Public Decision-Making Newsletter

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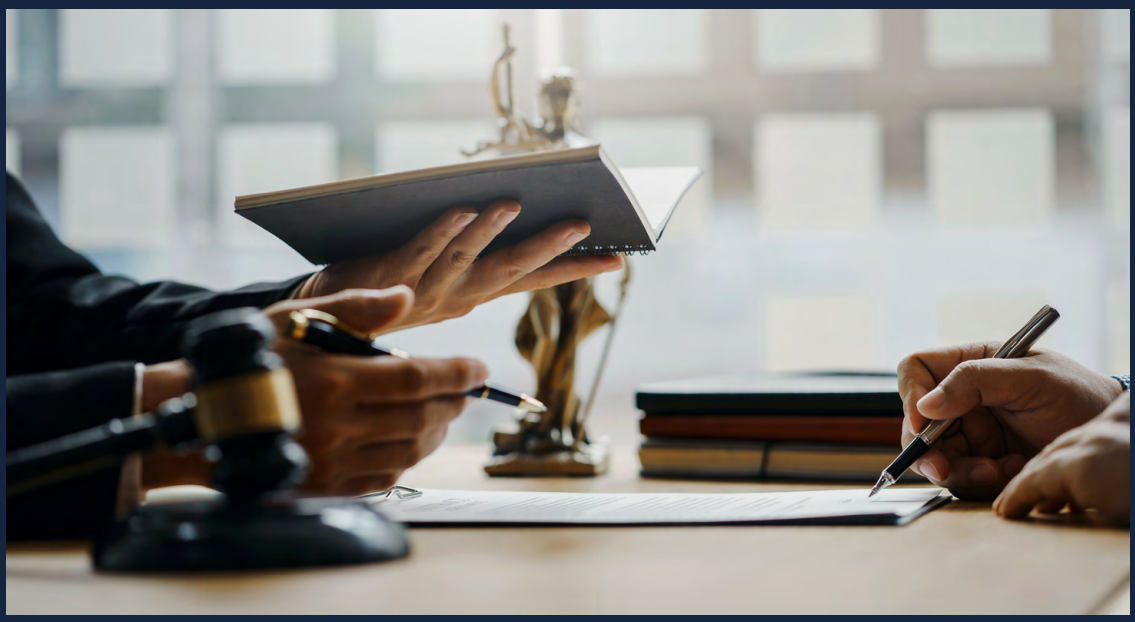
DLA PIPER

Summary

This newsletter summarises recent developments in law relating to resource management and local government in New Zealand that may be of interest to local authorities and decision makers.



In this edition, we:

- Review a recent Court of Appeal decision which relates to an appeal of Council's decision not to notify the relevant application for resource consent and the ongoing importance of a consent authority being in possession of adequate information to make notification decisions on an informed basis.

- Provide an update on two noteworthy Supreme Court decisions granting leave to appeal. One appeal relates to the boundaries of tort law and its capacity to deal with climate change. The second relates to how to give effect to conflicting policies of the NZCPS, and the application of *New Zealand King Salmon* caselaw.

