

**To: ENVIRONMENT COMMITTEE / KOMITI WHIRIWHIRI TAKE
TAIAO**

**From: TE URU KAHIKA REGIONAL AND UNITARY COUNCILS
AOTEAROA**

**In the matter of the: INQUIRY INTO COMMUNITY-LED RETREAT AND
ADAPTATION FUNDING**

**Contact details: Liz Lambert
Executive Director
liz.lambert@teurukahika.govt.nz
0274 285 618**

Tena koutou katoa,

He whakatauaki tēnei nā Rev Māori Marsden

Ko te mātauranga kei te mātenga,
He kohinga korero,
Ko te mātauranga kei te ngākau,
Kei a ia anō ōna tikanga whakaaro

Knowledge is a thing of the head.
An accumulation of facts.
Wisdom is a thing of the heart.
It has its own thought processes.

Ko tēnei te kaupapa o te Ao Māori.

Preface and contents of this submission

1. Te Uru Kahika Regional and Unitary Councils Aotearoa thanks and congratulates the Environment Committee for the decision to undertake a cross party inquiry into climate change adaptation and managed retreat. We welcome the opportunity to contribute to your thinking.
2. Te Uru Kahika acts on behalf of the collective of regional councils and unitary district councils of Aotearoa. It is governed by the mayors and chairs of regional authorities (the 'Regional Sector Group or RSG), directed by the Regional Chief Executive Officers' group (RCEOS) and supported by 26 special interest groups (SIGS) made up of subject-matter expert officers in the sector.
3. Te Uru Kahika works very closely with Local Government New Zealand and Taituarā and has a unique role to play in partnering with, and sitting between, central government, on the one side, and communities on the other. We have worked alongside these two agencies, and the New Zealand Planning Institute, in developing our respective submissions and there is a high level of consensus and support from Te Uru Kahika for their respective submissions.
4. Our submission is structured as follows:
 - Part one: Executive Summary.
 - Part two: Introduction.
 - Part three: Challenges, outcomes, principles, and priorities.
 - Part four: Effective mechanisms / actions.
 - Part five: Te Tiriti based approaches.
 - Part six: Roles, responsibilities, and institutional arrangements.
 - Part seven: Lessons learned from recent adaptation experiences.
 - Part eight: Role of the private sector.
 - Part nine: Finance and funding.
 - Part ten: Targets and indicators of progress.
 - Part eleven: Conclusions and next steps.
 - Appendix one: Lessons from Hawke's Bay.

Part one: Executive summary

5. We welcome the decision to conduct an inquiry and we welcome the Expert Panel's report, because making progress on climate adaptation – particularly managed retreat, is urgently needed.
6. Te Uru Kahika has expertise and experience to bring to the table to find solutions. This expertise and experience have been developed at the coal face. Local government (regional and territorial authorities) are well positioned to continue to contribute leadership to community resilience decision-making, to help address and adapt to the effects of climate change.
7. Both the Crown and local government have obligations to give effect to the principles of the Tiriti o Waitangi across the adaptation framework. Providing for the needs of iwi / Māori in the adaptation system will be critical. Working in genuine partnership with iwi, hapū and marae is essential for all regional and unitary councils, and for achieving good community outcomes.
8. The essential adaptation and managed retreat need is for fair processes, clarity about individual and institutional accountability, strong legislation, robust funding mechanisms and defensible science / hazard information – with all of this being to drive achievement of the right outcomes. There is a long-standing policy vacuum that needs to be addressed.
9. Clear and agreed outcomes, principles and prioritised actions need to be developed. Our submission makes some suggestions about what these should be.
10. Managed retreat is more likely to be enabled after an event, rather than before an event. The adaptation and managed retreat lessons from recent Hawke's Bay's experiences provide a strong base for that which may now be applied pre-emptively i.e., 'pre-extreme event,' within other regions (Appendix one). Furthermore, a multi-hazard approach to climate change adaptation should be applied.
11. Flood management structures – implemented with due cognisance of Te Mana O Te Wai and nature-based solutions, are a key 'immediate' adaptation tool that will buy the nation more time to design and implement other managed retreat and adaptation solutions.
12. We are concerned about raising false expectations in communities by using the term 'community-led decision making.' Our preference is to use the terms 'community-focused' or 'community-centric'.
13. The current institutional and legislative frameworks affecting climate change, natural hazard and resource management roles and responsibilities do not appear to be well connected or sequenced. These need to be better defined and aligned and thereby

- better understood. In addition, greater protection of local government from liability challenges is important.
14. Local government's funding system is under pressure. An annual Crown transfer of revenue, and other funding and financing mechanisms, are required to support local authority pre-emptive climate change adaptation activities.
 15. We see merit in working together with central government to establish an ordered but urgent progression through the following actions:
 - a. Research / information gathering - with a likely initial emphasis toward information that will help climate change hazard vulnerability and tolerance assessment.
 - b. Clear definition of high level 'adaptation concept and funding' measures, for inclusion in the Climate Adaptation Act (CAA).
 - c. Preparation of spatial plans at a regional scale (including the mapping of those areas subject to climate-change hazards) to prevent future developments being put at risk.
 - d. Preparation of statutory plans to appropriately add resilience to existing and future developments and land uses through regulation.¹
 - e. Agreement about cost sharing arrangements to fund adaptation measures.
 16. More accessible tools are required to enable property owners to have a much higher level of awareness of the climate-change induced natural hazards they face. Recent changes to LGOIMA (1987) are a good additional means of ensuring Land Information Memorandums (LIMS) provide better information to support people to make more informed decisions about the climate change risks affecting their properties.
 17. To further develop options for managed retreat, we look forward to engaging with central government, iwi / Māori, and communities to add to the necessary research priorities, outcome frameworks and metrics for the evaluation of success.
 18. Finally, long-term commitment and cross-party support for climate change adaptation is critical if we are to ensure the required system-shift will be enduring.

