

Natural and Built Environment (NBE) Bill Environment Select Committee

The Salvation Army Submission – 05 February 2023

Summary:

1. Overall, The Salvation Army is supportive of this Bill and the ongoing efforts to reform the resource management law in our country. This submission will focus on specific aspects of Bill, including the workings of the National Planning Framework (NPF) and the associated levels of planning, and the importance of the local community's voice within this massive system of land use, infrastructure, and urban growth. Additionally, we try to keep at the core of our submission consideration of the poorer people and whanau that The Salvation Army serves nationally, many of whom are homeless, or living in emergency, transitional or social housing. Therefore, given the massive size of the NBE Bill, our submission will only comment on specific aspects of this Bill.

Background of The Salvation Army:

2. The mission of The Salvation Army Te Ope Whakaora is to care for people, transform lives, and reform society by God's power. The Salvation Army is a Christian church and social services organisation that has worked in New Zealand for over one hundred and forty years. It provides a wide range of practical social, community, and faith-based services, particularly for those facing various forms of hardship and vulnerability.
3. The Salvation Army employs almost 2,000 people in New Zealand, and the combined services support around 150,000 people annually. In the year to June 2022, these services included providing around 83,000 food parcels to families and individuals, providing some 2,300 people with short-or long-term housing, over 4,000 families and individuals supported with social work or counselling, around 6,600 people supported to deal with alcohol, drug or gambling addictions , around 3,500 families and individuals helped with budgeting, court and prison chaplains helped 3,300 people.
4. This submission has been prepared by the Social Policy and Parliamentary Unit (SPPU) of The Salvation Army. The SPPU works towards the eradication of poverty by advocating for policies and practices that strengthen the social framework of New Zealand. This submission has been approved by Commissioner Mark Campbell, Territorial Commander of The Salvation Army's Aotearoa New Zealand Fiji Tonga, and Samoa Territory.

The Salvation Army context:

5. The three Bills that will replace the Resource Management Act (RMA) 1991 are themselves a massive set of complex legislation. It is important for us to consider the impact of these new Bills on the whanau we serve, and also how this Bill affects our housing-related social services.

- a. Many of our clients are in the sharper end of the housing continuum – homeless, rough sleeping or living in emergency, transitional or social housing. In December 2022, we released our latest advocacy paper: *Tales from the Trenches*.ⁱ This paper tried to capture experiences from our clients facing different forms of housing stress in homelessness, or emergency, transitional or social housing. Policy solutions were also presented in this paper, including increasing the number of Intensive Housing Case Managers (for MSD) and Housing Navigators (for NGOs); adjusting the accommodation supplement to account for housing costs inflation and updating the geographic zoning-rates across the country; and councils implementing inclusionary housing policies. While the NBE Bill (and the other two associated Bills) are not *directly* affecting the issues we cover in *Tales from the Trenches* and in other housing-related advocacy, getting the policy settings right regarding land use, infrastructure and planning are critical for all New Zealanders, but especially for the poorer whanau that we predominantly serve.
- b. Our own housing-related services will also be impacted by this Bill. As of December 2022, we provided 744 transitional housing places that support around 4000 people annually. For social housing, as a registered Community Housing Provider (CHP), we have 432 social houses for long-term tenancies which support almost 600 people annually across the country. These three new Bills as a whole will impact our housing provision, particularly the processes and plans through the NPF and other plans that affect our attempts to develop more long-term social housing.

Responses to the NBE Bill:

6. General Comments:

- a. **More to come** – We acknowledge there is still a lot more information to come in these reforms, particularly the NPF. While the NBE Bill still contains many parts of the old RMA system (e.g., much of the consenting and Environment Court processes remain the same with slight changes), there are still major new aspects that need to be rolled out. Additionally, the structural changes that will need to happen, like how Councils work with RPCs, are massive and will take time. We support these reforms in principle and all of these changes will take time to settle and work. Ongoing and regular interaction from the NGO and CHP sector is important in this mammoth policy roll out.
- b. **Community voice** – We struggle to see a strong local community voice aspect in this NBE Bill. Yes, there is the Statement of Community Outcomes and some community involvement in the RPCs. But we submit there is a real lack across this Bill for true involvement and voices from the community. This Bill smacks of a top down, prescriptive approach compared to a more bottom-up approach with the old RMA. Katharine Moody states; *the NBE confers wide-ranging centralised powers to bureaucratic elites, including iwi and hapū elites in decision-making*.ⁱⁱ This centralised approach is popular with this Government and other parts of their policy agenda. Some of this centralisation might (hopefully) speed up many of these layers of process and decision-making. But identifying where and how local people and communities can effectively and meaningfully interact with different parts of this new system is extremely difficult.
- c. **Inclusionary zoning** – We are supportive of Community Housing Aotearoa (CHA's) strong advocacy around inclusionary housing. We defer to the arguments outlined by CHA in their excellent papers outlining this approach in a New Zealand context.ⁱⁱⁱ

We support this approach for many reasons, but particularly because inclusionary housing functions as a supply-side response that focuses on increasing the supply of affordable homes in a community.^{iv} Additionally, with the massive scope of work private developers are doing in local communities, implementing inclusionary housing policies as an incentive to developers will in our view help protect local communities more from the forces of gentrification and other housing stresses. In *Tale from the Trenches*, we also called for inclusionary housing policies to be implemented as seen in the example of the Queenstown-Lakes district.

