

03 June 2022

National Adaptation Plan and Managed Retreat Consultation
Ministry for the Environment
Manatū Mō Te Taiao
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Attention: Submission's analysis team

Submission on the Ministry for the Environment's consultation on Te Mahere Urutaunga ā-Motu: draft National Adaptation Plan and Kia Urutau, and Kia Ora: Kia Āhuarangi Rite a Aotearoa, Adapt and Thrive: Building a Climate-Resilient New Zealand

1. INTRODUCTION

Tēnā koutou

I am writing to you on behalf of the officers of Hutt City Council, hereafter referred to as Hutt City Council¹. On 28 April 2022, the New Zealand Government released a consultation document on a proposed draft national adaptation plan (NAP) and managed retreat proposal¹. This document includes issues and options for developing New Zealand's first national adaptation and managed retreat plans to help Aotearoa New Zealand adapt to and minimise the harmful impacts of climate change.

Hutt City Council endorses the government's policy direction and looks forward to the final national adaptation plan by August 2022 as this is a significant step towards building resilience across Aotearoa New Zealand to address the impacts of climate change and protect our communities. Local government urgently needs guidance as [recent data](#) shows that climate

¹ In light of the time frames for making submissions, it is sometimes not feasible to have formal submissions endorsed by Council or a Council committee.

change impacts are foreseen to be placing our communities, infrastructures, and businesses at risk sooner than previous predictions and modelling have shown in the past.

Te Awa Kairangi Ki Tai Lower Hutt is particularly vulnerable to sea-level rise, storm surge and flooding. In the future, we can expect more intense storms and heavy rainfall, with an increased risk of flooding, and more frequent dry periods, which could result in drought. Sea-level rise in low-lying coastal areas poses increased risk of flooding to properties, affecting groundwater and drainage, as well as a heightened risk of storms surging inland, damaging infrastructure and properties, and impacting on people's lives.

Petone and Seaview are our city's most vulnerable coastal areas. They both have a significant area which would be severely affected by sea-level rise of 1m and more, and both have a large population, with infrastructure, housing, and businesses at risk. It also poses a risk to sites of cultural significance, including marae and historic sites which are built near the coast or river. We are guaranteed at least half a metre of sea-level rise this century, and storm surge inundation will occur more often and be more severe due to sea-level rise. The sea-level is currently rising about 3mm per year in the Wellington region (even without considering land subsidence), and small increases in the sea-level will have a disproportionate impact.ⁱⁱ

Hutt City Council is currently working on better understanding the risks of sea-level rise and flooding. Our understanding of risks needs to inform our city's planning for the future. We need to ensure that climate change features in all long-term development planning and that we plan well in advance to avoid unnecessary risks. Our adaptation-related workstreams include:

- A Climate Change Regional Impact Assessment in collaboration with Greater Wellington Regional Council and the seven other local and district councils in the Wellington Region.
- Latest information about risks is being considered as part of Hutt City Council's District Plan Review, which will identify areas at risk of natural hazards, including sea-level rise and extreme weather events, and may restrict use and activities in these areas.
- Flood protection work is also a key part of the *RiverLink* project. This flood protection work is expected to safeguard Lower Hutt residents from large flood events that could affect up to 3,000 homes, 5 schools and 600 businesses, potentially causing an estimated \$1.1B in damage.
- Over the next few years, our city may look to develop "Dynamic Adaptive Policy Pathways" (DAPP), to identify pathways for the future. This would consider potential measures over time, such as limits on development, elevating buildings and retreating from flood-prone areas.

Setting clear priorities backed by measurable targets and appropriate resourcing within the future national adaptation plan will be vital in achieving those climate adaptation goals as part of the implementation of our city's [Climate Action Pathway](#)ⁱⁱⁱ that was launched in March 2022. This document was developed by the Lower Hutt community (including Hutt City Council, mana whenua, and a range of stakeholders), through a co-design process led by a group of community representatives. It sets out the pathway for our city to achieve our zero emissions target and prepare for the impacts of a changing climate.

