

New Zealand Institute of Landscape Architects
Tuia Pito Ora Incorporated (NZILA)

Submission on: the Natural and Built Environment Bill

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New Zealand Institute of Landscape Architects Tuia Pito Ora Incorporated Submission on: the Natural and Built Environment Bill 1 February 2023

Introduction

1. This submission has been prepared by New Zealand Institute of Landscape Architects Tuia Pito Ora (NZILA). It follows our previous submission on the Exposure Draft of the Natural and Built Environment Bill (NBE Bill) and the continued opportunities for engagement to assist in the development of this important legislation.

Our Submission

2. We continue to support an outcomes-based approach to resource management which promotes positive environmental outcomes alongside supporting the well-being of present and future generations. This aligns well with a landscape architect's primary responsibility of seeking to reconcile human needs in harmony with the natural environment and its systems. The emphasis of our submission therefore remains on ensuring the proposed planning system acknowledges and engages with all of Aotearoa New Zealand's landscapes as part of promoting outcomes for the benefit of the environment and supporting our collective and on-going well-being.
3. At its heart, we recognise the purpose of the NBE Bill aligns well with seeking positive landscape outcomes, including upholding te Oranga o te Taiao through meaningful partnerships of Te Ao Māori and Te Ao Pākehā and the interconnectedness of all its parts. This purpose also accords well with the inclusion of people and communities within the definition of the environment. Through this direction, we support the ongoing need to protect, and in some cases restore, places of national importance, including outstanding natural landscapes and outstanding natural features, alongside the urgency required to mitigate and adapt to increasing impacts of climate change. We also endorse the benefit of directing appropriate outcomes through spatial plans which clearly map out the vision and objectives necessary to shape our regions.
4. As landscape architects, we understand that delivering effective landscape outcomes requires engaging with and addressing how relevant landscape attributes or dimensions work together. Such understanding is derived through examining the physical attributes of a place alongside the perceptions and associations of communities who maintain relationships with such areas. Such attributes are dynamic and often operate at the interface of contested resources which also change through time. Whilst we recognise the role of setting environmental limits and the benefit of increased emphasis on restoring degraded areas, the primary focus of our submission remains on ensuring the inherent well-being and identity derived through relationships between communities and places are embedded within the planning system. Such explicit recognition also supports a definition of the environment which embraces the relationships, values and practices of communities within all areas as an integral part. To this end, we recommend direction

related to this aspect of human well-being is included within the suite of Part 5 System Outcomes, by including an additional system outcome as follows:

recognition of the relationships between communities and place that contribute to the identity and well-being of present and future generations.

5. Whilst we recognise that such characteristics of the environment may be incorporated through other system outcomes or subsequently addressed when directed by Natural and Built Environment Plans, we consider such relationships are integral to human well-being and best framed as a separate fundamental outcome of the planning system. Furthermore, we consider addressing this key aspect of human well-being is integral to achieving the NBE Bill's purpose.

Background

6. As a profession, we have now published Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines (Te Tangi a te Manu) in July 2022. This was endorsed by Te Tau a Nuku, the Māori group of Landscape Architects under the umbrella of Ngā Aho (the national organisation of Māori design professionals in Aotearoa) and followed deep and broad input within our institute and beyond. Through this, Te Tangi a te Manu promotes an approach appropriate to Aotearoa New Zealand and alignment between Te Ao Māori and Te Ao Pākehā world views through landscape assessment within a statutory planning context. Its essential purpose is to assist decision-makers and others to manage and improve landscape values and promote positive outcomes.
7. As landscape architects, we appreciate that enabling positive landscape outcomes requires understanding and responding to the inherent relationships between people and place. All our landscapes shape us and are shaped by us. Through Te tangi a te Manu, we appreciate such relationships are expressed as landscape characteristics and values, all of which are necessarily ascribed by people and recognised by communities. This understanding extends beyond places of national importance and across ordinary everyday landscapes where we mostly live, work and play. Whilst we recognise that addressing such qualitative and intangible matters can generate contested planning issues, we consider effective resource management must continue to engage with communities and support positive relationships with place as an integral planning outcome.

