



Tuia Pito Ora
New Zealand Institute
of Landscape Architects

3 AUGUST 2021

Submission on Natural and Built Environments Bill: Exposure Draft

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Introduction

1. Tuia Pito Ora New Zealand Institute of Landscape Architects (the Institute) is the internationally recognised professional body of qualified landscape architects in Aotearoa New Zealand. We represent over 1100 members.
2. Incorporated in 1972, we have for almost fifty years represented the profession throughout Aotearoa, including the development and administration of our own Registration system, Continuing Professional Development system, and Code of Conduct for members.
3. Our members work across both the public and private sectors, including:
 - In-council policy writing, plan drafting, urban realm development, consent processing, compliance management;
 - Advisory services for and within councils, Government agencies, iwi, utility providers, education providers and the private sector, providing resource planning, land-use design, management assessment services at all scales across built and rural environments;
 - Collaborating with local communities and NGO's, specifically involving iwi, in landscape management and design alongside the representation of submitters in RMA plan development and consenting processes; and
 - Education and research within three Universities (Lincoln, Victoria and Unitec).

Our Submission

4. We generally support an outcomes-based approach to resource management in Aotearoa.
5. However, when we formed a team to prepare this submission, we found that as a group we had varied interpretations of the proposed legislation and how it would achieve its stated purpose. Therefore, our focus has been on key principles in regard to the relationship between people, landscape and the environment, as follows:
 - a. The **meaning of environment** and the inter-relationship between environment and landscape, and how this aligns with Te Ao Māori perspectives;
 - b. The use of an **outcomes approach** to achieve better development that supports wellbeing, the response to climate change, and enables community involvement;
 - c. The importance of **including landscape** to support the wellbeing of all people (including future generations);
 - d. The development of **environmental limits** that also include outstanding natural landscapes and outstanding natural features;
 - e. The **methods** by which the proposed legislation will be implemented.
 - f. The **integration of Te Ao Māori**, including in the name of the legislation.
6. The remainder of our submission provides an overview of these key principles and how we consider they could be incorporated into the proposed legislation. We then provide a summary of our points against the terms of reference which frame the Select Committee's consideration of the Exposure Draft, and a summary of the wording changes requested.
7. We actively seek the opportunity to further engage with the Select Committee and the Ministry for the Environment (MfE) Reform Team to assist in the development of this significant legislation.

Background

8. Members of our profession and the Institute have been influential in the development of principles that are critical to the understanding of environmental management under the Town and Country Planning Act (1953), Town and Country Planning Act (1977), the Resource

Management Act (1991) and the development of best practice methodologies for sustainable management of landscape and the environment.

9. Our integrative understanding and skills cross the professional boundaries of planning, design, ecology, culture, geology, geography, heritage/archaeology, architecture, horticulture, agriculture, silviculture, civil engineering, coastal sciences, the arts, reserve and recreation management and urban design. A landscape perspective specifically engages with the human dimension of land management and change and how this translates into the prosperity and health of our environment and its occupant communities. Landscape architecture – landscape design, planning, assessment and management – by necessity engages in multi-disciplinary/transdisciplinary professional relationships addressing past, present and possible futures.
10. In 2010 we adopted the Landscape Assessment and Sustainable Management Best Practice Note 10.1. This document guided landscape assessment and management under the Resource Management Act for 10 years.
11. In 2017 we embarked upon the development of updated Landscape Assessment Guidelines through a project we initiated in partnership with MfE and Department of Conservation (DOC). The result of that process, including a nationwide membership consultation process and peer review, was the unanimous adoption of *Te Tangi a te Manu: The Aotearoa Landscape Assessment Guidelines* as a best practice guidance document at our AGM on 5 May 2021.
12. Te Tangi a te Manu was developed with deep and broad input from *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). These guidelines explore a way of understanding whenua and Te Oranga o te Taiao through a meaningful partnership of Te Ao Māori and Te Ao Pākehā – providing a structure and a model for the integration of these two, often misaligned, worlds.
13. Earlier this year, the authors of Te Tangi a te Manu and members of our Executive Committee met with senior staff at MfE and DOC to present Te Tangi a te Manu and explore avenues for working together on the proposed legislation. We consider this to have been a productive meeting of minds and remain keen to continue ongoing engagement.
14. Although Te Tangi a te Manu has yet to be formally published, we have openly shared it with the MfE Reform team, and welcome it being as used as a resource in the ongoing development of the proposed legislation.