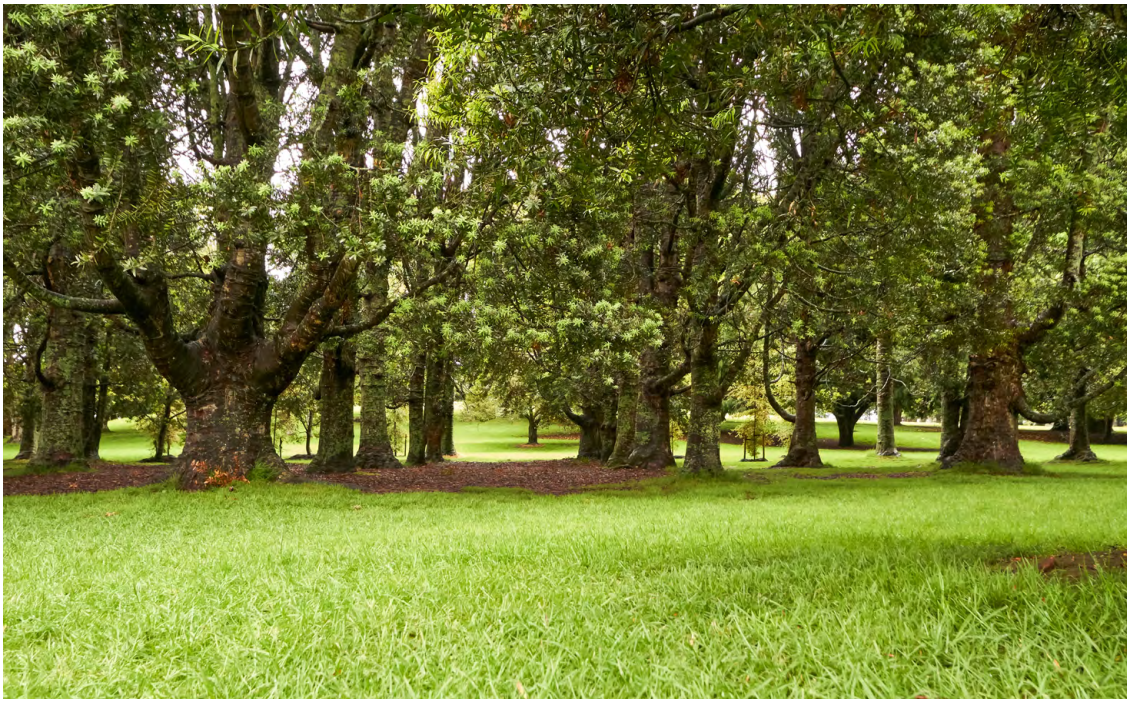
- Review recent High Court decisions. The first relates to an appeal which saw the High Court confirm that the end use of water is a relevant consideration on water take consents. The second relates to the successful challenge of a bylaw and confirms that when writing and consulting on bylaws, councils should turn its mind to re-consultation if a proposal changes significantly.

- Review recent Environment Court decisions. The first relates to obligations to consult and the cancellation of a consent application because views were omitted from the consent application, and the second relating to a rolling review of an operative District Plan and the most appropriate provisions to prevent the spread of kauri dieback.

- Provide an analysis of recent decisions concerning enforcement for environmental offending. The first of which is a Court of Appeal decision relating to evidential sufficiency when demonstrating a relationship between a defendant and the discharge. The second decision relates to the Courts continued imposition of significant penalties demonstrating that environmental offending is serious, and the third relating to an application to vary or cancel an enforcement order.

- Provide a brief legislative update, firstly in relation to the Local Government (Pecuniary Interests Register) Amendment Bill which aims to improve transparency and strengthen public trust and confidence in decision- making of local authorities. Secondly, in relation to the release of important climate change plans, the Draft National Adaptation Plan and the Emissions Reduction Plan and Emissions Budget.

Adequacy of information and non-notification – That old chestnut *Norman v Tūpuna Maunga o Tāmaki Makaurau Authority* [2022] NZCA 30



The Court of Appeal has overturned a decision of the High Court dismissing an application for judicial review of decisions of the Tūpuna Maunga Authority, which administers Ōwairaka/Mt Albert, and Auckland Council.

The appellants sought judicial review of the Authority's decision to make extensive changes to the vegetation on the maunga, and of the Council's decision to grant the relevant resource consent authorising these changes without public or limited notification.

The decisions under challenge related to an 'ecological restoration project' on the maunga involving the retention of all existing indigenous trees and the planting of 13,000 further indigenous trees and plants as well as the removal of the 345 exotic trees presently growing on the maunga. It was the removal the exotic trees that proved controversial and gave rise to the litigation.

Of particular interest is the Court's analysis behind its conclusion that in two respects the Council's decision not to notify the relevant application for resource consent was flawed.

Adequacy of information

In terms of the challenge to the Council's non-notification decision, the appellants argued that the decision was reached based on inadequate information as to the temporary adverse effects of the project as well as the heritage and historical significance of some of the exotic trees.

The Court briefly surveyed the law on the level of information required before a decision on notification can be made. The Court adopted the position that the Supreme Court's decision in *Discount Brands Ltd v Westfield (New Zealand) Ltd* [2005] NZSC 17, [2005] 2 NZLR 597 remains good law as to the requirement that a consent authority must be in possession of sufficient information at the notification stage to decide the issue of whether the adverse effects of a proposal will be more than minor.