¹ We note the newly elected National-led government has indicated a policy intent to repeal new resource management legislation. This may include rescinding all or part of the recently passed Natural and Built Environment and Spatial Planning Acts that provide a base for the preparation of Regional Natural and Built Environment Plans and Regional Spatial Plans. Details about the exact nature of the proposed new Government's repeal intentions are not yet publicly available. We have prepared this submission in this context.

Part two: Introduction

19. Te Uru Kahika acknowledges the steps the Ministry for the Environment (MfE) has taken to seek the views of concerned individuals, groups, and communities about climate change adaptation and managed retreat. Their August 2023 issues and options discussion paper is an excellent scene-setter and provides well-shaped questions to guide consideration of this challenge.
20. In addition, we would like to express our congratulations to the 'Expert Working Group on Managed Retreat'. Their report (25 August 2023) tackles managed retreat in an authoritative and comprehensive manner. Most of the hard questions and the possible solutions are now on the table, courtesy of their efforts.
21. The opportunity we jointly face as New Zealanders is to either 'adapt' to the inevitability of climate change or to continue to suffer the consequences, and ever-increasing cost, of our maladaptation.
22. We are very conscious of the political risks and enormous cost of all of this. Adaptation to climate change will take courage, communication, community discussion and long-term multi-party commitment. Now is the time to establish a clear vision for what is required, and to set in place the mechanisms to achieve it.
23. Te Uru Kahika is well positioned to assist to meet this challenge. Members of Te Uru Kahika from Hawke's Bay, Auckland, Tairāwhiti and Northland have been at the forefront of recent actions to build community resilience against extreme weather events – including applying land classification systems to assist retreat decisions and working alongside iwi, hapū and all communities affected. (Hawkes Bay case study-learnings are included as appendix one of this submission).
24. The flood events affecting West Coast, Canterbury, Marlborough, Nelson, and Southland regions in 2021 / 22 demonstrate that all other regions face similar threats. Their local government leaders have similar learnings from these events to preemptively apply, to better manage the consequences of future climate change-influenced extreme events.

Part three: Challenges, outcomes, principles, and priorities

Our shared challenge.

25. The essential adaptation and managed retreat need is for fair processes and a te Tiriti-based approach, clarity about individual and institutional accountability, strong legislation, robust funding mechanisms, openness to innovation and defensible science / hazard information to back all of this up.
26. Current policy / legislative signals and institutional arrangements appear a little overlapping and lacking in certainty about sequencing and leadership. A clearer 'system map' would assist Te Uru Kahika to better understand how the pieces of the adaptation jigsaw fit together. Te Uru Kahika is ready to step up to the plate to play our part – but we need certainty about the roles we are best placed to play and how these roles dovetail into the roles to be played by others.

27. Aotearoa needs a solution that matches the scale of the problem we face. As noted by the Expert Working Group, it is not since World War Two that we have faced such a formidable challenge. An agreed framework for long-term and strategic adaptation actions must be secured by the end of 2024.
28. Adaptation requires equal attention to decarbonisation efforts. We cannot afford to take our feet off the accelerator of decarbonisation – but the inevitability of needing to speed up our plans to adapt is now even more clearly apparent. The only point of conceptual difference between the importance of decarbonisation and adaptation is that decarbonisation is a global issue requiring local solutions, but adaptation is a matter that we must solve for ourselves.
29. In addition to the challenges of climate adaptation and decarbonisation, our nation is also facing unprecedented biodiversity decline, for which solutions are also needed. Biosecurity challenges will also arise. We draw attention to this to emphasise the merit of applying nature-based solutions to the climate change adaptation fabric.

Challenge extends beyond flooding.

30. We note the focus of the inquiry appears to be toward climate-change-induced flooding – and retreat from those areas where community resilience to floods is not able to be achieved by other means.
31. We know that coastal erosion and inundation and land slips have not been forgotten but they do not appear to feature in the background work as fully as perhaps they should.
32. Also important is wind, drought, and fire – but we note these are more open to non-retreat resilience-building tools than flood / coastal inundation effects.
33. In addition, we note climate change risks extend well beyond urban environments. Our farming and rural communities, including many hapū and marae, are just as vulnerable.
34. We urge adoption of a comprehensive approach to your inquiry, including exploration of measures to improve the resilience of our natural water and biodiversity systems against drought conditions. Greater Wellington Regional Council has developed a case example of how this may be achieved in the Wairarapa.

Outcomes and principles.

35. In general terms, we found the outcomes and principles enunciated in the first National Adaptation Plan (NAP, 2022) to be sound – and with minor amendment, suited to application to the current adaptation discussions.
36. Overall, our shared goal should be to strengthen community resilience against the effects of climate change by:
 - a. Reducing vulnerability to the impacts of climate change.
 - b. Enhancing adaptive capacity in community centric ways.
 - c. Considering climate change in all our decisions, at all levels.
37. The principles we should apply to our climate change adaptation decision making should include enabling Māori led approaches where desired, being proactive; thinking long term; maximizing co-benefits; promoting equity; collaborating and adjusting as we go; making informed decisions by using the best available evidence; working with nature and applying nature-based solutions; always being open to

- innovative solutions; and clarifying the roles to be played nationally, regionally, and locally and between whanau / iwi, businesses, the insurance sector, communities and individuals.
38. In addition, we know that we will need to work together to ensure application of an approach that recognises the hardship, deprivation, and socio-economic sensitivity of some communities and individuals i.e., we will need to support those persons and families who have a clear need, rather than trying to assist everyone who may suffer economic loss and hardship.
39. Our final point on this subject is a call for help to clarify the priority to be accorded to competing outcomes arising from established national direction. The example we use to display this concern is the interface between managed retreat requirements and:
- a. National Policy Statement on Urban Development outcome of housing affordability / availability OR the...
 - b. National Policy Statement on Highly Productive Land that may restrict future use of Māori land (held in general title) for papakāinga housing.