15. More recently, we formed a core group of members who have extensive experience in environment and resource management to prepare this submission (including several past-presidents). During the process of preparing this submission, we invited feedback from all of our members and have captured this in a separate resource document.
16. Members of this core group have also engaged with a number of other professional organisations to ensure a balanced approach to the preparation of our submission and (to the extent possible) to ensure it is aligned with the essential thinking of our fellow organisations, including the:
 - Association of Resource Management Practitioners (RMLA);
 - New Zealand Planning Institute (NZPI);
 - Urban Design Forum (UDF);
 - Environmental Defence Society (EDS);
 - New Zealand Institute of Architects (NZIA); and
 - Landscape Foundation (LF).
17. Where we find commonality with our professional colleagues, we will support their interests, and we welcome ongoing multi-disciplinary engagement and input into the development of the proposed legislation.

What is the Environment?

18. The proposed legislation is about the environment, which it defines as follows:

***environment** means, as the context requires,—*

(a) the natural environment:

(b) people and communities and the built environment that they create:

(c) the social, economic, and cultural conditions that affect the matters stated in paragraphs (a) and (b) or that are affected by those matters

19. Whilst we unreservedly support a definition of the environment that recognises people as part of it, ***we consider the definition is too simplistic***. We also consider that the definition could better align with a Te Ao Māori view expressed through the proposed concept of Te Oranga o te Taiao.

20. In our opinion, more clarity is also required with regard to the definition of the natural environment. This could usefully include references to the biotic and abiotic elements, natural systems and processes, and at all scales. A more refined definition could also usefully address the notion that the natural environment is not static, but that it is changing and developing over time – affected by natural systems, and by human interventions including through development, land improvement and climate change.
21. We agree that environment is not limited to just the natural aspects. In our opinion, the environment includes a range of natural, built and modified elements that sit alongside each other on a spectrum. We do not see the environment as binary, but rather it is a combination of all elements together.
22. In this regard, we have concerns that built environment *implies only urban areas*. Rural areas have been significantly modified by people for resource use and play a significant role in determining how the natural environment around those areas functions. In addition, there are built modifications in even our most pristine natural environments (such as infrastructure and recreational structures), within rivers (such as dams), or within the natural coastal environment (such as marine farms and boat moorings). In our opinion, a comprehensive definition should be included within the legislation that recognises the extent of what is meant by built environment, as well as including a definition of the rural environment. The scope of these two environments should extend across all of Aotearoa, from the mountains to the sea (ki uta ki tai).
23. We also consider that environment includes the *relationships, values* and *practices* of people within the environment. They are more than *conditions*, they are intrinsic to the way in which people interact with and change the environment.
24. Finally, we consider that the definition would benefit significantly from greater alignment with Te Ao Māori principles, particularly the concepts of *kaitiakitanga* and *taiao*. We support these broader Māori terms as they encompass both the physical elements of the natural world, and our interdependent influences or relationships with it.
25. Considering taiao, we have found the *Property Sector Council* definition to be helpful¹:

Taiao speaks to the natural environment that contains and surrounds us. It encompasses all of the environment and its offspring. Because we are born of the earth and it is born of us, we have an eternal connection to taiao – the earth, sky, air, water and life that is all interdependent. Taiao is about finding our way forward by forging an interconnected relationship with that environment based on respect.