Stronger partnerships between central and local government are needed in the spirit of collaboration and success will depend heavily on clear government leadership and commitment to collective action. Hutt City Council, mana whenua, business and community

groups are working together to determine how Te Awa Kairangi ki Tai Lower Hutt should tackle the climate crisis as a community and we agree that strong, joint signals are required from local government, hapū/iwi/Māori, central government, community groups, non-government organisations and individuals.

Our approach at Te Awa Kairangi Ki Tai Lower Hutt City Council is guided by Te Āo Māori principles of wairuatanga, kotahitanga, manaakitanga, that we consider as central values to achieve our climate goals. We support a future NAP and managed retreat proposal that would support the principle of kaitiakitanga (guardianship and protection), embrace the value of mātauranga Māori and the role it can play in protecting and managing our environment.

2. KEY RECOMMENDATIONS

Hutt City Council supports the work MfE has already undertaken in pulling together this draft NAP and for providing a document that summarises all proposed and current actions around climate adaptation. We particularly welcome the proposed new legislation on managed retreat, as part of reform of the RMA, setting the national direction via the National Planning Framework, establishing a data sharing portal, supporting mana whenua in their adaptation, and strengthening the emergency management system. Hutt City Council acknowledges that these documents are key in supporting a consistent local government approach.

However, while the draft NAP is heavily reliant on local government – and the individuals, businesses and mana whenua that form part of wider council communities – as it stands, it doesn't provide answers to local government on some major adaptation related issues. We urge MfE to clarify aspects of legislation relevant to support future adaptation action for local government with a particular focus on:

2.1 HOW CAN WE WORK TOGETHER? CLARIFYING ROLES AND RESPONSIBILITIES

- The draft NAP and managed retreat proposal identify local government as a primary actor in adaptation planning. Impacted communities should be at the centre of the process through the support of local governance mechanisms that enable community-led relocation processes. As it stands, the draft NAP doesn't provide sufficient incentives to ensure that affected communities have input in choosing which adaptive response is most appropriate. Managed retreat should be planned in the spirit of cooperation and partnership through a co-designed approach with communities, businesses, and mana whenua to ensure all parties are included in the relocation process from very preliminary stages to implementation and monitoring.
- Legal liability dilemma concerns are hindering adaptation for many councils. The legal liability of councils and the processes required to manage that liability should be clarified. Furthermore, understanding which factors shape decision-making for interventions like managed retreat can be critical where context, risk drivers and timing can mean the difference between success or failure. Greater clarity is needed on which stakeholders are involved in decision-making and how, in

order to define the degree of involvement of affected communities in decisions and planning which is an important factor for success.

- For local government to be able to fulfil its critical role and responsibilities at the centre of the managed retreat process and in adaptation planning, we urge MfE to consider clarifying the range of funding or policy levers required to deliver on expanding responsibilities. Beyond the submission process, Hutt City Council suggests that central government engages with local government to collaboratively develop climate policy in partnership with mana whenua specifically in the area climate adaptation and managed retreat.
- The impact of collaboration across multiple levels of governance is unclear, and groups or individuals that will need to retreat have limited protection or representation in long-term planning. Improve baseline reporting of adaptation planning would support addressing these structural issues that could impact effective collaboration on adaptation planning and can lead to poor decision-making and negative outcomes from relocation.

