill on the one hand, and with the Spatial Planning Bill on the other, there is increased centralisation of power in government that brings standardised decision-making. There is a significant reduction in opportunity for communities and the public to be consulted and to represent their views on significant matters of national, regional and local importance. This has the potential to ignore specialised and local knowledges that would support more robust outcomes.
66. The Bill fails to provide for nimble decision-making in response to rapidly changing environmental and community wellbeing as a result of climate change. A clause on climate change impacts and resilience-building is recommended. The referenced IPCC report clearly demonstrates the challenges. Long term decisions based on today's information are no longer appropriate. Decision-making that is supported by constantly updated evidential and scientific knowledge is essential to protect the health and wellbeing of the natural and built environment and for communities.

²⁰ Science Media Centre. 2022. RMA Reforms Revealed – Expert Reaction.

<https://www.scoop.co.nz/stories/AK2211/S00350/rma-reforms-revealed-expert-reaction.htm>

²¹ Sylvester J. 2022. Nature sidelined in new environment bill.

<https://www.newsroom.co.nz/ideasroom/nature-sidelined-in-new-environment-bill>

67. There are significant international agreements that the legislation should recognise and take into account such as the Paris Agreement 2015²², CEDAW²³, and the UN Sustainable Development Goals²⁴. Consideration of human rights and gender equality appears to be ignored both in the legislation and decision-making that is prescribed. The wellbeing of women and children, the disabled and elderly, is dependent on a healthy environment to live in and to build a healthy community.



Suzanne Manning
NCWNZ Board



Christine Caughey
Convenor NCWNZ Climate Change & Environmental
Sustainability Hub

²² The Paris Agreement: What is the Paris Agreement? <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>

²³ United Nations. 1979. Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

²⁴ Arora NK, Mishra I. 2019. United Nations Sustainable Development Goals 2030 and environmental sustainability: race against time. Environmental Sustainability 2: 339–342. <https://doi.org/10.1007/s42398-019-00092-y>