26. ***Our Land and Water*** fleshes taiao further into four major components, as followsⁱⁱ:
- Whenua (soil and land)
 - Wai (all freshwater bodies and their connections)
 - Āhuarangi (climate across time)
 - Koiora (all living communities: human, plant, animal)
27. We have given careful thought to what a more comprehensive definition for environment might look like. We have considered our own work in the development of Te Tangi a te Manu, where we worked closely with Te Tau a Nuku and Ngā Aho exploring the concept of landscape and its definitions.
28. Recognising that people are inextricably linked with landscapes (geographical manifestations of the environment), we consider landscapes to be comprised of the following attributes:
- ***Physical*** (the physical environment – its collective natural and human-constructed components and processes);
 - ***Associative*** (the meanings and values people associate with the environment, including cultural and heritage values); and
 - ***Perceptual*** (how people perceive and experience places, and how this supports people’s wellbeing).
29. In understanding this, we also recognise the importance of aligning pākeha and Māori perspectives of landscape (and environment), so we worked with Te Tau a Nuku to consider a Te Ao Māori interpretation of landscape, as follows:
- ***Whakapapa***: the genealogy and layers of landscape and people (reflective of an overlap between biophysical and associative dimensions);
 - ***Hikoi***: walking and talking with landscape and people - experiencing and perceiving the land in all its entirety (reflective of an overlap of the biophysical and perceptual dimensions); and
 - ***Kōrero tuku iho***: ancestral knowledge passed down through generations interconnected through time, place, and people - pūrākau (reflective of overlap of perceptual and associative dimensions).

30. Our combined work merged together into a single collaborative understanding of landscape (and its relationship to the environment) as demonstrated in Figure 1, below:

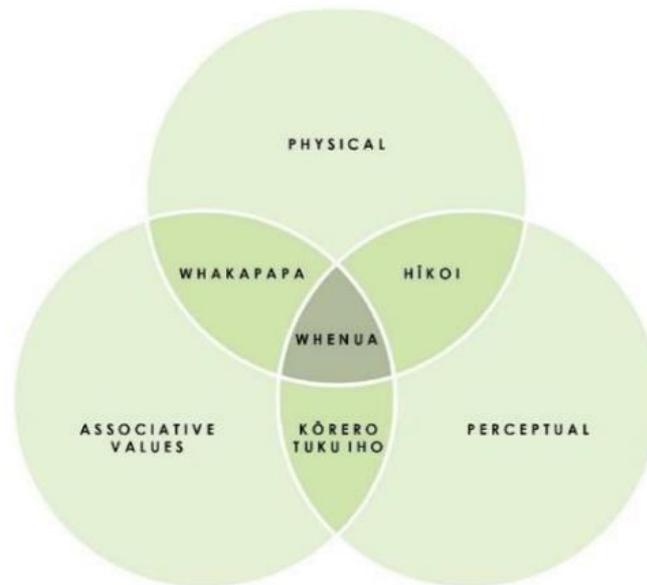


Figure 1: Pākeha & Māori Definitions of Landscape

31. Considering our work and the points raised above, in our opinion a definition for environment needs to encompass the following aspects:
- The component parts and systems of the natural environment;
 - The component parts and systems of the built environment; and
 - The component parts and systems of the rural environment – which extends from the mountains to the sea; and
 - How these are considered in the context of people, how people relate to them, and how they change over time.
32. While we would not normally endorse the concept of environment being broken into component parts as we have outlined, we accept that in a statutory context the inclusion of such detail provides clarity of meaning. We therefore consider it important that the preface to the definition should explain that environment is a combination of factors.