It should be noted that there was no need for the Court to revisit this standard (despite the altered statutory setting since *Discount Brands*) as no party sought to argue for a 'less exacting standard'. The Court nevertheless stated a view that 'any different approach in this case would be very difficult to sustain.'

Temporary adverse effects

As to temporary adverse effects resulting from removal of the exotic trees from the maunga, the Court emphasised that what the Council was required to determine in the context of the notification decision was whether or not the effects of the activity, which necessarily included the short-term effects of tree removal, would be more than minor. Adequate information (in terms of the standard articulated in *Discount Brands*) was required to make this determination.

The Court considered the evidence that was before the Council in terms of the nature and duration of the consequence of the tree removal, pending the implementation and establishment of the replacement planting. The key information that was before the Council in this regard was a landscape and visual assessment. This assessment briefly mentioned short term effects and their limited time frame, before concluding that the landscape and visual effects of the application would be mitigated over time by the replacement planting. The Court did not however consider that the assessment contained sufficient information on the duration and magnitude of the temporary effect that had been identified. The Court therefore concluded that the Council's conclusion on temporary adverse effects was based on inadequate information.

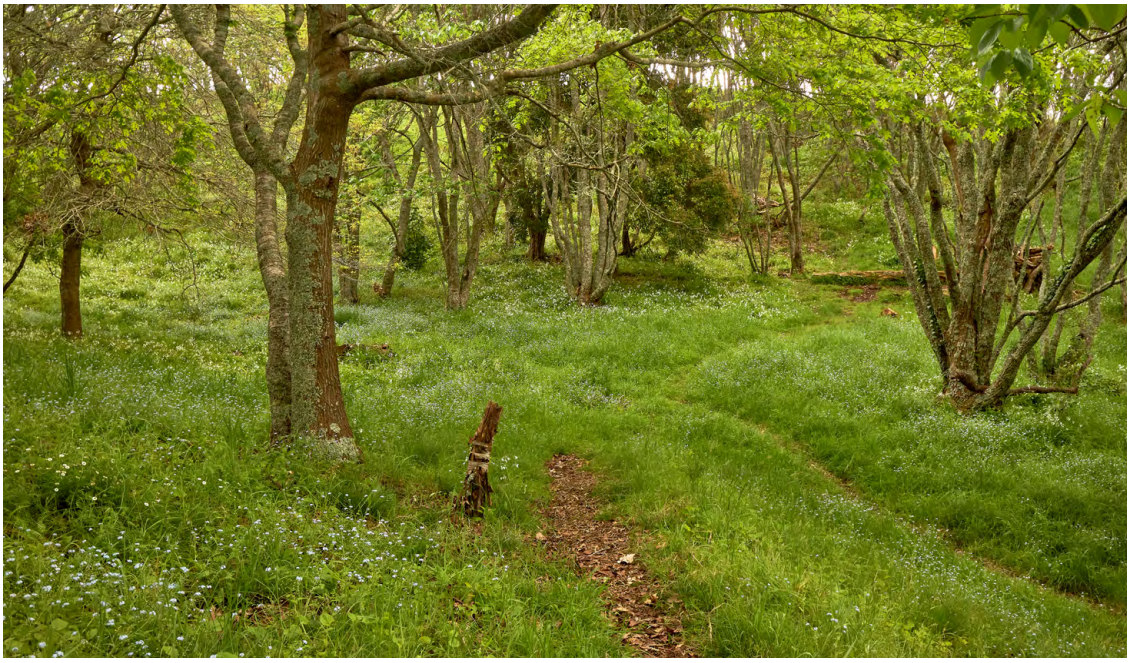
Heritage value of the trees

Underlying the Council's non-notification decision was an assumption that if there was heritage value in the exotic trees that were to be removed from the maunga, this would have been reflected in the relevant plan's schedule of historic heritage or its notable trees schedule. There were no relevant entries in these schedules in terms of the exotic trees on the maunga.

The appellants' position was that despite the trees not being scheduled, they still possessed some heritage value and historical significance, and information of this was not before the Council when the non-notification decision was made. The Court agreed with the appellants and concluded that in respect of the heritage value of the trees to be removed the material relied on by the Council when making the decision on notification was inadequate in terms of the standard articulated in *Discount Brands*.