2.2 HOW DO WE SHARE THE COSTS OF ADAPTATION? CLARIFYING FUNDING MECHANISMS FOR ADAPTATION

- Hutt City Council would like to raise particular attention to the need to clarify the funding mechanisms that will enable local government to deliver targeted adaptation actions in future based on the best available data and scientific knowledge.
- There is some uncertainty around the specific roles of district councils and regional councils and how adaptation responses are funded. This uncertainty can affect councils' ability to make and implement decisions. As mentioned in the draft NAP, there will be a range of costs associated with managed retreat which different parties will face. It is acknowledged that it is important that a managed retreat system does not create financial or economic incentives that would stop individuals from taking action to reduce their risks. However, there is no clear information about how adaptation funding would address spatial and temporal inequalities, so we don't transfer the risks to the most vulnerable.
- There is also a strong need to expand the document with details on compensation mechanisms, what it would entail and within what structure. Unpacking the legal and financial options available to decision-makers equally provides important context to how these policies materialise.
- We note the lack of support (financial or scientific) towards innovative tools that could serve communities and local governments to address managed retreat (by phases). We would like to support the establishment of funding allocation that would include Innovation and Technology such as digital mapping or community-owned Apps to support adaptation.

2.3 EFFECTIVELY ADDRESSING COUNCIL'S CAPACITY, SKILLS AND KNOWLEDGE ON CLIMATE ADAPTATION

- Many Councils do not have the capacity to effectively plan for and implement adaptation responses. Councils also face financial constraints and shortages of professional and technical expertise. While coordination and collaboration among local governments is already happening to address some of the capacity constraints, the draft NAP needs to provide a more consistent approach to support local government address this challenge.
- We strongly recommend MfE to address the limited capacity of local-level institutions and policymakers to implement action to address cross-cutting issues such as human mobility (especially planned relocation/managed retreat) in the context of loss and damage associated with the adverse effects of climate change. There is a need to support institutional, technical, and operational capacity building at local level, including through exchange of knowledge, expertise, and good practices.^{iv}

2.4 PROMOTING MANA WHENUA PARTNERSHIP AND COHESIVE GOVERNANCE

- It is essential that Mana whenua co-lead the NAP process in order to achieve adaptation priorities that aligns with hapu/iwi aspirations. Legislation should enable Māori to use and access their land within their iwi/hapū boundaries in a context of changing climate. Managed retreat should be inclusive of Māori traditional knowledge and values. An inter-generational approach to land is not addressed comprehensively and this needs to be considered at the very preliminary stages of the managed retreat process. Hutt City Council urges MfE to take action to include in the future NAP additional support and resourcing for mana whenua to realistically enable their participation in decision-making and implement adaptation strategies within their own iwi/hapū.
- It is critical that the National Adaptation Plan includes Indigenous knowledge's relevant frameworks, scopes, methodologies, and narratives which would particularly be useful to provide a solid basis to a Māori perspective particularly on managed retreat allowing a thorough consideration of issues such as inter-generational land transfer, etc.

2.5 PROVIDING A POLICY FRAMEWORK AND FUNDING MECHANISM TO SUPPORT COMMUNITY-BASED "MANAGED RETREAT"

- We urge MfE to provide consistent mechanisms to support local governments and communities with greater clarity on what to expect from the "managed retreat" process. This includes a clearer process as such but also, a defined timeline, articulated and coordinated funding sources, clear compensation mechanisms and principles. The notion of "origin" and "destination" land is not clearly articulated in the managed retreat proposal leaving a gap in understanding how destination land will be assessed and selected and how planning instruments will be used and funded.

- It would be essential to provide a comprehensive interim principled guideline to support “managed retreat” for local government based on international best practice and tools such as the [Planned relocation toolbox](#) that provides useful guidance on “origin and destination sites”, compensation mechanisms and timeline. This could also be based on lessons deriving from experience from regions such as the Pacific that is ahead of us in facing the impacts of climate change and developing adaptation strategies embedded in climate policy. The “Fiji planned relocation guidelines”^v for example, could be a useful tool to understand challenges associated with Non-Economic Loss and Damages (NELD) referring to the loss of values that are not commonly traded in markets. Examples include loss of, and damage to, mental health, culture, way of life, biodiversity, or social cohesion.^{vi} The NELD and intangible value loss such as belonging and attachment to indigenous land that would be dramatic loss to both Māori and Pasifika communities of Aotearoa New Zealand.
- Hutt City Council would like to recommend MfE to support realistic governance options for local government to effectively lead and support communities to choose the best relocation option for themselves based on the principle of “last resort” (see Planned relocation toolbox) and deal with the issue of loss of “place and space” that involves a series of NELD. The current “managed retreat” framework lack focus on the NELD that should be evaluated within each stage of the “managed retreat” process proposed by MfE. As it stands, the document doesn’t provide any tools to respond to climate impacts that can’t be quantified or measured. Loss of intangible value needs to be integrated as part of Loss and Damages within the “managed retreat” framework. This is particularly crucial as intangible loss (or NELD) constitute an essential part of mana whenua and Pasifika communities’ climate impacts where complex and deeply entangled socio-ecological system in which identity, culture and way of life is embedded.