Part four: Effective mechanisms and actions for community-led decision making.

Community-led or community-focused?

40. We resile a little from the use of the term 'community-led' decision making but understand and appreciate the sentiment underpinning this. Our preference is to use the terms 'community-focused' or 'community-centric'.
41. Our concern about the term 'community led' is centred in local government's past experiences. These demonstrate that sometimes (as was the case for Kāpiti District Council and as will likely be the case for Buller District Council re Westport), the final and hard decisions about managed retreat may not be secured if the focus is only on 'community-led' decision making processes.
42. Regardless, we agree that communities need to be fully involved in decisions about their future. We also agree that it is critical to seek out different views across a community on the risks they face, what language and processes to use, how best to respond to those risks, how to fund those responses and what institution is best placed to lead resolution processes.
43. Māori communities should also be central in decision-making, planning, and executing climate change strategies. Our discussions with iwi suggest the language of 'retreat' is not liked by Māori. We propose the task of finding better language be left to mana whenua. Relocation might be more proactive because it includes the element of help/assistance with where to go.

Mechanisms – priorities?

44. We recommend application of a sequence of mechanisms to achieve higher levels of community resilience against the effects of climate change.
45. The priority action is to better understand the climate change risks we face in each of our regions. The concepts addressed in the 'National Climate Change Risk

- Assessment for New Zealand' report (August 2020) provide good ground for developing this understanding.
46. This report makes use of information related to exposure, vulnerability, and risk tolerance - with the latter referring to the extent to which we accept risks to the things we value – health, environment, economy, buildings, and infrastructure.
 47. To document how best to apply these concepts in the regions, we would be assisted by having national consistency about exactly what each of these concepts mean and by having good science and agreed standards to back them up. The target of having adequate information to support consistent and robust risk assessment and adaptive planning across the country is close to being met, but more work is required to make it consistent and accessible.
 48. Toward this end, we have appreciated receiving information about:
 - a. Climatic change and extreme weather hazard locations for different emissions scenarios (noting NIWA have done a Stirling job to help define this already).
 - b. Susceptibility of areas to slips from heavy rain, drought, and rapid wet and dry changes.
 - c. Sea-level rise projections – (noting that Victoria University's NZ sea-rise programme and NIWA's Future Coasts programme have provided excellent location-specific information on this).
 - d. Specific property-based information about risk and exposure to natural hazards – as provided via the Toka Tū Ake / EQC portal.
 49. We also support the recommendations of the Expert Working Group about opportunities to improve our approach to risk assessment. We are in accord with the Working Group in suggesting there is a need to:
 - a. Give more certainty about who carries out risk assessments and how they are to be done.
 - b. Establish preferred methodologies for undertaking risk assessment and risk tolerance assessments – with the latter perhaps best carried out by territorial local authorities and communities and iwi / hapu.
 - c. Establish standardised terminology and definitions, including thresholds for levels of risk tolerance.
 - d. Establish a risk threshold, or criteria to determine a threshold beyond which communities must consider retreat as an option.
 - e. Provide for input on risk assessments for Māori land conducted by Māori, with appropriate support, and the use of Māori frames of reference, alongside the standard approach.
 - f. Establish a range of expert groups at national, regional, and local levels to support the technical nature of risk assessment.
 - g. Secure institutional arrangements that separate the following roles: standard setting, undertaking risk assessment and quality assurance (and the politics / value judgements affecting these things).
 50. With the above points in mind, we can see merit in applying the following sequence of actions to the task of improving our resilience to the effects of climate change:
 - a. Develop national science-based climate change impact scenarios, founded on agreed event frequency / magnitude, and identify and prioritise how these may affect regional, and local communities in low, moderate, and significant ways.

- b. Develop community understanding and agreement about their vulnerability to climate change events and their tolerance for the impacts of these events.
 - c. Apply a well-considered planning process, with the right authority held at the right level, and record this in the right legislative instrument, for example:
 - i. Use of the Spatial Planning Act and Regional Spatial Plans to better manage both current and future land uses and developments at sites at risk from climate change.
 - ii. Use of the Natural and Built Environment Act and Regional Natural and Built Environment Plans to manage current land uses and developments at risk from climate change.
 - iii. Use of the Climate Adaptation Act to better define the complex legal, institutional, and funding issues associated with managed retreat and adaptation to climate change.
 - d. Commit to the well-founded adaptive management approaches.
 - e. Apply the best site-specific interventions to achieve the best-value community resilience possible, using a concert of protection, avoidance, retreat, and accommodation measures (PARA).
55. We can also see merit in consistently seeking out the co-benefits associated with climate change adaptation actions such as reversing biodiversity decline.

Other mechanisms to help community-focused decision-making.

56. We also see a need for more guidance and clarity about:
 - a. How land may be used after retreat.
 - b. The 'rights' of utility service providers to withdraw essential infrastructure services, in concert with retreat decisions.
57. Protection from liability is also important. Those local government decisions made in good faith and with good information – including decisions about the 'level of service' to be provided by flood management infrastructure, should not be subject to Court-focused liability challenges, unless they are found grossly negligent for not taking necessary action.
58. We would like to see the further cultivation of an environment that respects and utilises Māori innovations and insights in enhancing infrastructure and adaptation strategies.