Conclusion

The Court's decision acts as a reminder of the ongoing importance of a consent authority being in possession of adequate information to make notification decisions on an informed basis. The decision also affirms the continuing relevance of the standard articulated in *Discount Brands*, at least for now. The decision is also a useful reminder of the relevance of temporary effects to a notification decision, even if the temporary effects will be mitigated over time.



Supreme Court appeals to look out for

Recently the Supreme Court has granted leave to appeal two important Court of Appeal decisions, both of which were covered in the previous iteration of our Decision Makers Update which can be found here.

Smith v Fonterra

On 31 March 2022, the Supreme Court granted Mr Smith leave to appeal *Smith v Fonterra* [2021] NZCA 552, on the question of whether the Court of Appeal was correct to dismiss the appeal and allow the cross appeal[1]. Smith began legal proceedings against seven of the largest polluters and fossil fuel producers in New Zealand claiming that their actions amounted to public nuisance, negligence, and breach of a duty to cease contributing to climate change. The Court of Appeal decision concerned an appeal of the High Court's decision to strike out the claims in nuisance and negligence, and a cross-appeal of the High Court's decision declining to strike out the novel tort claim. The Court of Appeal expressed the view that private tort proceedings were not an appropriate mechanism for addressing climate change and accordingly upheld the High Court's decision in relation to claims in nuisance and negligence. The Court of Appeal differed from the High Court in that it allowed the respondents' cross-appeal to strike out the new 'duty' Mr Smith had proposed.

The Supreme Court's decision to hear this appeal, and their ultimate decision on this issue, will be significant. Climate change is an important issue to all New Zealanders, and as such, testing the legal boundaries of tort law and its capacity to deal with such an issue will have large scale ramifications regardless of the outcomes.

Port Otago Limited v Environmental Defence Society and Ors

The Supreme Court has recently granted leave to appeal the Court of Appeal's decision [2021] NZCA 638, and found that the approved question before the Court is whether the Court of Appeal was correct to dismiss the appeal[2]. The issue to be determined is how the New Zealand Coastal Policy Statement 2010 policy relating to ports works with the avoidance policies, and therefore how the Otago Regional Policy Statement must give effect to those national policies. This will involve consideration of the correct application of the principles set out in *New Zealand King Salmon*, as the leading case on the interpretation of national coastal policy documents. The Supreme Court heard the matter between 11 and 12 May 2022.

The Supreme Court's decision on this appeal will be a significant one. Particularly, the Court's willingness to consider the application of principles in *New Zealand King Salmon* indicates that the long established and most important RMA precedent may well be under threat.

[1] *Smith v Fonterra* [2022] NZSC 35.
[2] *Port Otago Limited v Environmental Defence Society and Ors* [2022] NZSC 23

The end use of water held to be a relevant consideration on a water take consent

The recent decision in *Clutha District Council v Otago Regional Council* [2022] NZHC 510 is of relevance to resource consent applications for water take, and more broadly as an example of when a consequential effect of an activity will be relevant to the assessment of the resource consent application to authorise it.

In this case, the High Court considered an appeal by Clutha District Council (**Council**) against the Environment Court's decision to set the term of its consent to take water from a river at 25 years, rather than the 35 years it sought. Council argued that the end use of the water it sought consent to take was not a relevant consideration for the Environment Court, and thus by taking it into account the Environment Court had erred in law. The end use of the water was for distribution to rural and urban destinations (a community water scheme), including by dairy farming properties for washing down dairy sheds.

The High Court held that there was no error of law by the Environment Court in having regard to the way water from the scheme was used for dairy shed wash in determining the appropriate duration for the water take consent. Essentially because the Environment Court was able to have regard to the consequential effects of the end use of the water with limits of nexus and remoteness. In this case, there was a sufficient nexus between the end use of the water for dairy shed wash and its subsequent discharge to the environment, and the take for which resource consent was sought.

