



## BRF-2629 RM Reform 276 - Legislative Settings For Trees - Content In The First National Planning Framework And Transitional Arrangements

Date Submitted:	10 February 2023	Tracking #: BRF-2629	
Security Level:	In Confidence	MfE Priority:	Urgent

	<b>Action sought:</b>	<b>Response by:</b>
To Hon David Parker Minister for the Environment	<b>Agree</b> to the recommendations in the briefing	17 February 2023

Actions for Minister's Office Staff	<b>Return</b> the signed briefing to MfE.
Number of appendices and attachments	N/A

### Ministry for the Environment contacts

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## **BRF-2629 RM Reform 276 - Legislative Settings For Trees - Content In The First National Planning Framework And Transitional Arrangements**

### **Analysis and advice**

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#### **Purpose**

1. This briefing provides further advice on the scope of urban tree content in the first national planning framework (NPF 1) and seeks your views on the removal of the existing provisions in the Resource Management Act 1991 (RMA) which limit the district planning rules that can be used to protect trees.

#### **NPF 1 content for trees**

2. Urban trees content for NPF 1 could embed the importance of trees in urban environments and provide strategic guidance for Regional Spatial Strategies (RSS) relating to urban tree canopy coverage data and the value in developing urban forest strategies. It should be short, simple and easy to understand.
3. Specific direction targeted at future Natural and Built Environment (NBE) plans will be developed as required in future NPFs. It would be more detailed and cover matters which are currently considered 'district planning related matters'.

#### **Transitional arrangements for trees**

4. We have explored whether the transition to the new system could enable easier protection for 'specimen trees' under the existing RMA system. Our advice after exploring this option further is that this approach is unwieldy, inefficient, and unlikely to be effective.
5. An alternative, less complex but more expansive approach would be to remove the existing provisions in the RMA which limit district planning rules that can be used to protect trees, once the NBE is enacted. This would significantly change urban tree management as it would remove all of the current restrictions on methods councils can use to protect urban trees. We note that this option would require substantial resource from councils to implement well, at a time when they are already busy on plan changes for the National Policy Statement on Urban Development and the Medium Density Residential Standards. It also risks diverting effort from new innovative approaches focussed on incentivisation and enhancement.
6. Our advice is that the best option is not to change the RMA for the transition before NBE plans take effect. This approach sends a message that the approach to urban tree management needs to continue to focus on enhancing and incentivising the retention and enhancement of urban forests and avoid further focus on protection mechanisms.
7. We do not consider that developing national direction for RMA district plans, in parallel with the NPF 1 process, is an option. The process carries too much risk and is unlikely to result in a high-quality content in the limited time frames available.

### **Next steps**

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8. More detailed advice on urban tree content for NPF 1 will be provided to you in March.

9. A recommendation to not change the legislative settings in the RMA that relate to trees (RMA section 76 4A – 4D) as we transition to the new system in the NBE Bill, will be included in the departmental reports for the Environment Select Committee.

## Consultation

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10. It was agreed that urban tree protection decisions will be made in consultation with the Ministers for Housing, Conservation and all the Associate Ministers for the Environment. These ministers and associated agencies will be consulted in the processes outlined in next steps.

## Impact of advice on local government, Treaty and Māori/iwi, and system efficiency

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11. Officials will advise you on the impact of the approaches when detailed recommendations are outlined in the next steps.

## Recommendations

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12. We recommend that you:
- a. **Agree** that the first draft of the urban trees content for NPF 1 will embed the importance of trees in urban environments and provide strategic guidance for RSSs relating to urban tree canopy coverage data and the development of urban forest strategies.
  - b. **Agree** that the preference is for no change to the legislative settings in the RMA that relate to trees, as we transition to the new system in the NBE Bill.

Yes / No

Yes / No

## Signature

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Michael Tucker  
Manager, Infrastructure and Growth  
**Ministry for the Environment**

**10 February 2023**

Hon David Parker  
**Minister for the Environment**

**Date**