2.6 ADDRESSING LAND USE PLANNING BARRIERS WITHIN KEY STAGES OF THE MANAGED RETREAT PROCESS

- As it stands, the draft NAP and the managed retreat proposal doesn’t provide a clear understanding of managed retreat as a process with key stages and some of the critical cross-cutting elements relevant to land use planning that needs to be considered at each stage. The draft NAP needs to address this to, at the least, provide for flexible planning regimes and the power to modify existing land uses and permits. in the context of local government, it is essential that MfE address barriers to adaptation measures that involve interference with existing or permitted land uses and provide tools for flexible planning regimes and the power to modify existing land uses and permits.

2.8 SUPPORTING EVIDENCE, DATA GATHERING AND SCIENTIFIC KNOWLEDGE

- Strengthening understanding of mobility as adaptation strategy to climate change and its impacts is a complex, interrelated, multi-disciplinary enterprise. Funding

and tools should be available to promote and enable commissioning robust research to better understand future climate mobility trends including planned relocation (or “managed retreat”) within the broader mobility spectrum of displacement and migration with a particular focus on cultural, social and economic impacts in New-Zealand and for indigenous communities. There is a need to invest in future research on indigenous knowledge around environment and adaptation as well as understanding climate impacts through both Economic and Non-Economic Loss and Damages. We also urge the government to develop tools enabling to quantify NELD within their adaptation plans.

- Data assessment should include the latest robust climate data but filling the gaps in terms of data related to human impacts of climate change is critical. We urge the government to provide funding and commission robust research on the following human impacts of climate change. This data is especially critical for local governments to support community-based adaptive options. Identification of climate hot spots, risk mapping and vulnerability assessments through interdisciplinary research can combine existing methods and tools and data from the physical and social sciences. For example, mapping can be used to identify physically exposed regions. This data can be combined with socio-economic data to ascertain the combination of exposure and vulnerability and therefore map populations at risk of displacement. In some cases, data might already exist which can be used for this purpose.
- Ensuring funding mechanisms are in place for supporting operational capacity around regular and robust climate impact assessments that would inform managed retreat at local level is crucial. Adaptation should be driven by the best possible scientific evidence. Planning for relocation as a process should be based on regularly updated scientific evidence on coastal erosion to enable a dynamic, flexible, and adaptable process to take place. Climate impact assessment should be based on a methodology addressing relocation through a community lens and not driven exclusively by individual land ownership requirements, this includes a co-designed approach to climate impact assessment methodology including indigenous approaches.
- We recommend expanding the support needed for adaptation planning, with a specific focus on clearly defining the differences in expectations of accountability between adaptation and mitigation. Hutt City Council encourages MfE to support options for developing quantifiable adaptation metrics and clear measures of success. We highlight the need for supporting the Research and Innovation sector in exploring and developing quantifiable adaptation metrics models and clear measures of success based on qualitative studies that would include indigenous approaches and methodologies to ensure that these are consistent with whānau, hapū, iwi and Pasifika approach and worldviews.
- Latest empirical qualitative data in climate mobility studies highlight the need to consider “trapped” populations unable to move after being affected by climate change impacts. We highlight the need to include in the future NAP and managed retreat plans more options to support the most vulnerable groups that are often

unable to move when affected by the impacts of climate change and environmental disruptions. Research needs to pay attention not just to those who move through retreat, but also to those unable to do so and how they can be supported to move when that is their desire.

