

## Submission on Proposed Coastal Adaptation Framework

Thank you for opportunity to respond to your consultation exercise. We would like to thank The Council for their early engagement with communities and organisations such as ours. Although arguably the issue is one of the most important in our lifetimes, we understand and appreciate some of the extra effort that this has cost you. Thank you.

For us, (BOEE), we are interested in how we adapt locally and nationally to climate change. The proposed process is (nationally) is probably the first 'at scale' process in NZ for a major city. Additionally, Christchurch is early "off the blocks" with their adaptation process, so others will be watching. Therefore, how this adaptation process is run and what lessons can be learned from it (positive or negative), potentially has implications for the rest of the country as local governments nationwide think about their own adaptation plans and processes. We understand the importance of having coastal hazards appropriately part of the District Plan and will submit separately on the proposed The District Plan Changes (Coastal Hazards). We will not further comment on DP aspects here.

Finally, one of the reasons for the existence of BOEE, (and this submission), is to moderate the information and power inequality across the adaptation process, *i.e.* between councils and communities. These submissions take significant time to produce and have to be fully referenced to be valuable. Accordingly, in the spirit of transparency, we would like to know, consistent with the definition<sup>1</sup> of 'consultation', how this submission changes the approach and content of the proposed Coastal Adaptation Framework.

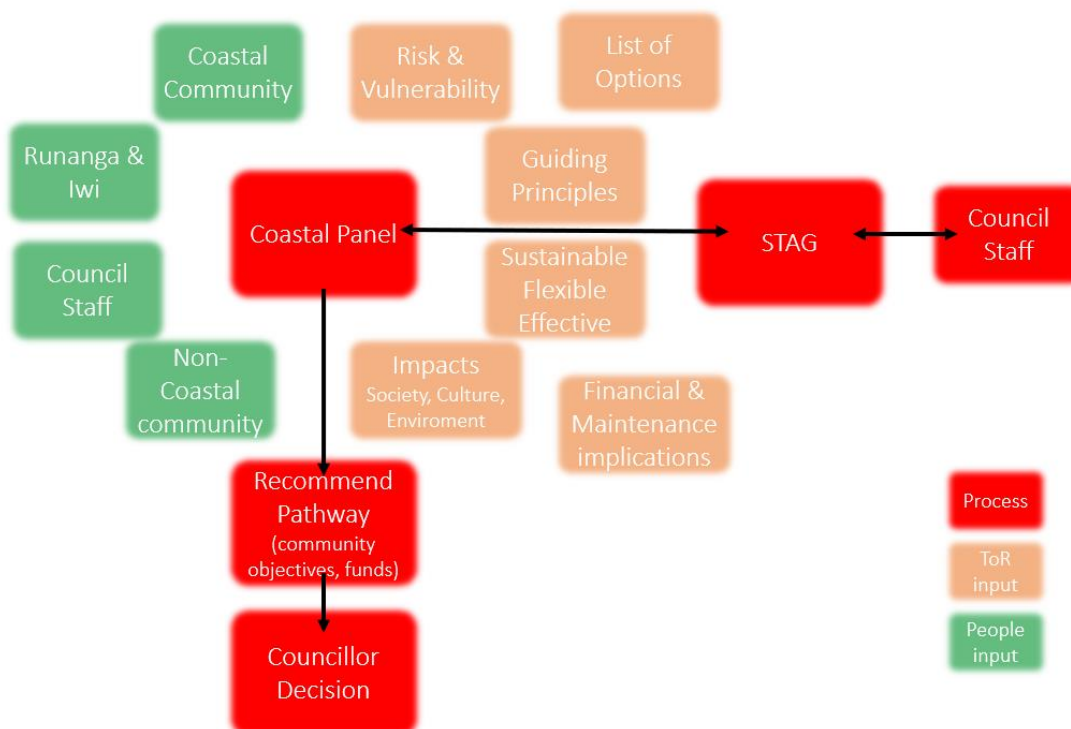
### Context and Introduction

We recognize that these conversations will never be easy whenever or wherever they take place. The aim is not to make them popular, but rather make sure they are informed and inclusive, and crucially ensure that their outcomes are the best they can be for all participants. These outcomes are likely to affect and effect the form of our future regional economy and society, and it is difficult to overstate their importance. There is also an 'elephant in the room': of course, this is the critical first round, or the start of the conversation. However, there will need to be regular future rounds of this conversation indefinitely to encompass material environmental changes.