33. In addition, combining the element of environment into a spectrum sits more comfortably with our definition for landscape. As we have outlined, in our opinion there is a particularly strong relationship between landscape and the environment. Landscape is the sensory experience within the human mind – what we call perception. ***Environment is ultimately interpreted by people as landscape.***
34. On this basis, we recommend that the following definitions for environment be adopted into the legislation:

natural environment means the combination of—

- (a) all abiotic and biotic elements that make up the land (whenua): and
- (b) all water and water systems (including coastal & marine) and processes (wai): and
- (c) the atmosphere and the climate (āhuarangi): and
- (d) all living flora, fauna, microorganisms and people (koiora): and
- (e) the way in which (a) to (d) interact and change over time

built environment means all urban areas and all land-use, structures and infrastructure created by people within these areas.

rural environment means all non-urban areas from mountains to sea, including the uses, structures and infrastructure created by people within these areas.

environment means the combination of, ~~as the context requires,~~—

- (a) the natural environment: and
- (b) ~~people and communities and the built environment that they create:~~ and
- (c) the rural environment:
- (d) in the context of people and their relationship with (a) to (c): and ~~the social, economic, and cultural conditions that affect the matters stated in paragraphs (a) and (b) or that are affected by those matters~~
- (e) the way in which (a) to (d) interact and change over time.

35. We also see value in our definition for landscape being adopted into the proposed legislation in order to provide clarity for those outside our profession. For this purpose, we have advanced the definition in our guidelines, Te Tangi a te Manu, to align with the terms we recommend above, as follows:

landscape means—

The natural, built and rural environments as interpreted and understood by people's evolving perceptions and associations, including:

- (a) *the physical dimension of the natural, built and rural environments: and*
- (b) *associative aspects (beliefs, uses, values and relationships): and*
- (c) *perceptual factors: and*
- (d) *the changes in (a) to (c) over time*

36. We have already established a process for updating Te Tangi a te Manu once new legislation is in place so that definitions and terminology align.
37. We also would like to reiterate the point that we consider all landscapes to have cultural value. Although in Aotearoa the term “**cultural landscape**” is often considered to mean landscapes valued specifically for Te Ao Māori cultural reasons, we consider that a landscape valued for such reasons better qualified as a “**Māori cultural landscape**” (or, indeed, “Māori” may be switched out to a particular iwi or hapū to which the cultural landscape is recognised). The term **cultural landscape** should remain available as the appropriate term for landscapes valued for cultural reasons by Pākehā and other recognised Aotearoa communities for which similar qualifiers might apply. We consider this also aligns with the proposed interpretation of **cultural heritage**, which does not specifically identify attachment to a Māori cultural heritage.

Outcomes Approach to Support Wellbeing, Respond to Climate Change, and enable Community Involvement

38. There is overwhelming global evidence and experience that demonstrates that the environment in which we live, work and socialise in, directly affects our social connectiveness, our mood, our sense of identity, our security (and sense of security) and our appreciation of and respect for each other. ***Environment directly affects our wellbeing.***
39. Collectively as an Aotearoa community, we have the ability and resources to ensure that this is achieved positively rather than adversely. There are many examples where poor quality environments have resulted in long term, systemic issues with health and quality of life. As landscape architects we have regularly sought to measure effects in the context of a changing environment rather than how the environment might be right now. Like many others, we have recognised the many and varied benefits of working with and ***designing with nature*** to achieve positive outcomes.
40. In this regard, we do not consider that an environmental limits or effects-based approach alone ***enables*** better development. Rather it promotes a minimum-standard approach that is prone to under-delivering on quality. It suggests that, once a bar is passed, anything goes –

and does not promote a longer-term, considered approach to development. Such is our experience of many rushed and poorly executed urban developments and rural management changes that will not, in our opinion, support long-term healthy and safe communities.

