

04 August 2021

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Wellington  
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**Re: Submission on the Exposure draft for the Natural and Built Environments Act**

Kia ora koutou

Thank you for the opportunity to provide written feedback on the Natural and Built Environments Bill Exposure Draft. Our submission has been informed by the Auckland Regional Public Health Service (ARPHS) and Nelson-Marlborough District Health Board (NMH) submissions, and by the 'Natural and Built Environments Bill: Parliamentary paper on the exposure draft'.

Regional Public Health (RPH) delivers population and personal health services in the greater Wellington region. Our geographical area of service delivery spans Hutt Valley, Capital & Coast and Wairarapa District Health Boards. We aim to improve the health of communities; in particular we focus on achieving equitable health outcomes for high needs groups such as Māori, Pacific peoples, child and youth, low income families and other vulnerable groups. The resource management system plays a critical role in determining the health and well-being of our communities.

Regional Public Health requests the opportunity to appear before the Committee to speak to our written submission.

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Kind regards

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Regional Public Health (RPH) supports the following points made in the ARPHS and NMH submissions, and offers some additional insights.

## Part 2 Purpose and related provisions

### Purpose of this Act (Clause 5)

1. RPH **supports** the overarching purpose of enabling people and communities to use the environment in a way that supports the well-being of present and future generations.
2. We **support** the inclusion of the concept of Te Oranga o te Taiao in the purpose section to ensure that Te Ao Māori is better reflected within the resource management system.

*“Whenua and health go together - land grounds us; land feeds us; land connects us; land underpins our homes and land defines us. The task in the future is to protect the land, and in so doing, protect us as tangata whenua”<sup>1</sup>*

3. RPH **recommends** that the language used in Clause 5 is strengthened to reflect the integral nature of people and communities and their well-being as part of the environment. RPH has assumed that environment here refers to ‘natural environment’ and **recommends** an increased emphasis on the promotion of positive well-being outcomes as follows:
  - Part 2, clause 5, subclause (2)(b): "outcomes for the benefit of the environment must be promoted **to support the well-being of people and communities**"
  - Part 2, clause 5, subclause (3)(d): “the essential relationship between the health of the natural environment and its capacity to sustain all life **and promote well-being**”.
  - Clause 5, subclause (1)(b): “The purpose of the Act is to enable ...people and communities to use the environment in a way that supports **and promotes** the well-being of present generations without compromising the well-being of future generations.

### Te Tiriti o Waitangi (Clause 6)

4. We strongly **support** the move to ‘give effect to’ the principles of Te Tiriti o Waitangi instead of the current ‘taking into account’.

### Environmental Outcomes (Clause 8)

5. We **support** the focus on delivery of environmental outcomes away from a more singular focus on the management of adverse effects.

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<sup>1</sup> Ta Mason Durie. Scoping the Past to reach the future – a personal account’. Presentation presented at; 2021; Hui Whakaoranga, Virtual Māori Health Hui July 2021.

RPH note that the built environment impacts on human health can be significant. Urban planning decisions are integrally connected to both the well-being of people and the natural environment. The Bill provides an opportunity to promote well-being and its interconnectedness to a number of the environmental outcomes, for example clauses 8(j), 8(k) and 8(l). For example, by supporting more compact urban areas through transit-oriented development, there is an opportunity to simultaneously address the health effects of increasing levels of obesity, declining physical activity, and global issues such as climate change. Achieving the health gains from this kind of residential intensification requires:

- public and active transport infrastructure improvements
- stronger safeguards for quality housing and urban design
- greater diversity in how land is used in development areas to provide multiple purposes for residents, for example, addressing land uses for housing, recreation, commercial, cultural uses, amongst others.

Without these kinds of integrated improvements, negative impacts for health, well-being and the natural environment can arise. These include: potential increases in local vehicle travel and car dependency leading to greater emissions, poorer air quality, reduced sense of safety and walkability, reduced physical activity and reduced social connections.

6. RPH **recommends** that the concept of sustainable development of human settlements is strengthened in the Bill given the significant impact that urban environments and housing have on health outcomes. The Draft Government Policy Statement on Housing and Urban development articulates a vision that *‘everyone in Aotearoa New Zealand lives in a healthy, safe, secure and affordable home that meets their needs within a thriving, inclusive and sustainable community’*.