The proposed process (derived from documentation and website) is described below. Arrows and red indicate process, inputs are green (people), and orange (terms of reference).

---

<sup>1</sup> Consultation: promise to the public, "We will keep you informed, listen to and acknowledge your concerns and aspirations, and provide feedback on how public input influenced the decision." <https://www.iap2.org/page/pillars>



These processes have not been undertaken before (at scale) in New Zealand, so to a degree (not a criticism), we suspect that there are a number of key process issues which are either unknown or unresolved at this stage. Hence we suggest during the first engagement (Lyttleton), there will be a number of learnings that will directly affect subsequent engagements. It is also worth saying that thus far in the talking to communities about the process, it is difficult to see many ways in which council staff could have done more.

The proposed process, (in fact given the context *any* proposed process), raises or would be likely to raise a number of issues. However, in this submission we will engage only two: The machinery of the process and the timing of the process.

In terms of the data underlying the Risk and Vulnerability analysis that is being used to inform this process, as in our other submission on the DP changes, we will not address here the degree to which the data are sound, nor whether it has been correctly interpreted. The one exception to this is the ground-water data<sup>2</sup>. We concur with Dr Helen Rutter, the lead author of the latest groundwater report that it is not possible to use existing data (data density, temporal extent of

<sup>2</sup> The most recent groundwater work, Rutter H. (2021) LDRP45: impacts of earthquakes and sea level rise on shallow groundwater levels (Aqualink), has highlighted that largely we do not have enough information or the correct data. From the preface of this report: "The purpose was not to accurately define the shallow groundwater hazard at a local scale, but rather to provide a high-level assessment at the city-wide scale." Hence this information is not fit to inform local suburb-based adaptation.

data, and the type of data collected), to support local or suburb scale work of the nature envisaged.

The climate and hazard portal is very accessible, and again (with the exception of the groundwater aspect), it is again difficult to identify what more council staff could have done to make this information accessible.

Our regional and national economies are not broad or deep enough to destroy value, capitals and resources *pell-mell*. Yes, some value will be lost and some will be created in any adaptation process, but if we do this right then more capitals will be created than are lost, although potentially not strictly like-for-like. Hence focus on location and time-scale is crucial, so that processes are not needlessly restrictive, nor in place too soon/late. These are key and are the difference between the continuance and wellbeing of communities: whether they prosper while they can or instead are slowly strangled or forced to leave too soon or in a way that is climate unjust. In this latter situation it seems to us that most of the economic cost will not fall on Council, (inclusive of the costs of any potential property payout scheme that may be developed).

### The Machinery of The Process

We appreciate the need of both The Council and the coastal residents to understand the situation in which they find themselves, and if the conversations are effective, both parties will have a deeper and more nuanced understanding of the nature of the issues anchored in specific locations. This is probably one of the key aims/desired outcomes of the conversations.

We see four issues in the framing of the process:

1. The role of The Council: On the basis of the process, the roles and responsibilities of the Council in this process seem incompletely described.
  - While it may be the case that Council is only formally responsible for public infrastructure, and that private property owners are responsible for their own property, I would be rather surprised if that satisfied The Council's obligations under the Local Government Act to support resident's and community well-being. Particularly (as in this case) that the situation is not one of resident's foolishness or omission. This is a national problem and Christchurch is only one part.
  - From the three legal opinions commissioned on issues around adaptation to climate change<sup>3</sup>, LGNZ is of the view that as the law currently stands, in fact local government are responsible wholly or partly for the liabilities of their residents in this situation. Possibly you have a different (legal) opinion?