7. **Outcomes** – The move towards an outcomes-based system in the Bill is positive. The Bill’s Explanatory Note clearly states on page 3 that there is no hierarchy among the outcomes in order to give more discretion to decision-makers. This approach has some merit. However, the choice to *not* have a hierarchy, balancing or prioritisation between the set system outcomes might lead to more confusion and delays as outcomes are debated within the new system. Ideally, the NPF or the other two Bills in this reform agenda will give greater clarity here. But we wonder if this hierarchy of outcomes is best to be established in legislation.
8. **NPF, Regional Spatial Strategies (RSS), Regional Planning Committees (RPC)**
 - a. It is clear that a strong NPF is needed as the guiding structure or framework for these reforms as this will impact on RSS, NBE plans and so on. As the NPF is rolled out, we are unsure of how the NPF connects to infrastructure plans from local communities. Clarity around infrastructure funding especially for local councils is critical to the planning for these new developments.
 - b. We support the inclusion of RSS in each region under the Spatial Planning Bill. Again, we have stated above our support for more use of inclusionary housing policies, particularly as these approaches help protect existing local communities, provide more affordable homes and work more with CHPs.
 - c. We are concerned about additional levels of bureaucracy being created with RPCs, especially when these are people with lots of influence (preparing RSS and NBE plans) who have not been elected by local communities. Additionally, we have continually advocated in recent years for greater community inclusion at different levels of this new system, bringing local, relevant knowledge to this planning function. This Bill’s approach again points to a more top down, centralised approach to critical committees and functions in this system.
 - d. The inclusion of a minimum of two Maori representatives to RPC has merit. But how this will happen in areas with mixed Maori and iwi presence (e.g., Auckland) might be difficult and needs further clarity. Additionally, the accountability of all RPC members (who are again unelected officials) is crucial so that local communities can feel represented and gain confidence in their local RPC.
9. **NBE Plans, Independent Hearing Panels (IHP)**
 - a. We support the consolidation of all planning documents into one single NBE plan under this Bill. Still, it seems there are many points of cross-over between the NBE plan and the RSS for the region, as well as other planning documents for the local council and so clear differentiation between all of these plans is vital to give all stakeholders clarity.
 - b. We submit that the statements of community outcomes (SCO) and statements of regional environmental outcomes (SREO) be made compulsory in the Bill to facilitate more local involvement in this new system. The SCOs provide a specific opportunity for feedback to flow up from local boards through to Councils and on to the RPC.

- c. We note the Explanatory Note at page 7 of this Bill highlights the importance of cost-effective measures when developing the SCO and SREO. We submit cost-effective approaches are critical for all aspects of this new system, especially with all the new levels of plans, new communities or decision-making bodies and new secretariats that need to be funded. Russell Palmer from Radio NZ notes that Council costs are set to increase by at least 11% with these new changes.^v This will include increased costs for developing and monitoring new economic instruments; increased monitoring and enforcement and review and compliance with the NPF. Palmer adds that *total establishment is expected to cost \$864m for central government and councils, over 10 years.*^{vi} These costs are to be expected when making such massive systems change for housing and land use. However, there is always the concern that this cost is passed onto rate payers and other local amenities suffer.
- d. The IHPs will play an important in this new system. Again, we are concerned with yet another establishment of a bureaucratic body at this level of planning. But the role of the IHPs is crucial for local communities. We have previously advocated to the government about ensuring strong local community representation for these IHPs, especially with members with relevant skills in this space.

10. Maori involvement

- a. We welcome the significant role and involvement of Maori and iwi in different levels of this new system.
- b. The establishment of a new Maori entity to monitor the government's treat obligations under the new system has some merit. But is this role not already played by Te Puni Kokiri or other Maori units or boards within MHUD, or other agencies within the government system? The explanatory notes that this new entity will be proactively monitoring aspects of this new system. That is a valuable role. But again, having multiple layers of bureaucracy, again with unelected people that have roles that are not yet clearly defined in relation to other key parts of government does not give needed clarity. Still, this new entity has a huge role to play in this new system, especially with enforcing treaty obligations, consulting on RPC Maori membership and remaining independent within the system. This important role also applies to the new Freshwater Working Group established under this Bill. We stress that so many new, moving parts, clarity and clear outcomes for all parts of this new system are vital.
- c. Furthermore, the concept of te oranga o te Taiao is a good addition to this NBE Bill. Yet, we believe a fuller definition of this is needed in this Bill. But this clarity might come through the new Maori entity's work and also the new NPF.

ⁱ *Tales from the Trenches: The realities of housing in New Zealand*, Salvation Army, South Auckland, <https://www.salvationarmy.org.nz/article/tales-trenches-realities-housing-new-zealand> (accessed 18 January 2023).

ⁱⁱ <https://www.interest.co.nz/public-policy/118581/katharine-moody-casts-eye-over-governments-cumbersome-rma-reform-bills-saying>

ⁱⁱⁱ *Inclusionary Housing: A Path Forward in Aotearoa New Zealand*, CHA, Auckland, <https://communityhousing.org.nz/inclusionary-housing-a-pathway-forward-in-aotearoa-new-zealand/> (accessed 19 January 2023).

^{iv} Ibid, page 10.

^v *Natural and Built Environment replaces the Resource Management Act: What you need to know*, Russell Palmer, Radio NZ, <https://www.rnz.co.nz/news/what-you-need-to-know/481228/natural-and-built-environment-replaces-the-resource-management-act-what-you-need-to-know> (accessed 10 January 2023).

^{vi} Ibid.