- Finally, there is a need to better understand what data and knowledge is most relevant in the context of Loss and Damage; notably on issues such as how mobility can represent a risk management and/or risk prevention strategy and what are the linkages to issues related to insurance.

2.9 PROMOTING AN INDIGENOUS SCOPE AND AN INTERDISCIPLINARY MĀORI-PASIFIKA APPROACH

- Hutt City Council acknowledges the critical need to include indigenous approaches to future adaptation planning from conception to implementation and monitoring in the spirit of partnership and collaboration. We encourage MfE to reflect further the view that from a Māori and Pasifika perspective, attachment to place and space is an essential part of the being and loss of land would also mean loss of history and belonging.
- We acknowledge that the draft national adaptation plan mentions that it draws on key concepts of the Rau Ora framework^{vii} as a holistic approach to climate change recognising that the land, people and associated mauri (life forces) are interconnected. Despite this mention, the Rau Ora framework seems to have little connection with the rest of the directions provided on future adaptation for Aotearoa New Zealand. We encourage MfE to integrate Rau Ora as an overarching framework and connect it to the primary principles of the NAP as well as the action plans and three focus areas.^{viii}
- Aotearoa New Zealand can highly benefit from reinforcing its engagement with Mātauranga Māori to address climate adaptation goals. The IPCC Fifth Assessment Report (AR5)^{ix} promotes engagement with indigenous knowledge and principles around interconnectedness with nature that are powerful tools that can be used by the government to fulfil its international climate agreements. Research shows that indigenous knowledge is a key tool to maintain, and build, the momentum gained in the run from COP21 to COP26. AR5 identifies indigenous knowledge as a powerful tool to developing culturally relevant and appropriate policies on climate change adaptation. The inclusion of more robust and nuanced evidence, framing and narratives emerging from indigenous knowledge would highly benefit the National Adaptation Plan.
- Aotearoa New Zealand has the unique opportunity to engage with the traditional principles of adaptation to extreme environmental events embedded in the country's indigenous knowledge for centuries. Mātauranga Māori represents a deep understanding and respectful coexistence and balance with Te Taiao that is particularly relevant to address issues tailored at the local level. We suggest that there may be an opportunity to develop a unique Aotearoa New Zealand perspective on adaptation based on indigenous knowledge and use a term for "managed retreat", that might resonate better with kaitiakitanga.

- We note the lack of explicit recognition of Indigenous knowledge that is critical to address adaptation and managed retreat in a sustainable manner. We appreciate that the Rau Ora framework is mentioned in the draft NAP. However, we encourage MfE to connect this framework thoroughly through the NAP's primary principles, action plans and key focus areas. We also suggest including indigenous knowledge through an interdisciplinary Māori-Pasifika approach based on the shared value of Moana-nui-a-Kiwa.
- We support a future National Adaptation Plan grounded and informed by both Pasifika and tikanga Māori values. For this purpose, we encourage MfE to address Māori and Pasifika belonging to the process of adaptation in Aotearoa New Zealand, beyond the scope of participation by incorporating the principles of partnership and reciprocity through the Ruatonga framework and the shared value of Moana-nui-a-kiwa. This would support Māori and Pasifika communities to shape the future adaptive strategies of Aotearoa New Zealand in the spirit of cooperation and collaboration.

2.10 PROMOTING A COMMUNITY-BASED APPROACH TO MANAGED RETREAT

- We encourage MfE to tailor managed retreat plans to the needs of the communities. A decision to move is taken individually but also as part of a community that will be affected as a whole. There is no consideration of managed retreat as a flexible dynamic process that could be either temporary, permanent; that could include a whole community or part of it. The narratives and approach are driven by a conception of land that is based on individual ownership while communities are at the centre of the relocation process as they are the first impacted and relocation is likely to concern a whole community rather than individual owners separately. The relocation process is not tackled through a communal approach but rather through a singled individual notion of land ownership. This approach will not be adaptable to the various nuances and scenarios for impacted communities.
- Again, promoting an indigenous Pasifika and Māori approach to managed retreat would allow an in-depth understanding of those communal dimensions and case studies in the Pacific region have a lot to teach us in terms of understanding planned relocation as a collective process based on a community-based approach that would be key to support local government in engaging and addressing managed retreat successfully.