RPH **recommends** the following wording to align with the approach in the Draft GPS on Housing and Urban Development. RPH **acknowledges** that these additions would require the inclusion of ‘sustainable’ in the interpretation section.

8(k) urban areas that ***provide for sustainable communities***, are well functioning and responsive to ***population*** growth and other changes, including by-

- (ii) ensuring a resilient urban form with good ***active and public*** transport links within, beyond ***and between*** urban areas

8(l) a ***housing supply*** is developed to ***enable thriving, inclusive and sustainable communities to -***

Housing supply that provides choice, affordability and meets the diverse and changing need of people and communities must also be developed as part of sustainable human settlements or neighbourhoods. It is important the Bill does not encourage a view of housing that is separate to the context of the community environments in which homes are located.

7. The interaction between the Draft Government Policy Statement on Housing and Urban Development and the NBA needs to be considered, based on the following diagram taken from the

**Direction-setting:**

Strategies and frameworks that set direction, shape focus and

GPS Housing & Urban Development			Other Sector strategies eg GPS Land Transport, Healthy Homes Initiative
	Māori Housing Strategy	Homelessness Action Plan	

**Implementation:**

Programmes, initiatives and instruments that support outcomes,

GPS-HUD direction to Kāinga Ora	NPS Urban Development	Urban Growth Partnerships	RMA reform
MAIHI partnerships	Public Housing Plan	3 waters reforms	Housing Acceleration Fund

RPH **recommends** that the Draft Government Policy Statement on Housing and Urban Development be included in the Diagram on page 14 'Overview of the Proposed Resource Management System' in the Parliamentary paper. Interactions between the NBA and other acts such as the Health Act 1956 and Building Act 2004 should also be considered to ensure alignment with the intent of the National and Built Environments Act.

8. We **agree** with the NMH recommendation to strengthen wording of clause 8 (m)(iii) as follows:  
~~"promote the protection of~~ **Protect** highly productive land from inappropriate subdivisions, use, and development".

## Part 3 National planning framework

### *Contents of national planning framework*

#### Topics that national planning framework must include (Clause 13)

9. We **support** ARPHS and NMH recommendation that the Bill enable the development of rules to manage the location, density and operating hours of specific retail outlets and entertainment providers such as alcohol, tobacco and vape outlets, fast food outlets and gambling venues. This could be explored through the setting of provisions in the national planning framework, for example, under clause (13)(1)(f) pertaining to the environmental outcomes for urban areas.

<sup>2</sup> Ministry of Housing and Urban Development. Discussion Document: Government Policy Statement On Housing And Urban Development. Wellington: Ministry of Housing and Urban development; 2021.

There is growing evidence showing that areas experiencing socio-economic disadvantage have greater densities of alcohol, tobacco, fast food and gambling outlets.<sup>3,4,5</sup> The retail environment in some communities mean that people can only access nutritious food by travelling out of their community, which brings an additional economic and time cost for families. It also means that children and young people in these communities have far greater exposure to unhealthy environments which can impact their current and future health and well-being.

### Strategic directions to be included (Clause 14)

10. RPH **supports** the direction in clause 14 requiring the inclusion of strategic goals for the well-being of current and future generations in the National Planning Framework provisions (sections 10, 12, 13).

### Implementation principles (Clause 18)

11. RPH **strongly supports** the NMH recommendation that further detail regarding public participation be added. The NBA is designed to give central government, local authorities and iwi, hapu and Māori a larger role in promoting activities and uses to achieve positive outcomes, but the role of the wider community in providing input to decision affecting the long term shape of their neighbourhoods is also critical.
12. We **recommend** that further detail affirming the role of public participation is provided in the Bill and that clear guidance is developed detailing thresholds for public participation.

We share concern that the following wording within Clause 18 (c) ***‘to the extent that it is important to good governance and proportionate to the significance of the matters at issue’*** has the potential to exclude the public from having a voice in the communities in which they live.

