

House of Representatives

# Supplementary Order Paper

Wednesday, 24 June 2020

## Resource Management Amendment Bill

### *Proposed amendment*

Chlöe Swarbrick, in Committee, to move the following amendment:

*New clause 12H*

After *clause 12G* (page 8, after line 33), insert:

**12H Section 76 amended (District rules)**

Repeal section 76(4A) to (4D).

### **Explanatory note**

This Supplementary Order Paper amends the Resource Management Amendment Bill. Under these changes, local authorities will be able to protect classes of trees within urban environments as part of their ordinary planning processes. This restores the law to the position prior to the Resource Management (Simplifying and Streamlining) Amendment Act 2009. That Act limited the ability of local authorities to create district plan rules that restrict tree felling and trimming. In 2011 these provisions were subject to an Environment Court declaration that clarified the extent to which local authority rules could continue to control tree felling and trimming.<sup>1</sup> Following this, the law was further changed through the Resource Management Amendment Act 2013 to completely remove the ability for local authorities to protect classes of trees through district plan rules, curtailing ordinary planning discretion and the ability of local communities to decide on the appropriate levels of tree protection in their local environments. In October 2018, the Biodiversity Collaborative Group recommended the Minister for the Environment review these restrictions and amend them following

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<sup>1</sup> *Auckland Council* [2011] NZEnvC 129 (19 May 2011)

the outcome of the review, stating that “the urban forest has significant ecological, social, cultural and economic values.” Urban trees provide habitats and food for our native species and enhance the amenity of our cities. They enhance air quality and increase social, environmental, and cultural wellbeing. They hold together land banks and cliffs, reduce soil erosion, soak up rain, and reduce stormwater runoff. This Supplementary Order Paper would empower local communities to recognise these values and create appropriate rules to address tree loss in urban areas.