National Adaptation Plan.

59. The Government prepared the first National Adaptation Plan (NAP) in 2022. Te Uru Kahika participated in the development of this NAP.
60. The current document brings together the Government's efforts to assess and address risk.
61. We were saddened to see, despite our participation in the preparation of the first NAP, that it makes very little reference to local government actions. We recommend that future NAPs:
 - a. Provide more clarity about the accountability and responsibilities and intended actions of local government, alongside the actions of central government and other agencies.
 - b. Better define and support the special kaitiaki role of Māori for natural capital and ecosystems by committing to resourcing roles and responsibilities.

- c. Develop clearer measures and approaches to vet potential actions and determine which are likely to offer the greatest benefits for adaptation.
- d. Make more fulsome reference to the important adaptation role played by flood protection and river management schemes.
- e. Commit to working more closely with the science sector, iwi/Māori, policy makers and regional authority experts to develop a holistic future-focused research strategy for climate change adaptation.
- f. Establish a joint oversight group to coordinate the delivery of the many necessary work programmes. (NB such an oversight group should be comprised of central/local government and iwi/Māori, working in partnership and in accord with te Tiriti principles).

Natural hazard risk assessment and climate change adaptation plans.

62. Under the Resource Management Act 1991, councils are required to control the use of land for the purposes of avoiding or mitigating natural hazard risks. Risk assessments undertaken for this purpose, generally provide the basis for local and regional climate change adaptation planning.
63. Currently there is no national direction, nor consistency in the preferred approach to natural hazard assessments.
64. We recommend that Te Uru Kahika and MfE work more closely together to establish a template and a 'hands-on' network of officers and officials to support the accelerated development of climate change adaptation plans.
65. We recommend the involvement of Māori communities and their traditional knowledge in risk assessment to enhance the effectiveness and cultural sensitivity of these endeavours.

National Policy Statement on Natural Hazard Decision Making.

66. A draft 'National Policy Statement on Natural Hazard Decision Making' is currently available for comment. We welcome the release of this draft even though it may shortly be overtaken by other more comprehensive instruments. We intend to prepare a submission on its content. We see it playing a critical role in helping local authorities immediately manage resource consent applications for housing 'in-fill,' subdivisions, and building consent applications - in those areas clearly subject to the effects of climate change.

Emergency Management Bill.

67. Te Uru Kahika will also prepare a submission (required by 11 November 2023) on the Emergency Management Bill. We mention this to draw your attention to two points:
 - a. Flood management infrastructure should be included in the Bill's definition of critical infrastructure.
 - b. The promulgation of the Bill is yet another indicator of the overly complex web of legislative and institutional arrangements with effect on climate change adaptation.

Part five: Te Tiriti based approach to decisions about climate change adaptation²

51. Te Uru Kahika fully supports the need for a Te Tiriti based approach, and for increased focus and nation-wide learning on how to do this well. A Te Ao Māori view is by its very nature integrated, balancing what is good for people, the whenua, water, and climate, as well as protecting whakapapa, enhancing whanaungatanga and ensuring intergenerational sustainability and prosperity.
52. Both the Crown and local government have obligations to give effect to the principles of te Tiriti o Waitangi, including through empowering iwi/hapū to take Māori-led approaches where desired, integrating mātauranga Māori and te ao Māori across the adaptation system, and resourcing iwi/hapū to actively lead or participate in climate change decision making. Later in this submission, we provide additional information about how this may be achieved and more detail on the barriers to achieving good climate adaptation outcomes for Māori.
53. In this submission, wherever we discuss ‘community’ our assumption is that a partnership approach is taken with iwi/hapū, and wherever desired by Māori communities, Māori led processes are supported.
54. Our broader local government advisory network has suggested a te Tiriti o Waitangi framework for planned relocation should be developed to address, among other things, the:
 - a. Special status of Māori land as taonga tuku iho.
 - b. Unique rules that apply to Māori land under Te Ture Whenua Māori Act (1993).
 - c. Relationship of Māori with the whenua and the customary rights and interests that arise.
 - d. Importance of cultural infrastructure and taonga such as marae and urupā to iwi, hapu, and Māori.
 - e. Challenges that planned relocation poses to the recognition of customary marine title under the Takutai Moana Act.

Barriers to achieving good climate change adaptation outcomes for Māori.

55. We agree with the barriers to Māori participation identified in the MFE issues and options paper (chapter 2) and agree that dedicated efforts need to be put in place to uphold Māori rights, including land protection and respect of Tiriti agreements.
56. Using the MFE’s issues and options paper’s four categories of barriers, we list below examples, based on our local government Māori staff experiences, of why current government led climate adaptation processes often fail to achieve good outcomes for Māori. We hope this might help to remove some of those barriers in the design of a comprehensive system within Aotearoa for climate adaptation.

² One of Te Uru Kahika’s three strategic priorities is Te Ao Māori Partnerships. Working in genuine partnership with iwi, hapū and marae is essential for all regional and unitary councils, and for achieving good community outcomes. One way in which Te Uru Kahika supports these partnerships is through Ngā Kairapu - our Māori special interest group. Ngā Kairapu, made up of Māori staff from most of the regional/unitary councils in Aotearoa, has close connections with iwi and hapū around the motu. This section of the submission is based on lessons learned and experienced through working alongside Māori communities as Māori council staff, as well as insights gained from Ngā Kairapu members belonging to specific iwi and hapū.