In reaching that conclusion the High Court held that:

- Even if the parties had sought to limit the issues for consideration, that would not have prevented the Environment Court from considering what, to it, was a relevant issue pursuant to its powers under the RMA.
- In determining the appropriate duration for the water permit, the Environment Court was required to consider the matters contained in section 104, to the extent that these matters were relevant for the duration of the activity. Provided the effects of the use of water from the scheme were not too remote, it was appropriate for the Environment Court to consider these actual and potential effects.
- Provided there was a sufficient nexus between consequential effects, they had to be considered by the Environment Court. These effects could not be ignored by the Environment Court simply because the consequential use of the water and its effects was subject to management under the RMA and by the Regional Council in accordance with sections 15 and 30(f) of the RMA.
- The use of water from the scheme for dairy shed was more than inevitable or foreseeable. It was already happening. Up to 30 per cent of water supplied to the scheme was being used for dairy shed wash at present and there was no reason to conclude that would change.

The High Court also noted that there is no legal basis to suggest the presumption should be that a take consent will be granted for 35 years unless there is good reason to depart from that.

NZMCA v Marlborough District Council [2021] NZHC 3157

In December 2019, the New Zealand Motor Caravan Association Incorporated (**NZMCA**) successfully challenged Marlborough District Council's (**MDC**) Responsible Camping Control Bylaw (**the Bylaw**). The Bylaw provided that unless an area was named as being suitable for freedom camping, it would be prohibited, and that only vehicles with self-contained waste disposal were permitted to use those sites.

In her judgment, Justice Grice discussed three issues: consultation; the validity of the Bylaw under the Freedom Camping Act; and unreasonableness. All three Issues were decided in favour of NZMCA, with the third one following as a result of the second's success.

Regarding consultation, the Judge distinguished the Bylaw from earlier case law which required a lesser standard of consultation as the complaining parties were only indirectly affected (*Minotaur*).[3] In the case at hand, freedom campers were directly affected by the proposed change. As such, the Judge held that when a proposal is significantly changed from the initial approach, it is necessary for the Council to turn its mind to re-consultation with those directly affected. No evidence was produced which suggested this had happened. Consequently, MDC breached its consultation obligations under section 82 of the Local Government Act.

Turning to validity of the Bylaw, the Judge held that the bylaw was not the 'most appropriate and proportionate way of addressing the perceived problem with freedom camping' and in breach of section 11(2) of the Freedom Camping Act 2011. Section 11(2) does not necessarily

[3]Wellington City Council v Minotaur Custodians Ltd [2017] NZCA 302, [2017] 3 NZLR 464.

rule out a blanket ban on freedom camping, but it does require a genuine attempt to define particular areas where it should be prohibited. The Judge took the view that there had been no genuine attempt to do so and suggested that the decision had been made before the justification. There was no way to show or infer that MDC had turned its mind to delineating areas within the district. The Judge did accept MDC's argument that this is an issue with a significant amount of social policy in which the local authority should be given significant leeway, but this did not remedy the flaws in the decision.

Given this finding, the issue of unreasonableness was briefly dealt with. The Judge found the entire Bylaw should be struck down for unreasonableness because, on the analysis on the first two issues, the part of the Bylaw which was offensive to the Freedom Camping Act could not be severed. As a result, the Bylaw was held to be invalid under section 17 of the Bylaws Act 1910.

This decision demonstrates the importance of councils turning their mind to re-consultation if a proposal changes significantly, and the need to avoid pre-determination. The takeaways are that when writing and consulting on bylaws, councils should turn its mind to re-consultation if a proposal changes significantly, and the need to avoid pre-determination when engaging in statutory decision-making and record all deliberations.

Perujli Developments Ltd v Waikato District Council [2022] NZENVC 51

Perujli Developments Ltd v Waikato District Council [2022] NZEnvC 51 was recently decided in March 2022. It has sent a strong warning signal to applicants for resource consents to ensure Māori interests are specifically addressed in applications so authorities can consider all potential interests in land.

The proceedings originated from the appeal of a cancellation of an earthworks consent granted to the applicant, Perujli Developments Limited (**Perujli**). It was cancelled pursuant to section 132(3) of the RMA because a hapū, Ngāti Tamainupō, had had its views omitted from the consent application. The earthworks in question were to be followed by subdivision and residential development.

The site is culturally, historically and archeologically significant, as it contains a number of 'rua' (worked areas such as borrow pits, garden areas, food storage and umu) – the last remnants of the gardens and area of a historical Pā. Previously existing borrow pits close by had already been destroyed due to other developments. The tikanga tied to rua is significant as recognised in the naming of the surrounding area, Ngāruawāhia, and the tikanga, archaeological and historical expert evidence presented. The development would have destroyed all rua apart from one.