Integration between environment and landscape

8. We continue to unreservedly support a definition of the environment that recognises people and communities as an integral part. This definition also accords with a Te Ao Māori world view expressed as te Oranga o te Taiao. With this understanding, we consider system outcomes must also seek to ensure human needs are aligned with the needs of our environments.
9. In defining the environment, we also agree that this is not limited to just natural aspects and extends across all of Aotearoa New Zealand including its coastal marine areas. In our opinion, the environment includes a range of natural, built, rural and coastal areas, all of which encompass key characteristics across different landscape attributes or

dimensions through time. It is through examining such landscape attributes, at a variety of different scales, that we build an understanding of the essential relationships between communities and place. Such relationships contribute to our identities and our well-being and operate as part of an integrated system.

10. To remain effective and support human well-being into the future, mapping areas within our environment and directing protection, restoration, development or use must also take account of and address changes in character and values. Environment is ultimately interpreted by people as landscape.

System Outcomes

11. We recognise and agree with requirements for protection or restoration of natural character of the coastal environment, wetlands, estuaries, lakes, rivers and their margins as part of an effective system. We also support the ongoing need for protection of outstanding natural landscapes and outstanding natural features. With respect to restoration in the context of a landscape, we recommend this provision would be improved by replacing “if degraded” to “where degraded”. We agree, there are always patches or times when restoration may be beneficial within the context of a broader coherent landscape.
12. In facilitating positive landscape outcomes outside nationally important areas, we recognise human well-being also relies on ensuring well-functioning urban and rural areas. Whilst we support mutual outcomes which relate to landscape and include ensuring variety, supply, choice, adaptability and accessibility to social, economic and cultural activities, we consider such functions alone do not adequately engage with the characteristics and values which support human well-being. We also agree the availability of highly productive land is integral to ensuring well-functioning rural areas.
13. We agree that all landscapes have cultural values, including from perspectives of Māori, Pākehā and other recognised Aotearoa communities. To this end we acknowledge precedence to tangata whenua in defining cultural landscapes in Aotearoa and support the separate inclusion of mana whenua values as set out in Section 5e). Beyond this we support the inclusion of the conservation of cultural heritage as the appropriate means to contribute understanding and appreciation of all New Zealand’s history and cultures.
14. In essence, we consider system outcomes must also support positive relationships that all humans have with our environments. Landscape values are not limited to just special landscapes or areas. All landscapes contribute to environmental quality and our identity. Whilst we recognise and support a need to maintain efficiency when engaging with and addressing such landscape values, we consider the need to acknowledge and nurture positive human relationships with place remains a necessary part of supporting human well-being. Through our submission, we seek to ensure this matter is explicitly included as a system outcome.

Places of National Importance

15. Whilst our submission principally focuses on facilitating positive landscape outcomes across all of Aotearoa New Zealand's landscapes, we consider that there is a tension in the way that outstanding natural landscapes and outstanding natural features are also addressed. The legislation signals outstanding natural landscapes and outstanding natural features as places of national importance. While this may be correct, we note that, to date, such landscapes and features have been identified and evaluated at either a District or Regional scale, rather than a national scale and it will be important to continue to do so in the future. An assessment need not be undertaken at a national scale for a place to be nationally important.
16. We also note that Section 559(1) currently states that "Any activity that would have a more than trivial adverse effect on the attributes that make an area a place of national importance must not be allowed...". The trivial threshold applied suggests a higher bar than the existing King Salmon threshold for effects within the coastal environment which support a tolerance of 'minor' or 'transitory' effects. Given that some of our outstanding natural landscapes and outstanding natural features are also partially inhabited or modified landscapes which may involve some ongoing degree of adverse effect, we are concerned that such a threshold may inadvertently discourage communities appreciation and experience of our region's exceptional landscapes and/or their restoration and enhancement.