Barriers listed in Issues and Options Report	Examples
Barriers to Māori participation in climate change adaptation and upholding Māori rights and interests	<ul style="list-style-type: none"> • Processes and options are often focused on the majority, not the most vulnerable/impacted Māori communities • The options proposed sometimes assume that there are places for hapū and communities to go/retreat to • Central and Local Government do not yet understand how to enable and support Māori-led processes • Some climate adaptation responses or options can compromise Tiriti settlements • The fact that many mana whenua live within the wider community and not just within their own papakāinga and marae communities is often overlooked, meaning they can be excluded from the process or marginalised within majority community views • Māori communities often face the challenge of engaging with central and local government on multiple priorities simultaneously, leading to overburdening and limiting their capacity to effectively participate in climate adaptation planning.
Variable quality of risk assessments and local adaptation planning	<ul style="list-style-type: none"> • Processes don't acknowledge or incorporate the long-held knowledge and experiences of mana whenua in adapting to changing climate and weather • The language used (e.g. retreat) is not congruent with the way Māori communities already live, in constant adaptation and flexibility • There is a lack of quality information at a localised level, or at least a lack of careful translation, facilitation, communication and shared understanding about the risks and options
No enduring and comprehensive system for community-led retreat	<ul style="list-style-type: none"> • Lack of understanding of how to enable Māori led approaches that are different in each place • Some agency-led initiatives can lead to or appear to result in further dispossession of lands and rights
Gaps in our funding approach	<ul style="list-style-type: none"> • Lack of funding overall, or complicated fund application processes, or funding tagged to uses that are not suitable for iwi/hapū led processes.

How to enable and support Māori-led processes.

57. Specific examples of things Central and Local Government and other agencies can do that 'enable and support Māori-led processes' and therefore ensure Māori rights and interests (and Te Tiriti) are upheld include:
- a. Take an empowering partnership approach from the start in overall adaptation approaches:
 - i. Avoid rules or guidance that advise government to 'seek Te Ao Māori input.'

- ii. Enable and support wānanga approaches to community discussions within Māori-led processes where that's desired by iwi/hapū.
 - iii. Ensure decision making and participation opportunities for iwi/hapū in their own communities and regions. Put marae and hapū at the heart of solutions and policy design, and empower them to identify their needs, issues, and challenges.
 - iv. Provide non-rushed processes and timeframes that allow iwi/hapū to discuss (without outside agencies if desired) and process the changes, their implications, and desired outcomes.
 - v. Provide and support flexible options for iwi/hapū to develop clear decision pathways with all the information on hand (not just engineering advice).
 - vi. Consider how to involve mana whenua who live in wider community settings.
- b. Enable and foster Māori-led climate resilience strategies and implementation plans:
- i. Cultivate an environment that respects and utilizes Māori innovations and insights in enhancing infrastructure and adaptation strategies.
 - ii. Ensure Traditional Ecological Knowledge (TEK) has influence and inclusion. Proactively address data sovereignty concerns and respect that rangatiratanga of mātauranga belongs with iwi/hapū/whānau.
 - iii. Work with Māori experts, contract dedicated Māori capacity and use unique Māori tools.
 - iv. Offer co-design opportunities for community communications and technical information.
- c. Ensure that access to and use of funding is flexible enough to be tailored to unique needs of Māori communities, and provide resources for:
- i. The interpretation/translation of technical data, models and tools in ways that make sense to people at place.
 - ii. Locally based risk, resilience and tolerance assessments for marae and local communities.
 - iii. Wānanga and other processes (and support this through kai, communications, information, understanding, travelling to iwi/hapū, and practical help such as shifting chairs and serving tea).
- e. Implement guidance and resourcing to ensure that central and local government become better partners, including resources to help with:
- i. Learning from and promoting Māori perspectives and adaptation experiences to foster respect and acknowledgment of a long history of pragmatic adaptation to change.
 - ii. Working with Māori experts right from the start to inform the way forward.
 - iii. Developing capacity at all levels of government to build relationships and integrate te ao Māori and mātauranga into policy.
 - iv. Well-designed communications developed with Māori communities.
 - v. Enabling regional government to work with central govt to appear almost as one agency for iwi/hapū.
 - vi. Understanding kaitiaki and hapū networks and the mahi they're doing on the ground (and therefore resources they need).

- vii. Supporting development of specialised facilitators to help with community conversations.

Part six: Potential institutional arrangements

Central government leadership.

68. Since 1989, Crown agencies have taken a somewhat piecemeal, disconnected, reactive and project-based approach to climate change resilience planning and investment, including for flood risk mitigation. The relationship between the Select Committee Inquiry and the DPMC supported / Roche-led 'Government Inquiry into the Response to the North Island Severe Weather Events' is an example of this.
69. In the past, the Crown's role has also been focused on responding, rescuing and cleaning-up the damage of extreme climate-change influenced events and helping communities to recover i.e., the ambulance at the bottom of the cliff.
70. A much higher level of central government collaboration with local government, iwi / hapu and communities and the designation of a strong single point or mechanism for leadership is required 'at the top of the cliff' i.e., on risk mitigation. This objective could be achieved by:
 - a. Making necessary changes to legislative and regulatory frameworks including departmental 'statements of intent.' to clarify who will do what and when, for example:
 - i. NEMA continuing to focus on responding to extreme climate-related events.
 - ii. MPI working with Regional Authorities to assist the primary sector (in specified regions) to transition to a more drought prone climate regime.
 - iii. MfE continuing to develop necessary climate change adaptation policy and legislation.
 - b. DIA supporting local government to be a trusted partner of central government in all climate change matters.
 - c. Requiring (perhaps via Government Policy Statements) alignment of the climate change related 'level of service' to be provided by utility network agencies such as Waka Kotahi with Regional Authority's resilience initiatives (NB this would help to ensure Waka Kotahi bridges and adjacent flood management infrastructure work in tandem to achieve community resilience rather than one undermining the other).
 - d. Exercising Government departmental leadership over climate change resilience by establishing a 'lead' government agency, with much improved methods of support and collaboration between all relevant agencies (NB One option is for DPMC to continue to provide the scale of leadership they have exercised over Cyclone Gabrielle recovery and retreat initiatives for future similar events).