There were conflicting positions on the consent and development held by two parties representing hapū: Ngāti Tamainupō and Tūrangawaewae Trust Board (on behalf of Waikato Tainui). Perjuli left out all evidence and details of consultation with Ngāti Tamainupō, and did not address the conditions imposed by Tūrangawaewae Trust Board. Despite both parties having different claims to mana whenua, the Court decided both had an overlapping interest in the land and considered both perspectives important.

Ultimately, the Court upheld the cancellation of the consent and ordered that all subsequent consents for the site had to be considered collectively. It held that:

- The failure to identify the cultural significance of the site to Ngāti Tamainupō, and its proximity to Pukeiāhua Pā and the Waikato River *lead to material inaccuracies in what was supplied for Council to decide the resource consent*;
- The failure to identify the concerns of Ngāti Tamainupō *and* the conditions sought by the Tūrangawaewae Trust Board materially influenced the decision to grant consent;
- The applicant had *a duty to advise the Council of the opposition* by Ngāti Tamainupō to destruction of the rua;
- The failure to consider these *could cause significant adverse effects on the cultural and historic environment*, leading the Court to conclude the prerequisites for cancellation under section 132(3) are met; and
- That the Court had jurisdiction and discretion to modify the conditions or cancel the consent and allow the earthworks and subdivision issues to be addressed together if consents are pursued.

Accordingly, decision makers should be aware of applicants' obligations to consult with and provide information about Māori parties which may have an interest in the land during the resource consent process – and be aware that where this has not occurred properly, and/or where the site is particularly significant, consents may be amended or cancelled.

Director-General of Conservation v Whangārei District Council [2022] NZENVC 33

This is an appeal relating to the rolling review of the operative Whangārei District Plan (**the plan**) with a particular focus on determining what are the most appropriate provisions to prevent the spread of kauri dieback disease (**the disease**) between Kauri Hygiene Areas (**KHA**).

The Court outlined the key issues as being; (a) the jurisdiction of the Court to impose certain controls sought by the Director-General of Conservation (**DOC**); and (b) the most appropriate provisions to be inserted in accordance with the tests under sections 32 and 32AA of the Resource Management Act 1991 (**RMA**).

There was no dispute between the parties and the Court that the preservation of kauri is a matter of national importance. DOC wanted to ensure that there were effective measures in place to do this and sought to include in the plan constraints over gardening, cultivation and placing of fence posts in order to prevent the spread of the disease. A further issue that needed to be considered was whether infrastructure providers, such as electricity providers (Northpower Limited (**Northpower**)), who needed to enter KHA should be subject to controls to prevent propagation of the disease. While DOC sought prescriptive mandatory rules, the Whangārei District Council (**Council**) and Northpower preferred a cooperative outcome-based approach.

Gardening, cultivation and property works

In considering measures and controls over gardening, cultivation and placement of fence posts, the Court firstly referred to the mandatory definition section

of the National Planning Standards 2019 (**NPS**). The definition of 'earthworks' expressly excludes gardening, cultivation, and disturbance of the land for the installation of fence posts. The definition of 'earthworks' requires that any provisions for managing earthworks must be located in the Earthworks chapter. The NPS also include definitions for 'cultivation' and 'land disturbance', but not for 'gardening'. As 'gardening' is not currently captured by any definition, the question for the Court was whether it can include, within the provisions of the Earthworks chapter, matters that are not part of the earthworks definition and are explicitly excluded from it.

The Court concluded that the definition of 'earthworks' and the intent of the Earthworks chapter is non-exclusory, meaning that although matters relating to earthworks must be included within this chapter, it does not preclude other matters, that are excluded from the definition of 'earthworks', from being included within the same chapter. Accordingly, the Court concluded that gardening, cultivation and land preparation (including land disturbance for fence posts) could be explicitly provided for in the *Earthworks* chapter.

Sections 32 and 32AA of the RMA

The Court then examined what would be the most appropriate provisions for avoiding the spread of the disease in accordance with sections 32 and 32AA of the RMA.