CLARIFY TERMINOLOGY

- It is essential to further define what "successful managed retreat" means and therefore, we reiterate the need to address managed retreat as a dynamic process. This could mean a shift in narratives used by MfE from "managed retreat" to "planned relocation" that would be more "community-friendly" and ensure an adequate alignment with narratives that would be relevant to feed into the Nationally Determined Contributions to the UNFCCC. "Planned relocation" would fit in the

international frameworks on climate mobility where New-Zealand could play a key role as part of its Foreign Policy framework on both climate change and migration.

- We recommend that MfE clarify its terminology in the future NAP and managed retreat proposal. At present, there is wide recognition that human mobility occurs across a spectrum from voluntary to forced movements. There is still lack of consensus about how these movements are then characterized and the definitional/terminological distinctions are made, from predominantly voluntary “migration” to predominantly forced “displacement.” There is also confusion whether “displacement” refers to a temporary and/or permanent process and definitions of “migration” still vary from country to country and even within the same countries. A similar environmental change can induce a wide array of mobility outcomes, depending on the characteristics of the affected peoples. It is essential to have clearly defined narratives to address adaptation and managed retreat in Aotearoa New Zealand.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Helen Oram', written in a cursive style.

Helen Oram
Director Sustainability and Environment

ⁱ Ministry for the Environment. 2022. *Adapt and thrive: Building a climate-resilient New Zealand*. Wellington: Ministry for the Environment.

ⁱⁱ Latest data for Lower Hutt can be found in [Mitchell Daysh \(2019\)](#) that assessed Greater Wellington's coastal vulnerability to climate change, sea-level rise and natural hazards. This is the latest climate change impact assessment including Lower Hutt. The assessment considered a mix of social, economic, cultural and environmental datasets, and looked at six geographic areas in Lower Hutt – Petone, Seaview, Lowry, Eastbourne, Pencarrow and Turakirae. Prior data for Lower Hutt can be found here: GNS Science Consultancy Report 2016/74 (May 2016), *Review of Hazard Information for Hutt City*. Hutt City Council DOC/16/75159.

ⁱⁱⁱ More details on our Climate adaptation goals can be found pp. 62-66.

^{iv} Capacity building workshops and tools: https://environmentalmigration.iom.int/#capacity_building

^v National Legislative Bodies / National Authorities, *Fiji: Planned Relocation Guidelines - A framework to undertake climate change related relocation (2018)*, December 2018, available at: <https://www.refworld.org/docid/5c3c92204.html> [accessed 1 June 2022]

^{vi} <https://www.sciencedirect.com/science/article/pii/S2212096321000656>

^{vii} “[...] where enduring and unbroken relations between Papatūānuku (earth mother) and Ranginui (sky father) and beyond inform the relationships among us, with others and with the environment. The enactment of these relationships (whakapapa) through tiers and intersections are associated with mana, tapu and noa.” Ministry for the Environment (2022:23-24) *Draft national adaptation plan*. Wellington: Ministry for the Environment.

^{viii} Focus area one: Reform institutions to be fit for a changing climate. Focus area two: Provide data, information, tools and guidance to allow everyone to assess and reduce their own climate risks
Focus area three: Embed climate resilience across government strategies and policies.
In response to *General Question 2* of the consultation document: Rather than choosing one key area, we would like to highlight the need for the NAP to focus on the synergies between those three key areas, it is essential that the focus of the future NAP lays on how their interconnection and how each support and facilitates each key area's outcome.

^{ix} Indigenous knowledge associated with climate change is largely covered and framed in the [Working Group II contribution to the Intergovernmental Panel on Climate Change 5th assessment report](#).