



Grant Berghan
CEO
Public Health Association
Wellington@PHA.org.nz

Committee Secretariat
Environment Committee
Parliament Buildings
Wellington
en@parliament.govt.nz

Submission on the the National and Built Environments Act

1. Thank you for the opportunity to make a submission on the draft National and Built Environments Act. We do not wish to make an oral submission to the committee.
2. The Public Health Association of New Zealand (PHA) fully supports the purpose of this proposed Act as part of the suite of reforms revising the Resource Management Act. It is to be hoped that the Act provides for the establishment of a streamlined and Te Tiriti aligned consenting processes that will facilitate the provision of more, affordable, and sustainable housing in Aotearoa. The PHA shares the vision that future generations will be adequately housed and protected from the effects of climate change.

Who are we?

3. The PHA is a national association with members from the public, private and voluntary sectors. Our organisation's vision is 'Good health for all - health equity in Aotearoa', or 'Hauora mō te katoa – oranga mō te Ao', and our purpose is to advocate for the health of all New Zealanders.
4. To achieve this, we provide a forum for information and debate about public health action in Aotearoa New Zealand. Public health action aims to improve, promote and protect the health of the whole population through the organised efforts of society.
5. We recognise Te Tiriti o Waitangi as Aotearoa New Zealand's founding document, defining respectful relationships between tangata whenua and tangata Tiriti, and are actively committed to supporting Te Tiriti values in policy and legislation. Therefore we applaud the requirement of the Bill that 'In achieving the purpose of this Act, all persons performing functions or exercising powers under it must take give effect to the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).'
6. Aotearoa is currently suffering both an acute housing shortage, and experiencing the vanguard of climate change related extreme weather events (droughts, fires and flooding) and creeping sea level rise. The proposed changes outlined in the act have the potential to ensuring healthy, affordable housing and sustainable growth to occur while cutting our urban carbon emissions. Providing increased housing will also require compact urban developments in accessible locations, with excellent public transport and active transport (walking and cycling) infrastructure and for

construction of more sustainable buildings (taking into account better insulation, and space and water heating).

7. We particularly welcome the change from an intent to 'take into account' the principles of Te Tiriti (as defined in the Treaty of Waitangi Act 1975), replacing this with a requirement 'to give effect to' the principles of Te Tiriti, and provide greater recognition of te Ao Māori, including mātauranga Māori. These changes both uphold our Tiriti obligations, and send a strong signal to the effect that though consenting processes are to be faster and more effective, that there is not intent to (literally) bulldoze the processes of legitimate consultation.
8. We also recognise the inclusion in law of the importance of protecting Te Orange o Te Taiao. Taken at face value, it is hoped that the integrated set of regulations will include mandatory environmental limits that cannot be crossed to avoid irreversible harm to the environment, replacing the existing RMA which allowed cumulative adverse effects including degraded water, increasing climate emissions and soil loss.
9. We note that Treaty settlement negotiations linked to the RMA will continue while the NBA is developed. The local and specific nature of these arrangements means duplication of NBA provisions is unlikely. The Government will continue to consider how arrangements under negotiation can be transitioned into the new system. We note also that the exposure draft does not preclude any options for addressing freshwater rights and interests and their consideration as part of the ongoing discussions with iwi, hapū, and Māori.
10. Ecological harms (clause 33 and 108): The PHA feel that protection of the environment is at risk of being seen as of secondary importance to commercial and development goals. The 'setting of limits' via 'minimum acceptable state' or 'maximum amount of harm' must avoid perpetuation of past and current mistakes where natural ecosystems have been treated as resources that can legitimately be traded and harmed. Any decisions around 'setting limits' must take a holistic, interconnected ecosystem approach so that unintended consequences are avoided. We simply can't afford any semblance of the status quo of ecosystem and biodiversity destruction. Any 'limits' must demonstrate the ability to provide regeneration, balance and thriving of our natural world without compromise, so that human life can then thrive in unison.
11. Further, Clause 110: We agree that "*The requirement to prescribe environmental limits through the NPF is pivotal to achieving the purpose of the Act*" However, we are well beyond the concept of 'protecting ecological integrity' as a standalone aim – our planetary imbalance and imminent tipping points require a much bolder ethos than protection or harm minimisation. A much bolder vision of purposeful restoration and regeneration, nature-based solutions is required.
12. We would also sound a caution related to the possible effects of Clause 38: That "the NBA will also ensure that measures to avoid, remedy or mitigate effects do not place unreasonable costs on development and resource use. **Although the NBA will intentionally curtail subjective amenity values**, this will not be at the expense of quality urban design, including appropriate urban tree cover". One of the key 'amenity values' has traditionally been the protection of access to sunlight. We strongly advocate for sunlight being an extremely important aspect of health and well-being, and a compelling reason for District Plans allowing resource consents to limit the height of new buildings and to have other provisions to prevent excessive and damaging shading on existing homes. Sunlight isn't just a 'nice to have', particularly when the existing housing stock is timber homes. Sunlight contributes significantly to (sustainable) warmth in houses. Recognising that the quarter-acre back yard for amenity and food production is an unattainable and outdated aspiration, ensuring adequate and safe outdoor play areas, access to community gardens and recreational space in all areas of

increased housing density is vital. Perception of such amenity values might be subjective: but forced loss of such amenity will provoke fierce resistance, division and loss of community cohesion.

13. Pp 44 and 48 speak to the importance of representation *“from local government (regional and territorial), and giving iwi, hapū and Māori, a larger role in promoting activities and uses to achieve positive outcomes”* The Public Health Association advocates for the inclusion of the third sector as another key partner group – this sector holds expertise, knowledge, social connections and the strong networks required to help bring positive outcomes alongside other partners. We need to use the combined knowledge of all perspectives. Draw in communities in a shared set of solutions and outcomes – part of achieving cultural shift required to achieve the NBA vision.
14. P 68: *“All levels and all players in the system will need to have in place the capability and capacity to deliver the reform objectives. Culture change will be essential to the transformation required”*. We believe that community collaboration, consultation, authentic community empowerment must be preceded by clear articulation of the vision, the ‘why’, and then ongoing transparency at all levels of the system to allow democratic monitoring and evaluation of outcomes.
15. P144 Clause 13 sets out the topics that the NPF must include: *•“the quality of air, freshwater, coastal waters, estuaries, and soils • ecological integrity • outstanding natural features and landscapes • areas of significant indigenous vegetation and significant habitats of indigenous animals • greenhouse gas emissions • urban areas • housing supply • infrastructure services; and • natural hazards and climate change.”*
We recommend that the topic of enabling a healthy, sustainable food system should be included (as this could take many different forms in the future).
16. We note that the NBA is only one of three substantial changes to the RMA. It is essential that the GPS-HUD, the NPS-UD and the NBA should all be aligned, but there are aspects of the NPS-UD which are incompatible with the GPS-HUD aspirations, particularly the lack of mechanisms by which *“people, communities and institutions are connecting and collaborating early, learning from the past and from each other, and sharing knowledge to plan for growth and change (for example, natural resources are respected and cared for as living tupuna in te Ao Māori”*. As the Natural and Built Environment Act is still being developed the opportunity must be taken to make sure that the Act and the GPS-HUD are in agreement, and that streamlining these changes to the RMA will better provide for healthy public housing into the future.



Grant Berghan,
CEO Public Health Association of New Zealand