DOC's position was that the possibility of contamination must be avoided by controlling conduct, while the Council and Northpower took the view that avoidance is one of risk analysis and reduction. The Court noted that the questions of risks are particularly relevant to this case due to the lack of precise scientific knowledge about the mechanism for spread of the disease, the lack of any diagnostic test for confirming whether a particular kauri was infected, and the difficulty in identifying any definitive outcomes from the strategies undertaken to date.

The Court concluded that DOC, in considering that the only methods available were rules, had failed to consider all other possible provisions under section 32(1), being reasonably practicable, efficient and effective options for achieving the objectives. The Council and Northpower had considered other options. It noted that the RMA was very clear that the provisions to be considered encompass a wide range of approaches, including advocacy, education, subsidies amid other possibilities and not just 'rules'.

Effectiveness and efficiency

The Court considered that the key issues arising under section 32 and 32AA relate to effectiveness in avoiding the spread of the disease and providing for emergencies, food production and practicality. The Court found that a cooperative approach with the landowners would be more effective than having a rules-based and non-compliance approach as proposed by DOC. The Court concluded that education would encourage more buy-in from residents and recommended that the Council produce a code to warn landowners of the dangers of the disease and communicate simple methods to avoid propagation. Further, the Court endorsed a stepped approach of permitted activity status for emergency and unplanned works; controlled activity status for planned maintenance and minor upgrading; and discretionary activity status for new infrastructure or major upgrading.

Outcome and directions

The Court concluded that there should be a rules package similar to the findings it had tabled as annexures to the decision. The parties were directed to make submissions on the final wording. The Court did not consider any application for costs was appropriate, but invited submissions if any party disagreed.

Enforcement Caselaw Update

Northlake Investments Limited v Otago Regional Council

The Court of Appeal has recently issued a decision in *Northlake Investments Limited v Otago Regional Council*[4]. Substantial earthworks on the Northlake subdivision development near Wanaka had been largely completed, with most of the land topsoil unvegetated, when heavy rainfall on 17 and 18 August 2017 caused flooding at the site. Sediment escaped, eventually reaching the Clutha River more than a kilometre away. Charges were filed for the discharge of contaminants onto land in circumstances which might have resulted in their entering water, namely the Clutha River.

The Court of Appeal considered whether a developer reasonably relying on experts could ever be guilty of a section 15 contravention. The Court of Appeal found that this will always be fact specific, and that a developer reasonably relying on experts could be guilty of contravening section 15, depending on the particular facts of the case before the Court.

The Court went on to consider whether Northlake itself had acted reasonably in engaging expert advice and relying on it. The Court reviewed the decision of the District Court and concluded that there was no error in the determination that there was a causal connection between the actions of Northlake and the discharge. It was the property owner, developer and resource consent holder, who contracted the person who completed the physical works which brought about the discharge. It was actively involved in the oversight of the works and as consent holder it was obliged to ensure that the silt and sediment controls in accordance with a site management plan were fit for purpose and were in place for the duration of the project. The District Court found that Northlake's failure in this regard was an operative or effective factor in the chain of causation leading to this discharge.

This decision continues to demonstrate that when assessing evidential sufficiency, the key question will be what evidence demonstrates a relationship between the defendant and the discharge.

R v McIntyre

We have previously identified that the Environment Court is continuing to impose penalties which demonstrate the environmental offending is serious, and subject to significant penalties. The recent decision of the Environment Court in *R v McIntyre*[5] imposed a sentence of home detention of five months and a fine of $100,000

[4][2022] NZCA 129.
[5][2022] NZDC 5840.

on the defendant. In addition, an enforcement order was made requiring that the discharge of waste be ceased and any prohibited waste on the property be removed and properly disposed of.

The charges related to a site which was operating as a dairy farm, and previously had been a piggery. The offending related to the discharge of waste into the Piako River including of waste milk product. Mr McIntyre was in effective control of the farm (although the farm is owned by the defendant's family trust).

The Court found that the gravity of the offending was high, as the dumping of industrial waste on farmland will have significant adverse effects on the land and any water to the waste may reach.

The Court found that the gravity of the offending was high, as the dumping of industrial waste on farmland will have significant adverse effects on the land and any water to the waste may reach. The court also considered that Mr McIntyre's culpability was high as he was clearly directly involved. The Court did consider a sentence of imprisonment but found that it would take the defendant away from his farm and prevent him from doing any work to address his offending. It would not enable him to do anything positive for the environment or provide appropriate support to his family. Given this the Court found that the sentence of home detention would serve those purposes better.