Local government leadership.

71. Local government (regional and territorial authorities and mana whenua) are well positioned to continue to contribute to community resilience decisions by:

- a. Prioritising expanded flood risk resilience decisions, including optimising Te Mana O Te Wai and nature-based solutions.
- b. Working with the government to develop a co-investment formula for application to community risk resilience-improving investments.
- c. Making land use / spatial planning decisions that accelerate managed retreat from hazards and prevent new development in 'at risk' areas.
- d. Growing their capacity and capability to deliver capital projects that may provide a level of protection against flooding and coastal inundation.
- e. Actively engaging with iwi and communities to support the urgency of taking necessary community / iwi-hapu-led risk resilience actions.

Other agencies.

72. Utility providers would help by:
 - a. Making a commitment to work more collaboratively with providers of other 'at risk' resilience-improving interventions.

Escalation when local and regional decision-making fails.

73. If community-led adaptation mechanisms fail, there may be a need to activate a call-in power, enabling the responsible Minister to take action in certain circumstances, such as when the relevant decision-maker is unable or unwilling to discharge their functions (possibly because of local political pressure).
74. An alternative to 'call-in' is to consider the 'Commissioner' model established under the RMA for water management matters. The beauty of the Commissioner model is that it may provide the equivalent of an expert 'friend of the court' to help manage and facilitate collaboration amongst parties, and the resolution of residual resilience issues.
75. The need for escalation would diminish if litigation opportunities were restricted to points of law or unreasonableness, although we note the tension that exists between this and the principles of natural justice.

Part seven: Lessons learned from recent severe weather events.

Tairāwhiti.

76. Small and isolated communities – including those located in eastern Tairāwhiti have unique challenges requiring custom built and community / whānau focused solutions.

Hawke's Bay.

77. Inevitably there have been elements of 'flying the plane while designing it' in Hawke's Bay, but solutions were found. Some of these solutions are suited to application within other regions, including:
 - a. The guidance and linkage to central government / DPMC-led decision making, as provided by region-specific Ministers and the Roache-led Cyclone Gabrielle Recovery Task Force.
 - b. The regional focus on hazard definition and related-land categorisation (1, 2A, 2C, 2P or 3).
 - c. The property-based focus of territorial local authorities.

Auckland.

78. Auckland's flood experience was more pluvial and land slippage-related than river-flood related.
79. The land use planning implications arising from the need to upgrade storm water management systems and to 'make more room for water' include expensive buy-back and community relocation decisions.
80. These decisions will give rise to tensions with the objectives of the National Policy Statement on Urban Density. They will also affect the general desire to increase the affordability of housing. The National Planning Framework will need to provide clear guidance about how these tensions may be resolved.

Westport

81. Westport is the case example of social upheaval, damage and costs that could have been avoided if more central government 'adaptation' assistance had been available earlier. The investment of around \$10m would have saved the \$100m expenditure made on recovery after the July 2021 flood event.
82. The Budget 2023 package for Westport community resilience interventions is a belated but good case example of how to address flood challenges. This is because it has a focus on application of an adaptive management approach via the parallel use of:
 - a. Protection measures (river embankment structures).
 - b. Accommodation measures (including upgraded CDEM response).
 - c. Avoidance measures (including raising house floor levels and entrenching necessary district plan provisions).
 - d. Managed retreat measures (by making land, infrastructure, and community development plans available at the drier Alma Road site located to the Southwest of Westport township).
83. Nevertheless, challenges remain that may be resolved as part of the current Inquiry and policy development focus. These challenges include the:
 - a. Unwillingness of the Crown to share in the cost of the managed retreat of approximately seven houses at Snodgrass peninsular.
 - b. Absence of a commitment from Waka Kotahi to give priority to the raising of Westport's state highway bridges.
 - c. Importance of a mechanism to ensure the new 'affordable water' entities give priority attention to investment in stormwater pumps (to prevent stormwater ponding within the proposed Westport embankment).
 - d. Need for government assistance (perhaps via the NPS on Natural Hazard Decision Making) to avoid housing infill and further subdivision within areas protected by Westport's proposed embankments.

Iwi / hapu past involvement in adaptation.

84. There have been many lessons learned by councils and iwi / hapū in these affected regions about their partnerships and ways of working together/what processes have been good / not so good.

Importance of flood management structures.

85. The key 'immediate' tool, for application at most locations remains the construction of flood management infrastructure because this will buy time for other climate change