Spatial Planning

17. Regardless of the individuals and communities whose lives are affected by resource management decisions, the provision of graphic, visual, information which is embedded in spatial plans is essential to ensuring informed engagement, be this on a regional or more local scale. Landscape architects often use visual material to explore and communicate planning and design options with clients and communities. Final 'plans' are formally approved by consenting authorities, providing certainty in terms of outcomes and clear direction for individuals, communities, conservationists and developers alike.
18. Landscape architects have provided mapped information to inform resource management deliberations since the RMA became law. In our view this will remain critical in establishing the relationships between the Natural and Built Environment Act, the Spatial Planning Act and the Climate Change Act and their integrated delivery through Spatial Plans which must be informed by relevant information and prepared at relevant scales (including the landscape context as directed by Schedules 3, 4 and 5 of the NBE Bill) to be useful. Effective spatial planning and integrated management of natural and built environments necessarily engages with landscape and its inherent relationships between people and place when prioritising its development, use or protection.

Summary

19. In summary, we continue to offer support for resource management reform and build on the following directions as part of supporting effective landscape outcomes:
 - a. the establishment of an outcomes approach to planning that seeks to reconcile human needs in harmony with the natural environment;
 - b. the integration of Te Ao Māori, including recognising and upholding te Oranga o te Taiao;
 - c. the recognition and making provision for the fundamental relationships between communities and place that contribute to the identities and well-being of present and future generations;
 - d. maintaining protection of and, where degraded, restoration of natural character of the coastal environment, rivers, lakes and their margins as key aspects of environment;
 - e. maintaining protection of outstanding natural landscapes and outstanding natural features, the values and characteristics of which are identified across relevant landscape dimensions at national, regional and local scales; and
 - f. ensuring Spatial Plans engage with and address landscape characteristics and values as part of supporting appropriate development, use or protection.

Summary of Changes Sought

20. To support our submission, we have set out suggested specific refinement of Part 5 of the NBE Bill overleaf:

5. System outcomes

To assist in achieving the purpose of this Act, the national planning framework and all plans must provide for the following system outcomes:

- (a) the protection or, where degraded, restoration, of—
 - (i) the ecological integrity, mana, and mauri of—
 - (A) air, water, and soils;
 - (B) the coastal environment, wetlands, estuaries, and lakes and rivers and their margins; and
 - (C) indigenous biodiversity;
 - (ii) outstanding natural features and outstanding natural landscapes:
 - (iii) the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins:
- (b) in relation to climate change and natural hazards, achieving—
 - (i) the reduction of greenhouse gas emissions:
 - (ii) the removal of greenhouse gases from the atmosphere:
 - (iii) the reduction of risks arising from, and better resilience of the environment to, natural hazards and the effects of climate change:
- (c) well-functioning urban and rural areas that are responsive to the diverse and changing needs of people and communities in a way that promotes—
 - (i) the use and development of land for a variety of activities, including for housing, business use, and primary production; and
 - (ii) the ample supply of land for development, to avoid inflated urban land prices; and
 - (iii) housing choice and affordability; and
 - (iv) an adaptable and resilient urban form with good accessibility for people and communities to social, economic, and cultural opportunities; and
- (d) the availability of highly productive land for land-based primary production.
- (e) the recognition of, and making provision for, the relationship of iwi and hapū and the exercise of their kawa, tikanga (including kaitiakitanga), and mātauranga in relation to their ancestral lands, water, sites, wāhi tapu, wāhi tūpuna, and other taonga:
- (f) the protection of protected customary rights and recognition of any relevant statutory acknowledgement:
- (g) the conservation of cultural heritage:
- (h) recognition of the relationships between communities and place that contribute to the identity and well-being of present and future generations:
- (i) enhanced public access to and along the coastal marine area, lakes, and rivers:
- (j) the ongoing and timely provision of infrastructure services to support the well-being of people and communities.

Submission Authors

21. This submission was prepared by the NZILA RMA Reforms Working Group: Rhys Girvan, Shannon Bray, Di Lucas, Clive Anstey, Bridget Gilbert, Kerstie van Zandvoort and others
22. It was ratified by the NZILA Executive Committee 2nd February 2023 Submission Authors