
Mackenzie transitional district plan: Proposed Change 21

On October 7 the Mackenzie District Council considered the report from Mr Tony Hearn QC, the Commissioner appointed to hear submissions on Proposed Change 21 (Mackenzie Basin forestry). The Council, as expected, resolved to delay consideration of the recommendations from Mr Hearn until the amendment to section 32 of the Resource Management Act 1991 has progressed through Parliament.

The Council did agree to release Mr Hearn's 98 page report to the public, and while that report has yet to be received (at the time of writing) key recommendations and conclusions by Mr Hearn have been summarised in a short paper prepared by the Council's consultant planners.

Proposed Change 21

Proposed Change 21 sought to establish forestry in the Mackenzie Basin as a:

- discretionary activity within sites of natural significance;
- discretionary activity within sites of significant landscape value;
- permitted activity within the remaining areas of the Basin (the major part), subject to rules relating to landscape effects.

The Mackenzie Branch of Federated Farmers, local run holders, the South Canterbury Branch of the Farm Forestry Association, the NZ Forest Owners' Association, and the Minister of Forestry supported the vast majority of the Proposed Change and sought only refinement of some of the provisions. A number of submissions, for example those from the Minister of Conservation, the Commissioner of Crown Lands and the Royal Forest and Bird Protection Society, sought substantial amendments to the Proposed Change, and in particular sought the application of the Boffa Miskell Partners' visual vulnerability assessment as a primary mechanism for setting the planning provisions for forestry. ECNZ sought the withdrawal of the Proposed Change until major research on the effects of forestry on water yields in the Mackenzie Basin had been undertaken.

Mr Hearn's Recommendations

Mr Hearn has recommended that the Plan Change remain as it was proposed, except for four changes. Three of the changes would be minor.

The significant change would see

forestry become a controlled activity within the areas where it was proposed to be a permitted activity. Mr Hearn considered that the nature of the rules relating to landscape effects associated with the proposed permitted activity would be such that the Council would effectively have to exercise a discretion to decide whether or not a forestry proposal was permitted. He considered that this approach was not authorised under the Resource Management Act and that the most appropriate way to exercise this discretion was by placing conditions on individual applications. Mr Hearn concluded that this was accommodated through the controlled activity which he describes as being, in effect, a permitted activity upon which the local authority thinks it appropriate to retain a discretion to control by way of conditions. He further concluded that in his view this is "exactly the position which is appropriate for forestry in the Mackenzie Basin".

Mr Hearn, however, has not recommended that controlled activity applications be non-notified. Indeed, from the

consultant planners' summary it would appear that Mr Hearn is suggesting that applications should be notified.

Other changes that Mr Hearn has recommended are minor. These are:

- To include in the matters which Council will consider when placing conditions on consents the "avoidance of planting immediately alongside rivers, streams and wetlands";
- To add a requirement that once trees become seed bearing, five-yearly inspections be carried out on all land within two kilometres of the planting edge and that any wildings emanating from the plantings within the area be removed;
- To clarify that the site at Burkes Pass which offers the first view of the Mackenzie Basin when travelling south is a listed site of landscape significance within which forestry is a discretionary activity.

John Novis

Information kit – Forestry and the RMA

A more cooperative relationship between commercial forestry industry and local bodies is expected to result from the release of an information kit.

The kit will provide regional and district councils with an overview of the key forestry principles of the Resource Management Act (RMA).

It has been produced by the New Zealand Forest Owners Association (NZFOA), in conjunction with the New Zealand Local Government Association, the Ministry for the Environment, and the Ministry of Forestry.

Partnership Approach

NZFOA Executive Director Ken Shirley says the material was produced to provide councils with all the background they need to implement the Act with regard to commercial forestry, and to encourage a partnership approach between the forestry sector and local authorities.

"We want to make sure that councils have access to the information they need. It's a vast subject and we're certainly not trying to tell councils what they should be doing. The overall message is cooperation."

At Loggerheads

Since the Act's introduction in 1991, forest owners and councils have often been at loggerheads over its implementation. Forest owners claim the implementation process has become unmanageable and costly, and is discouraging potential investors. The councils, in turn, want to ensure they develop regional and district plans which take into account frequently-conflicting community and local interests.

The information kit was launched at the Beehive in August by the Minister of Forestry, John Falloon, and the Minister for the Environment, Simon Upton.