- adaptation tools to be developed and applied. But in making this comment, we note that before applying this solution, regional authorities have agreed to test and apply – to the greatest degree possible:
- a. Nature-based / Te Mana O Te Wai solutions as part of the design of infrastructure-based solutions.
 - b. An adaptative management approach that fully recognises the limits to the community resilience achieved from structural solutions – and the associated need to transition or work in parallel with avoid, accommodate, and retreat solutions.
 - c. Innovation – noting the challenge we are facing means we can't just do what we have always done but bigger. We need to expand the toolbox by constantly searching for new solutions.
86. Government must return to the co-investment table, on a long-term basis, to support a ten-year pipeline of investment in flood management infrastructure. The authorising environment and social license to make this step change has never been stronger.
 87. The necessary decade-long co-investment will enable higher levels of 'climate change' resilience to be achieved across New Zealand's existing 367 flood protection schemes. In the case of Wairoa and at several other locations, new / additional schemes will be a necessary part of this longer-term solution.
 88. Co-investing in river management infrastructure protects matters of national interest - roads, railways, other infrastructure such as sub-stations, communication towers, landfills, airports, schools, hospitals - and the continued functioning of communities and economies. Flood management structures are 'critical infrastructure that protects other infrastructure'.
 89. The estimated ten-year sum required from central government as a co-investment in flood management structures is estimated to be \$2.5billion. Regional authorities are positioned to contribute a similar sum.
 90. Once this funding commitment is made, decisions will then be required about the:
 - a. Priority locations for this investment throughout Aotearoa.
 - b. Level of 'community resilience' service to be provided by this investment, at each location.
 - c. Relationship between the level of resilience to be provided by this 'protection' infrastructure and how (if necessary) a transition will be made to other longer-term avoid, accommodate, and retreat resilience-building measures.
 - d. Methods to ensure optimal application of 'nature-based solutions.'
 91. Initial Covid recovery Government (2021) co-investment of \$211m in 57 flood protection schemes, was worth its weight in gold, as demonstrated by the flood management role played by these structures at Taradale during Cyclone Gabrielle and in Kāitāia during their 2022 floods.
 92. A proposal for the co-investment of a further \$257m in 92 similar projects is currently being considered by Treasury and DIA.

Part eight: Role of the private sector in managing climate risk.

Property owners.

93. Recent changes to LGOIMA (1987) will help ensure Land Information Memorandums (LIMS) provide better information to support people in their making of informed decisions about natural hazard and climate change risks. Te Uru Kahika supports these changes. Our property system must take a 'let the buyer beware' approach. People who knowingly develop or buy properties in risky areas should bear the consequence of their decisions.
94. Many more tools than just LIMS are required to ensure property owners are aware of the climate change influenced natural hazard risks they face. We look forward to working with Government to consider how best to achieve the necessary level of natural hazard awareness.

Insurance.

95. Without clear climate change adaptation and community resilience building investments, Aotearoa will continue to experience partial or full insurance retreat. These insurance decisions will spark very negative effects on all parts of the economy.
96. The flip side of this is that insurance withdrawal may be a key mechanism to drive people to move, but this gives rise to 'just transition' issues. Provisions will also need to be developed to enable property owners, who purchased their property at a time when they could not have reasonably been expected to consider the impacts of climate change, to be given time or help to respond. Questions about the deadline beyond which offers of help may 'run-out,' also need to be addressed.
97. The Insurance Council of New Zealand has noted their support for maintaining the affordability and availability of insurance only if there is a proactive focus on controlling, avoiding, and accepting a degree of residual risk, in the face of climate change.
98. In addition, we see a need for the formulation of strategies addressing the distinct health challenges and evolving insurance scenarios impacting Māori communities due to climate change. As local government, we work closely with Te Whatu Ora in our regions, and we support inclusion of processes and mechanisms (Māori-led where desired) that integrate health and wellbeing.

Part nine: Finance and funding

National Resilience Fund.

99. Local government's funding system is under pressure. This pressure is not sustainable. Councils lack the financial capacity to adequately invest in adaptation on their own. An annual transfer of revenue to local government to support pre-emptive climate change adaptation activities is critical.
100. The \$6b resilience fund announced as part of Budget 2023 was an excellent start to the challenge of securing funds to address climate change adaptation. Much of this will provide welcomed assistance to recover from the extreme weather events

- experienced earlier this year, including for road and flood management infrastructure repairs in Nelson / Marlborough, Northland, Auckland, Tairāwhiti and Hawkes Bay. Some will also be used to meet the cost of managed retreat – with a focus on Auckland, Tairāwhiti and Hawkes Bay, and possibly also on South Dunedin.
101. The number and intensity of extreme weather events will increase. Ad hoc or ‘contestable funding’ responses will not be sufficient - although the salience of a recent event provides a substantial ‘not to be missed’ opportunity to expedite necessary ‘retreat’ decisions.
 102. By comparison, pre-emptive, ‘before event’ preparatory retreat presents a much higher level of challenge for all parties, but it is certainly not ‘fanciful’ to commit to progressing these challenges.
 103. Certainty about preferred funding arrangements is a critical ingredient for the implementation of successful climate change adaptation measures. Local authorities are obliged to prepare detailed budgets in three-year cycles, as well as 30-year infrastructure strategies. If a funding source is contestable, we can't rely on it, which makes responding more difficult than it should be. Also, if we had clearer criteria around funding / cost-sharing, it might help to depoliticise some of our decision making.
 104. Social assistance, community development and other post-relocation costs must be considered, as part of the ‘managed retreat’ funding and financing framework. There is also a need to further explore alternative funding models to facilitate climate change adaptation. This could include using government green bonds (with the revenue transferred to local government) or greater provision of concessional debt finance for climate adaptation.
 105. In addition, we call for the deployment of equitable and transparent funding models to back Māori-led initiatives and address their distinctive needs in the adaptation framework. We agree with the need to discuss bespoke funding arrangements with iwi/hapū. One option we have heard of involves setting-up a central autonomous Tiriti based Te Ao Māori unit to support independent iwi-based participation in climate change matters.
 106. The cost apportionment between ratepayers, Government, iwi/hapu/whanau, and property owners in Hawkes Bay may provide a model suited to application to other regions facing equal situations.
 107. For many larger local authorities – most of whom have cities on the coast, the biggest challenge will be that of meeting the cost of structural solutions to sea level rise and inundation, in those circumstances where this is the most cost-effective intervention. This cost will be enormous and impossible to meet under existing local authority funding constraints / ceilings. However, the cost of managed retreat from affected city locations will be even larger, but still required. We will need to be clear-eyed about the limitations of structural solutions in the long-term for our big cities.
 108. The cost of both managed retreat and structural solutions will bankrupt New Zealand's local authorities unless careful decisions are made about how much adaptation to address, where, when and with what type of cost-sharing formula.
 109. We are aware Treasury have been exploring funding options based on the EQC precedent and the use of other financial instruments. We would urge this work be accelerated.