13. RPH support the inclusion of Clause 18(f) to have particular regard to any cumulative effects of the use and development of the environment. In the current regulatory environment, it is often challenging to address cumulative impacts on well-being, for example, cumulative impacts on well-being from poor urban planning decisions or cumulative aspects of similar air discharges potentially impacting on the health of a nearby community.
14. RPH also **recommends** that the implementation principle of equitable outcomes for the well-being of people and communities is added. In our experience, the current regulatory environment often favours those who are most able to advocate for their own needs which can lead to benefits not being shared equally when there are competing priorities. The principle could be supported by

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<sup>3</sup> Pearce J, Blakely T, Witten K, Bartie P. Neighborhood Deprivation and Access to Fast-Food Retailing. American Journal of Preventive Medicine. 2007;32(5):375-382.

<sup>4</sup> Wiki J, Kingham S, Campbell M. Accessibility to food retailers and socio-economic deprivation in urban New Zealand. New Zealand Geographer. 2018;75(1):3-11.

<sup>5</sup> Vandevijvere S, Sushil Z, Exeter D, Swinburn B. Obesogenic Retail Food Environments Around New Zealand Schools. American Journal of Preventive Medicine. 2016;51(3):e57-e66.

reference to frameworks such as the Health Equity Assessment Tool<sup>6</sup>, which asks simple questions around who will benefit from the decision being made, who will not benefit and any unintended consequences for different groups.

## Part 4 Natural and built environments plans

### *Contents of plans*

15. We note that the content of the plan for a region must help to resolve conflicts relating to the environment in the region, including conflicts between or among any of the environmental outcomes. To support and promote well-being, resolution of conflicts will need to be based on prioritisation principles that include consideration of impacts on equity, that is, as a result of prioritising one decision above another, understanding who will be better off, and who will be worse off so an appropriate mitigation can be instituted.
16. We also **recommend** that the plan for a region must consider management of cumulative impacts and that this be added to clause 22.

### *Planning Committees*

17. We **agree** with the ARPHS and NMH submissions that the current planning system lacks the effective mandate and mechanisms to fully consider health and well-being, despite the significant potential and ongoing effects on human health and well-being from decisions and processes around the built environment.

The National Planning Framework can provide a vehicle to develop mechanisms that enable the consideration of health in urban planning decisions. For instance, requiring the use of integrated assessment frameworks could help planners, developers, community members and other decision makers to consider well-being impacts and address them in their plans, policies and projects. We point toward exemplars from cross sector work in Christchurch that highlight the value of integrated planning and the use of an integrated planning guide.<sup>7,8</sup>

18. RPH **supports** the mechanisms suggested by ARPHS and NMH to ensure public health advice is considered within regional built environment plans, particularly that Planning Committees:
  - Include public health expertise (such as Medical Officers of Health or their delegates) to support the adequate consideration of the potential cumulative effects of the use and development of the natural and built environments on human health and well-being. This can be included within the provisions on the membership and support as will be set out in Schedule 3.

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<sup>6</sup> Signal, L., Martin, J., Cram, F., and Robson, B. The Health Equity Assessment Tool: A user's guide. Wellington: Ministry of Health; 2008.

<sup>7</sup> Community & Public Health - Health in All Policies Team. Integrated Planning Guide for a healthy, sustainable and resilient future. Christchurch, New Zealand: Canterbury District Health Board; 2019. Available online: <https://www.cph.co.nz/wp-content/uploads/IntegratedPlanningGuideV3.pdf> Accessed 14/07/21.

<sup>8</sup> Community & Public Health – Health in All Policies Team. Integrated Assessment Guide. Christchurch: Canterbury District Health Board; 2019. Available online: <https://www.cph.co.nz/wp-content/uploads/IntegratedAssessmentGuide.pdf>

- Must have regard to any cumulative effects of the use and development of the natural and built environments on human health and well-being. This is an addition to the current wording of Clause 24(2)(a) as follows: “any cumulative effects of the use and development of the ***natural and built*** environments ***including on human health and well-being***”.

## Conclusion

Thank you for the opportunity to provide feedback on Natural and Built Environments Bill Exposure Draft. We are happy to provide clarification around any of the points we have raised.