<sup>3</sup> For example: Climate Change litigation – Who's afraid of creative judges?. <https://www.lgnz.co.nz/our-work/publications/climate-change-litigation-whos-afraid-of-creative-judges/>

- It is understood that a number of significant parts of the legal landscape are changing with the repeal of the RMA, however, because NZ is a signatory to various international treaties, including the Sendai Framework of Disaster Management, and The Sustainable Development Goals, which include commitments to “leave nobody behind”, to reduce social inequity and pursue social justice, it seems to us difficult to believe that the situation after the new legislation has passed would permit breach of these various international commitments.
2. This process is considerably weakened by the fact that The Council is the only party on ‘the other side of the table’, hence only planning tools are in play. Minimally it would be hoped that The Council is working with CDHB and/or Ministry of Health to predict, manage and mitigate the well-being and health impacts on residents at all stages of the process.
  3. Beyond health issues, the main impacts of climate change will be on property, if an effective ongoing programme of individual adaptation is supported by Council. We await news on funding but it is hoped that CCC is proactively and effectively engaging MfE and DPMC lobbying for a centrally funded support framework as part of the new legislation.
  4. By its nature adaptation is looking forward. The issue is that the further one looks forward, the greater the uncertainties not only in the science but also in societal and national situations. Looking forward three generations (100-150 years) is pretty much unheard of in planning or policy terms. At that future range most things are extremely uncertain, but after applying Precautionary Principle on top of safety margins, by Ocam’s Razor, that future is also much grimmer. In short the magnitudes of the proposed future hazard situation that has to be adapted to are likely allow just about anything to be put on the table as ‘realistic’. This supports planning regimes that pre-suppose managed retreat (certainly necessary for some communities) and can start communities on those roads too soon, or even unnecessarily. Either of these are not necessarily a problem if they are reversible, (based on Trigger Points), and do not have the effect of strangling communities.

Beyond these matters above, in outline the proposed process seems sound, and the as ever the ‘*devil is in the detail*’. Looking at how processes have been run overseas, we see weaknesses in the proposed process:

- Representation and ownership of the adapting community (the suburb) on The Coastal Panel. The literature abounds with international examples that underline and show that successful engagement that provides robust results that stick, have common characteristics: joint problem framing, and genuine community decision making.
  - In this case the framing has already been done by officers with the ‘list of options’

- Crucially community members from the suburb adapting (the main stakeholders) when they look around the room are likely to find possibly only 30% of the Panel are from that community. Of course, other suburbs are stakeholders, but at a much lower level than the residents: they have very little skin in the game
- Also on the composition of the Panel, it is potentially a missed opportunity that the communities themselves did not get to nominate panel members, for example a member of each relevant RA, local business representatives...etc.
- The process is silent about the next round of conversations, and how the results and content of the previous ‘conversation’ are carried forward or revised (up or down)
- There is also no mention about the key protection for communities: Trigger points. It is likely that coastal residents (outnumbered on the Coastal Panel) will have different appetites for risk than others from elsewhere in the City.

### Timing of The Process

These conversations need to start sometime, however is now the right time? We are part-way through (effectively) the largest overhaul of our planning and local government system since the RMA replaced the Town & Country Planning Act in 1991. It is likely that the new planning regime will be in place and functioning within 3-5 years, and at that point we understand that District Plans as we currently conceive them are unlikely to exist. Irrespective of the virtues or not of either the RMA repeal or the CCC process, we are not convinced that there has been sufficient (or any) justification presented of why this CCC process needs to start now, when pretty much the whole of our local governance and planning systems are in the midst of radical and systemic change.

As the then Parliamentary Commissioner for the Environment, Jan Wright put it well when she said of adaptation:

*“...We have time to do this well...”*

In this context “well” could and should include decreasing inequity, increasing community well-being, leaving no-one behind, building a better more sustainable world for our children...etc.

If we come into this unfamiliar process in a rush, using just planning tools, employing tools that shut down, write-off, or slowly strangle communities without immediate need, or long before economically the point of retreat has been reached, we run serious economic and social risks that will undermine, impoverish and divide our people. In short, we will “*pluck defeat from the jaws of Victory*”. Nobody awakes in the morning with the thought of how many people or things they can ruin today. However, sleep-walking into this unfamiliar process, without mindfulness of the unintended consequences of our decisions is a recipe to do just that.