110. In addition, we are mindful there are options to explore around using ETS revenues for local adaptation measures.

Part ten: Targets and indicators for assessing progress.

107. We are under no illusions about the magnitude of the climate change adaptation challenges Aotearoa faces. We congratulate government on the progress it has made so far. Cyclone Gabrielle was a necessary wake-up call. The risk we face is that the cost-of-living pressures we currently face, and the comparatively weak state of the New Zealand economy become an excuse for not taking necessary measures. Jointly, we cannot let that happen.
108. The task of defining targets and indicators for assessing progress is something Te Uru Kahika would like to partner with central government and iwi / hapū to develop.
109. One target is clear. We strongly support the need to proceed at pace to inform development of the Climate Change Adaptation Bill – and to get it adopted in 2024.
110. As part of the process of preparing this Bill, there is a need to implement feedback loops with Māori communities to incessantly refine climate and retreat policies to ensure cultural compatibility and dynamism.

Part eleven: Conclusion and next steps

111. The MFE discussion document and the Expert Working Group's report provide excellent frameworks to guide necessary future discussions.
112. What we are looking for on the institutional front, is strong and clear central government guidance; respectful and trusting partnerships between local government, central government, and iwi; and a system that ensures strong local representation and ownership of decisions.
113. Te Uru Kahika would welcome the opportunity to be part of any group established to further progress the matters raised in this submission and to develop answers to the tough questions it poses.

Appendix one: Learnings from Hawke's Bay

Cyclone Gabrielle – the event

1. Cyclone Gabrielle occurred after 6 months of the wettest weather Hawke's Bay has ever experienced. The Esk Valley rainfall site recorded half a metre of rain in 24 hours. The equal of 6 months of usual rainfall occurred between 1am and 7pm on 14 February 2023. Thirty breaches occurred in 250km of stop banks and there was 28km of stop bank damage overall.

Early central government funding assistance

2. The provision of early financial assistance toward recovery from government was important and appreciated. This included \$35.4m for the well-being of rural communities, \$10.5m for woody debris management and just over \$200m for the disposal of silt and debris.

Centrally led or locally led.

3. With current drivers, not all necessary decisions would have been made if this was totally 'community led.' NB the difference between Christchurch and Hawke's Bay was the latter was locally led and centrally supported. This was viewed as far better than the centrally led, and locally supported approach applied in response to the greater Christchurch earthquake. Both approaches were viewed by some property owners as too directive.
4. DPMC and Treasury were good partners to local councils as was members of the Roche panel. MFE's strength will be in helping to craft the CAA. Regional Ministerial leadership x 3 regions could have worked well – but the appointed Ministers kept changing.

Land use and property categorisation

5. Early and decisive development of the property / affected-land classification system was valuable. This system lends itself to future use in similar post event circumstances – but with refinements.
6. Decisions about what properties fell into categories 1 and 3 were comparatively easy. 2 was more difficult – with 2P providing particularly problematic. Decisions to quickly move some properties from 2 to 1 – when information became available, was important. This provided assurance about insurance and enabled people to get on with their lives.
7. A total of 300 properties were confirmed as falling into category 3. Managed retreat from these properties is mostly managed by Hastings District Council.

Vulnerability to risks and tolerance to risk.

8. Land categorisation decisions were about 'vulnerability' and were technical in nature. Limited opportunity was provided for political / councillor override. 'Tolerance' is a less precise term with more variance. It was not extensively applied but officers were not immune to awareness of varying positions on this.

9. The system provided an ability to 'make-good' on some past unwise property development decisions. Proposed legislative changes should add more rigor to future decisions.
10. There is a need to be careful to ensure the system does not incentivise property owners to decide to under insure or to not to take out insurance.
11. Local solutions e.g., multi house flood protection embankments, may be difficult to achieve in some circumstances because affected locals may find it difficult to fund their share. A speedier path is required to achieve these community level interventions e.g., local stop banks.
12. Initial categorisation decisions were made without the benefit of knowledge about the more-recently agreed cost share formula for property buy-out. This was probably a good thing. The formula is now on the table: after insurance, basically 50% is contributed by the Crown and 50% from the local authority. This has been supported by the local councils. But even 50% is difficult to achieve in places like Wairoa – because of the size of the impost on ratepayers.
13. Uncertainty remains about whether the cost share formula should be based on the property or the house value. Current decision making is weighted toward the later. This created some tension for life-style block owners with small scale orchards etc. but the lines needed to be drawn. The focus was and should be on risks posed to people / habitation rather than land uses per se. Equity of funding and insurance questions are yet to be fully resolved.
14. Operating managed retreat pre-emptively will be infinitely more challenging than applying it after a significant event.

Other matters

15. The system has been branded as voluntary. But loss of insurance and loss of infrastructure services may make it difficult for it to be voluntary. There are also legislative difficulties in terminating infrastructure services. These challenges need to be resolved via the inclusion of appropriate provisions in the CAA. The system could be helped by establishing a 'Commissioner' to whom concerned property owners could appeal land classification decisions – with powers of final decision making, and no liability.
16. There is a need for more consistency and clarity about the degree of protection provided by flood management structures – what is the right level of protection to provide where and why



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