41. We have a concern about the diminished focus of the exposure draft (as opposed to the Randerson Panel's recommendations) on enhancement of the "quality" of the environment. Whilst we recognise that the proposed legislation is being advanced to assist with the existing significant demand for housing supply and affordability, we do not think that including a focus on enhancing the quality of our environment need affect this. Indeed, we consider it necessary to achieve the purpose of supporting the wellbeing of **future generations**. There are quality examples across Aotearoa where willing developers have considered how to incorporate long-term sustainable outcomes within their proposals, without compromising economic wellbeing.
42. In our opinion, **successful management of the environment** enables the **outcome** of quality relationships between people, communities and the environment that they create. We consider it vitally important to embed a proactive systemic improvement of high quality environmental health, human health and wellbeing as a fundamental outcome.
43. In addition, we consider that any future legislation needs to address the management of the whole of the environment within the context of current and future climates. It needs to provide for adaptation to the effects of climate change, particularly in rural and coastal areas. It is vital that we deliberately plan for resilience through management responses to long-term change across the spectrum of Aotearoa's environment.
44. Further, we consider that meaningful engagement with directly affected communities is critical in the context of planning for future scenarios of adaptation (by society) to changing climate. Whilst the proposed legislation identifies socio-cultural outcomes within s(8), there appears to be no current mechanism through which a potential diversity of socio-cultural indicators would be accounted for in evaluating and responding to current and future environmental change. We consider there is a real risk that the omission of recognition of community perceptions within the proposed legislation will consequently undermine the legislation's potential to inform the stated purpose of the proposed Managed Retreat and Climate Change Adaptation Act.
45. We therefore support the concept of utilising an outcomes approach to managing the environment in a direction that supports wellbeing with climate change, provided that communities are involved in determining such outcomes. This is critical to ensuring that outcomes are achieved and that they endure. Over the next couple of sections of our

submission we set about how we consider this could best be achieved from a landscape perspective.

Inclusion of Landscape as an Outcome

46. The concepts discussed above are strongly connected with amenity. There is an undeniable link between the quality of our environment, the amenity we appreciate from this quality, and the quality of our wellbeing. ***Quality environments support wellbeing.***
47. However, we recognise that the term “amenity” has, through the life of the RMA, often been misconstrued and misunderstood – indeed our own profession has been inconsistent in the assessment of amenity. We also recognise that amenity is inherently a subjective term that does not easily allow for efficient and consistent decision making. We are therefore supportive of the removal of the term amenity from the proposed legislation.
48. However, we do not consider that the link between quality of the environment and wellbeing can be overlooked. Nor can the inextricable link between quality landscape outcomes and quality of life. We are strongly of the opinion that well designed, well-functioning landscapes (and environments) support all wellbeing.
49. As we have identified, there are numerous examples within Aotearoa of quality urban developments that are contributing to the development and functioning of communities. Indeed, the NZ Urban Design Protocol was developed and adopted by MfE for this very purpose. Other Government departments have similar guidelines and policies for promoting quality outcomes in other environments, including rural and coastal. We also consider that there is a real opportunity for a “design led” approach as part of plan development and would encourage the Select Committee and the MfE Reform Team to consider how this might occur.
50. Landscape is all around us. It influences our behaviour and our quality of life on a daily basis. Landscape factors into our decision making on where to live. It defines who we are and where we are from. It makes us smile and it makes us proud.
51. In Te Ao Māori, the connection to landscape is even deeper. Landscape is genealogy, embedded inseparably from culture.
52. We therefore consider that environment legislation designed to support wellbeing of current and future generations cannot succeed without promoting quality landscape outcomes across all environments.

53. We also recognise that our profession has sometimes muddied the water over the understanding of landscape. This is often mixed with significant community interest in development proposals that affect landscape and goes to the core of how deeply landscape affects people and communities.
54. However, our work over the past 3 years in developing and adopting detailed guidance around landscape has gone a long way to addressing methodology. For the first time in our history as a profession in Aotearoa we have a clear and agreed process for objectively describing and assessing landscape, which we can be taken into account by those outside of our profession. Our *Te Tangi a te Manu* guidelines have been collaboratively developed and recognised by Te Tau a Nuku (the Māori group of landscape architects), giving clarity around the consideration of Māori cultural landscape.
55. Our guidelines focus on all landscapes. Whilst we remain committed to the enhanced protection of our most important landscapes (which we explore in the following section of our submission), we consider it imperative that the promotion of quality landscape outcomes as a whole construct is including in s(8) of the proposed legislation (noting we have provided a definition for landscape above), as follows:

