

Indigenous Forestry



Higher intrinsic value is being placed on pockets of remnant indigenous forest and larger bush areas

Introduction

Land owners have had the freedom to make decisions regarding the use of indigenous forests on privately owned land. In recent years the general public have been made aware of the irreplaceable value of indigenous forest. Consequently this property right has now been restricted by two significant pieces of legislation, which now largely control issues concerning indigenous forestry. These are:

1. The Resource Management Act 1991
2. The Forests Amendment Act 1993
(amends the Forests Act 1949)

Resource Management Act 1991 (RMA)

The Resource Management Act provides a framework for regional and territorial authorities to manage the environment and requires all persons exercising functions and powers under it, to recognise and provide for a number of matters of national importance. This includes the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

Functions of local and territorial authorities differ under the RMA, so it is necessary for land owners to be aware of different Regional and District Council requirements in terms of controls on land use activities. Because the RMA only provides a “framework” to work within, requirements may differ between regions and districts.

Forests Amendment Act 1993

The second piece of legislation restricting activities associated with indigenous forests in New Zealand is the Forests Amendment Act 1993. Following considerable public debate and consultation, the Forests Amendment Act came into effect on 1 July 1993 and amends the Forests Act 1949. It recognises the different values found within indigenous forests and promotes, maintains, and where possible, enhances those values. The Act provides a framework for producing indigenous timber through sustainable forest management. The Ministry of Forestry’s Indigenous Unit in Christchurch administers controls under the Forests Amendments Act 1993.

This information sheet outlines the requirements of Regulatory Authorities in Taranaki, and of the Ministry of Forestry, in terms of controls on issues associated with indigenous forests. It should be noted that requirements under the RMA 1991 and Forests Amendments Act 1993 are totally separate and are administered by different bodies.

Taranaki Regional Council (TRC)

TRC has adopted an education and advocacy approach (as opposed to regulation by consent) as its primary method of influencing land use. Any person who is proposing to remove or disturb areas of indigenous forest is encouraged to consult with the Regional Council. A consent may be required if a soil disturbing activity is likely to impact on a watercourse.

If activities are proposed within indigenous forest areas, contact the Regional Council for further advice:

**Taranaki Regional Council, 47 Cloten Road,
Private Bag 713, Stratford.
Ph. 06 765 7127 Fax. 06 765 5097 or
Toll Free Ph. 0800 736 222**

District Councils

Territorial authorities have similar responsibilities under the RMA, however their functions differ somewhat from those of regional councils.

Stratford District Council

Indigenous forest can be harvested in the Stratford District today without the need to obtain a resource consent in the situation outlined below:

Where harvesting is selective, and it is occurring in the frontal hill country and hill country parts of the District, as identified in the Stratford District Planning Maps, and has either a sustainable forest management plan or sustainable forest management permit in terms of the provisions of the Forest Amendment Act 1993.

In every other situation a resource consent is required from the Stratford District Council. In most instances, an applicant seeking such a resource consent is:

- likely to succeed if the rate of harvest is sustainable.
- unlikely to succeed if harvesting on the ring plain or clearfelling indigenous forest

For further information contact:

**Stratford District Council, Miranda Street,
P.O. Box 320, Stratford
Ph. 06 765 6099
Fax. 06 765 7500**

South Taranaki District Council & New Plymouth District Council

These district councils currently have transitional district plans. The proposed district plans for each of these councils contain rules controlling the use of indigenous forest. As the plans become operative these rules will become binding and the public is advised to contact their district council should activities involving indigenous bush be considered.

For further information contact:

**South Taranaki District Council, Albion Street, Hawera
Ph. 06 278 8010 Fax. 06 278 8757**

New Plymouth District Council, Liardet Street, New Plymouth

Ph. 60 759 6060 Fax. 06 759 6070

Ministry of Forestry

The Indigenous Forestry Unit of the Ministry of Forestry is implementing the Forests Amendment Act 1993 by promoting sustainable management and by providing advice on the preparation of plan and permit applications and advice on sawmill and export controls.

Generally, the commercial harvesting of indigenous timber is only permitted subject to approved sustainable forest management plans or permits. Owners of registered sawmills are authorised to mill indigenous logs harvested from areas managed under approved sustainable forest management plans and permits only. It is important to note that the point of control for rules enforced under this legislation is at the mill.

Provision has been made for landowners to harvest small quantities of timber for their personal use without undue sustainable forest management requirements.

The Act does not legislate against the clearance of indigenous forest for conversion of the land to alternative uses, or the cutting of firewood for domestic use and to this extent is not a land use control. The primary land use control in all situations is the Resource Management Act 1991, which enables local authorities to set policies and notify plans governing the cutting of trees and clearing of vegetation. All land, even when managed in accordance with a sustainable forest management plan or permit, will be subject to the Resource Management Act 1993.



Typical remnant indigenous forest; landowner has put in place QEII protection covenant

Options for the harvesting of timber

1. Without a sustainable forest management plan or permit - timber or tree fern trunks may be harvested from the land in the following circumstances

- where the timber is salvaged from an area that is not indigenous forest land
- where tree fern trunks are to be taken from an area not managed in accordance with a registered sustainable forest management plan but where the Ministry is satisfied that the area is able to supply periodically or annually equal yield of tree fern trunks in perpetuity
- where timber is to be taken from windthrown or dead standing trees that have become windthrown or have died as a result of natural causes (**Note:** before timber is harvested, salvaged and milled under the above circumstances it must be inspected by a Forestry Officer).

2. Where timber is for a land owners personal use

- permission may be granted for the removal of up to 50m³ of roundwood in any 10-year period. Such timber is not available for sale or trade
- harvesting and milling indigenous timber for personal use must be approved by MOF in consultation with DOC.

3. Under a Sustainable Forest Management Permit

- for owners of small forests, or owners of larger forests who do not wish to manage their forests for large quantities of timber under a registered sustainable forest management plan.
- allows the harvest of 250m³ of podocarp or kauri and 500m³ of beech roundwood, providing the quantity removed does not exceed 10% of the quantity of timber standing on the land holding.

- renewable only at least 10 years after issue, and when forest growth has replaced the timber harvested under the previous permit.

4. Under a Sustainable Forest Management Plan

- for owners of larger forests
- a land owner may apply to the Ministry for approval of a draft sustainable forest management plan, permitting the harvesting of indigenous timber at a rate not greater than the ability of the forest to replace the timber either removed annually or periodically
- plans are lodged with the Ministry of Forestry

For further information contact:

**The Indigenous Forestry Unit, Ministry of Forestry,
138 Victoria Street, P.O. Box 25-022, Christchurch
Ph. 03 379 1941 Fax. 03 379 1942**

For further advice or information contact:

**The Land Management Section at
Taranaki Regional Council,
Private Bag 713
Stratford
Ph: 06 765 7127 Fax: 06 765 5097**



Bush subject to clearfelling and selective logging in the past is now protected by legislation which recognises the value of these areas to future generations