Vortac New Zealand Limited v Western Bay of Plenty District Council[6]

This decision deals with an application by Vortac to cancel or vary an enforcement order. The enforcement order arose from a sentencing decision following the conviction of Vortac after a jury found it to be guilty of charges related to the construction of a retaining wall or closed board fence and earthworks in a flood prone area on a site. The enforcement order required the removal of the retaining wall and all associated structures and materials. The conviction and sentence were appealed by the Vortac, with the appeal concluding after it was dismissed by the Court of Appeal.

The grounds for the application assert that the fence does not contravene the relevant rules in the District Plan or otherwise could be altered so as not to do so, and that the fence and related materials are not having any adverse effect on the environment in their current form. In addition, Vortac asserted that the fence and other matters covered by the order are serving an important silt control and retention purpose. There was also a repetition of various matters that were raised at the trial and on appeal, and issue taken with the reasoning of the Court of Appeal.

Given this the Environment Court considered whether an enforcement order confirmed by the Court of Appeal can be cancelled or varied by the Environment Court and concluded that it could be. The Court then went on to consider the considerations which must be taken into account when determining whether to change or cancel an enforcement order. In this particular case the Court found that there was no cogent reason advanced as to why the court should amend an enforcement order in a way which results in the essential elements of the original offence continuing.

Vortac also sought that the compliance be extended to allow for consent to be lodged or a certificate of compliance to be requested. The grounds that Vortac sought to rely on essentially relate to the passage of time, and that this time justified the continued existence of some of the works. The Court found that this is completely contrary to the basis on which the enforcement order was originally made and the purpose of sustainable management in the RMA. The Court referred to the judgment of the Environment Court in *Banora v Auckland Council* where the Court noted that enforcement orders are intended to bring finality to proceedings, and that orders are not to be complied with as and when the parties think convenient rather the timetable is to be set out. The Court also referred to *Whanganui District Council v Page* noting that an enforcement order is a serious injunctive procedure of the court and compliance of the enforcement orders is not something which parties can attend to at their convenience. Given this the Court found that the enforcement orders could not be cancelled without a further order addressing what is to occur in relation to such works.

[6][2022] NZEnvC 27

Legislation Update

Local Government (Pecuniary Interests Register) Amendment Bill

The purpose of the Bill is to improve transparency and strengthen public trust and confidence in the decision-making of local authorities. It will better align transparency requirements of members of local authorities with members of Parliament and the Executive Council.

The Bill (which received Royal Assent on 20 May 2022) amends the Local Government Act 2002 making it mandatory for elected members to declare pecuniary interests. It also makes the failure to declare such interests an offence.

From 20 November 2022 (around the start of the new triennium), all local authorities will be required to keep a register of the pecuniary interests of all elected members (including of the local authority, community boards and local boards).

The register must include all information contained in members' returns (made under new section 54C) and make a summary of the information contained in the register publicly available.

The new definition of 'pecuniary interest' is: 'in relation to a member, means a matter or activity of financial benefit to the member'.

A copy of the Bill can be viewed here.

Climate change plans released

On 27 April 2022, the Ministry for the Environment released a Draft Adaptation Plan for consultation. Consultation closes 3 June 2022.

The Draft Adaptation Plan outlines the actions the government will take over the next six years to build climate resilience.

The actions in this plan are focused on addressing the 43 priority risks New Zealand faces from the impact of climate change from 2020–26, including the risks to social cohesion, economic costs, the financial system, buildings, potable water and ecosystems

The Plan three focus areas:

- Reform institutions to be fit for a changing climate;
- Data, information and guidance to enable everyone to assess and reduce their own climate risks; and
- Embed climate resilience across government strategies and policies.

Work to develop a legislative framework for managed retreat is a critical action within the national adaptation plan and will help local and central government and communities deal with the complex issues that are part of deciding to retreat.

The Plan will sit alongside the Emissions Reduction Plan. The Emissions Reductions Plan and Emissions Budgets were released on 16 May 2022. The first emissions reduction plan sets out how New Zealand will meet the first emissions budget for 2022–25, and put New Zealand on track to meet future emissions budgets.

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