8(c) ~~outstanding natural feature and~~ landscapes are protected, restored or improved:

Environmental Limits

56. We support the notion of enhanced protection for the most critical aspects of our environment. Protecting the integrity of the natural environment and human health must be a matter of utmost importance. We therefore support the inclusion of Section 7 of the proposed legislation which sets out the formulation of environmental limits as including the maximum amount of harm or stress that may be permitted on the natural environment or on a specific part of that environment.
57. Accordingly, we consider that *Outstanding Natural Landscapes* and *Outstanding Natural Features* are consistent with an environmental limits approach. However, as we discuss below, we consider these should be specifically provided for in Section 7, which is currently proposed to be limited to ecological integrity or human health. These are our most important landscapes that warrant much higher degrees of protection than the everyday landscapes around us.

58. Firstly, we make the point that we consider there is a fundamental difference between landscape and feature, and that the term should not be combined. Over time, there has been greater clarity in regard to the definition of each, as follows:
- **Outstanding natural features** (ONF) are largely classified on geo-heritage grounds, however in specific instances they might also be classified on landscape or cultural grounds. If an ONF is classified for its geoheritage values (for instance the type-location for a certain rock, or an exposure of important fossils), it is the geoheritage values that are to be protected. If it is classified on landscape grounds, it is the landscape values that are to be protected. It is not uncommon for landform ONFs to have both landscape and geoheritage significance.
 - **Outstanding natural landscapes** (ONL) are best assessed as part of region or district-wide landscape assessment. This includes analysis of the landscape character or value of the whole region/district, paying attention to each area's physical, associative and perceptual dimensions within a historical frame. Candidate natural landscapes will emerge from such an assessment.
59. Although we consider that our **outstanding natural landscapes** and **outstanding natural features** have generally been well protected through our national conservation estate, world heritage sites and district and regional reserves and RMA policy provisions, we are supportive of retaining provisions for the protection of these particularly special environments within the proposed legislation, and consider that the environmental limits mechanism is appropriate to achieve this.
60. We recognise the significant work already undertaken by councils to define outstanding environments, including outstanding natural landscapes and outstanding natural features. Whilst the inclusion of "natural" in these terms has been the source of significant confusion, we recognise that there is now reasonably widespread understanding of what the terms mean (particularly ratified by *Matakana*ⁱⁱⁱ). We consider it imperative that the proposed legislation does not result in a reset of this work – this would not only be inefficient but runs the risk of undermining the "environmental limits" that have already been established under the current regime. Utilising the same terminology and methodology that has been established through the RMA for the protection of outstanding environments is, in our opinion, crucial.
61. Further, as we expand on in the following sections of our submission, we have a responsibility to manage **all** landscapes (and all of the environment) – not just those that are outstanding. Supporting wellbeing requires a focus on the everyday world around us, as

much as it requires us to protect those elements of the world that are most special. In this regard, we consider that the protection of outstanding natural landscapes and outstanding natural features is a matter which ought to be addressed through the “environmental limits” approach (currently s(7) of the exposure draft, and that additional provisions are required to ensure outcomes are achieved across all landscapes, which we address below.

