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Media Release

Another set of amendments to the Resource Management Act

The Environmental Defence Society has noted that the Government has introduced further amendments to the Resource Management Act and related legislation today.

“The Resource Management Reform Bill is extensive and was expected. It deals in large part with machinery matters but there are substantive changes some of which look acceptable and some of which are clearly controversial and will need detailed analysis,” said Mr Taylor.

“The uncontroversial changes include creating a faster track for mid-sized resource consents which is consistent with the Government’s intention of streamlining the implementation of the RMA.

“Other provisions deal with the creation of the Auckland Unitary Plan and were well signalled. The plan will be subject to a single hearing before an independent panel of experts with appeals available only on points of law, unless the Auckland Council rejects the panel’s recommendations, in which case parties will be able to appeal to the Environment Court.

“We do however think that Auckland Council should appoint the Panel, not Ministers, since it is Auckland’s plan and ratepayers are meeting all the costs.

“There is a new requirement to have regard to the Auckland Plan when preparing the Unitary Plan which is sensible.

“The Government is also proposing changes to section 32 which requires a cost-benefit analysis of all proposed plan provisions. The new section 32 retains the requirement to assess whether the objectives of a plan are the most appropriate way to achieve the purpose of the Act. It also contains useful amendments such as a requirement for the analysis to be made available as soon as practicable or at the time of public notification of the planning document.

“However, the proposed section does emphasise economic development, including a specific requirement to identify and assess the effects on economic growth and employment.

“The most controversial changes would further restrict the ability of Councils to protect significant urban trees. The Bill overrules an Environment Court decision in 2011 and requires tree protection rules in plans to identify individual trees or a cluster, grove, or line of trees in a schedule to the plan by street address and/or legal description of the land.

“This is imposing a massively bureaucratic responsibility on Councils and not all of them will have the capacity to carry out this exercise.

“Eighty seven percent of New Zealanders live in urban areas and trees contribute significantly to amenity values in the urban environment. The proposed amendments make it hugely difficult to protect urban trees and would be a step towards a future of barren, lifeless cities. I’m sure there’ll be a lot of opposition to these changes.

“Our expectation is that more controversial changes to the RMA will follow, including proposals relating to sections 6 & 7 (which contain the key principles of the RMA). We’re expecting a discussion paper on these topics to be released in 2013. There is real concern that those proposals might significantly weaken the Act and lower our environmental standards,” Mr Taylor concluded.