62. We recommend that the wording proposed in s8(c) of the exposure draft be moved to s7(4), as follows:

7(4)(g) outstanding natural landscapes and outstanding natural features:

Methodology of Application (System Efficiency)

63. Due to its inherent complexities, there is no single formula for measuring effects or outcomes on the environment. Every location, every proposal and every community is different, in both its form and systems. We learned through our work on Te Tangi a te Manu that the key to delivering efficient, consistent results is to be absolute in definitions and methodology. We are proud of the fact that, when we put our minds to it, we have been able to create a unified approach to our work that will result in greater efficiencies and less disagreement over method (including alignment with a Te Ao Māori approach).
64. We think legislation should be no different and that a similar outcome can be achieved. The greater clarity legislative provisions and definitions can provide about what is intended, the less scope there is for challenge through the life of the legislation. We think this should not be rushed – it will take time for new systems to be adopted and for people to adjust to new terminology. Equally, there has been a great deal of clarity provided through case-law which remains relevant to new legislation particularly in the field of landscape.
65. To assist with the transition, we consider that greater clarity could usefully be provided through more comprehensive definitions of terms. We have provided recommendations for various definitions throughout our submission.
66. In our opinion, Te Tangi a te Manu also provides a clear methodology by which an assessment can be undertaken. It is not formulaic, but it is designed to ensure consistent and comparative approaches. Other methodologies and principles also exist, including guidelines such as the NZ Urban Design Protocol, the Auckland Design Manual, the Quality Planning Website. We consider these existing resources provide useful guidance which would enable preparation of a detailed methodology to support the proposed Act to give clarity around the development of the National Planning Framework.

67. Additionally, we consider that the National Planning Framework needs to account for regional variations in the environment – the mountainous region of Central Otago requires different management than the coastal region of Northland. Whilst efficiency can be gained through clearer methodologies and terminology, it is imperative that the National Planning Framework allow for both community and expert involvement at a regional level.

Te Ao Māori

68. As we have sought to demonstrate throughout our submission, we support an approach to legislation that gives more balanced recognition to Te Ao Māori, and for such values to be integrated rather than separated. We have already outlined that we favour an approach to defining and managing the environment in a unified manner.

69. Our work on Te Tangi a te Manu promoted an approach appropriate to Aotearoa New Zealand that sought to achieve alignment between Te Ao Māori and Te Ao Pākehā streams of landscape assessment. As a result, the guidelines, and our members, recognise Mātauranga Māori and the importance of tāngata whenua values alongside concepts and values inherited from western and other cultural traditions. As explained above, Te Tangi a te Manu have been endorsed by Te Tau a Nuku, the landscape architecture representatives of Ngā Aho.

70. A core principle of our approach is that the environment around us contains many intertwined aspects. It is not straightforward to separate the built environment from the natural environment, nor should we seek to. As we have outlined, natural values are intrinsic to wellbeing, and the inclusion of natural values should be a fundamental principle of developing a well-functioning quality environment. In addition, considering only the natural and built elements ignores the significant rural estate of Aotearoa, and the coast. It also fails to recognise the interconnection of these aspects of the environment with us as people.

71. Therefore, in our view, the way in which to embrace integrated Te Ao Māori principles is to find common ground in the way we understand, respect and alter the environment. As we have found, these commonalities exist, and at its essence both Māori and Pākehā share a common goal in seeking quality outcomes that support both our wellbeing and the wellbeing of our environment.

72. As a start, we invite the Select Committee to re-consider that the name of the proposed legislation. The reference to only two elements of the environment is, in our view, incomplete, and it fails to embrace people and their relationships with those environments. We note that other countries refer to similar legislation as simply the Environment Act,

which in our view would more readily reflect a Te Ao Māori perspective than singling out only the natural and built environments and therefore creating an apparent dichotomy.

73. We promote ongoing engagement between Ngā Aho and MfE, and offer our support and experience in aligning Te Ao Māori with westernised policy and methodologies.

Summary

74. We understand that the Select Committee have been asked to provide feedback on the proposed legislation within a defined set of terms of reference. We have therefore summarised our key points with reference to those terms:
- **Protect and restore the natural environment:** We consider this can only be achieved if there is a focus on managing the whole of the environment at the same time to protecting environmental limits. We have also sought to provide greater clarity of the definition of natural environment, also aligning it to a Te Ao Māori perspective.
 - **Better enable development within environmental limits:** We agree that there is a place for environmental limits, however we consider that environmental limits approach along encourages a minimum-effort approach. In our opinion, a greater focus is needed on holistically designing with nature across all environments.
 - **Give effect to Te Tiriti o Waitangi:** We consider that the current draft does not fully integrate Te Ao Māori concepts for kaitiakitanga and taiao. We have offered suggestions for how this could be better achieved through aligning definitions, and we also recommend that the legislation be renamed.
 - **Better enable adaptation to Climate Change:** Whilst an environment limits approach sets the minimum standard, we consider that it is possible to achieve climate change outcomes through a broader focus on quality environments as a whole.
 - **Improve system efficiency:** We have provided a range of definitions which we consider will help with interpretation and more consistent analysis. We support the rigorous development of a National Planning Framework but consider that it needs to allow for regional variation and community engagement processes.

Next Steps

75. As we have outlined, we have recently completed a significant piece of work that has brought together our community in a combined focus on how best to manage Aotearoa New

Zealand's environment. Te Tangi a te Manu has been ratified through our AGM, but it has yet to be formally published – nevertheless we have already shared this with the MfE Reform team and are happy for it to be used as a resource in developing this important legislation.

76. We have a formed group of experienced professionals who have extensive knowledge about the practical application of environmental legislation. This group or any of its members are available for more direct engagement through the next phase of the process. We consider this team could assist with:

- Refining the key principles related to landscape
- Refining definitions related to the environment and landscape and their interrelationship with each other and other definitions
- Developing and reviewing landscape assessment methodologies

77. As part of this process, we remain keen to work with other organisations as might be required to achieve a quality, robust outcome.

Summary of Changes Sought

78. Add or change the following definitions in s3:

natural environment means the combination of—

- (a) all abiotic and biotic elements that make up the land (whenua): and
- (b) all water and water systems (including coastal & marine) and processes (wai): and
- (c) the atmosphere and the climate (āhuarangi): and
- (d) all living flora, fauna, microorganisms and people (koiora): and
- (e) the way in which (a) to (d) interact and change over time

built environment means all urban areas and all human land use, structures and infrastructure within these areas.

rural environment means all non-urban areas from mountains to sea, including the use, structures and infrastructure associated within these areas.

environment means ~~the combination of, as the context requires,~~

- (a) the natural environment: and
- (b) ~~people and communities and the built environment that they create:~~ and

(c) the rural environment:
(d) in the context of people and their relationship with (a) to (c): and ~~the social, economic, and cultural conditions that affect the matters stated in paragraphs (a) and (b) or that are affected by those matters~~
(e) the way in which (a) to (d) interact and change over time.

landscape means—

The natural, built and rural environments as interpreted and understood by people's evolving perceptions and associations, including:

- (a) the physical dimension of the natural, built and rural environments: and*
- (b) associative aspects (beliefs, uses, values and relationships): and*
- (c) perceptual factors: and*
- (d) the changes in (a) to (c) over time*

79. Add to s7:

7(4)(g) outstanding natural landscapes and outstanding natural features:

80. Change in s8:

8(c) ~~outstanding natural features and~~ landscapes are protected, restored or improved:

81. Rename the legislation to better align with the concept of Taiao as a more holistic concept that includes people.

Signed:

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Link to Te Tangi a te Manu

[https://nzila.co.nz/media/uploads/2021_07/210505 Te Tangi a te Manu Revised Final Draft a s approved 5 May 2021.pdf](https://nzila.co.nz/media/uploads/2021_07/210505_Te_Tangi_a_te_Manu_Revised_Final_Draft_a_s_approved_5_May_2021.pdf)

Endnotes

ⁱ <https://fitforabetterworld.org.nz/taiao/>

ⁱⁱ <https://ourlandandwater.nz/news/why-te-taiao-matters-and-the-supporting-role-of-our-research/>

ⁱⁱⁱ Decision [2019] NZEnvC 110