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‘No error of law’ in Wairoa Council’s rates-setting for Maungataniwha Forest

by Sarah Curtis

THE owners of forest recognised as New Zealand’s largest private conservation project have failed to persuade the High Court that Wairoa District Council is charging them unfair rates.

In his decision, Justice Paul Radich said the grounds to review the rates charged for Maungataniwha Forest had not been made out.

“The council’s decision-making processes were sound and its decisions sat comfortably within the ambit of the broad powers given to it for the purpose of setting rates.”

The 12,470.3ha Maungataniwha Forest is owned by Ashland Investments (Ashland), which together with Forest Lifeforce Restoration Trust (FLR), has been working on native forest restoration and other ecological projects.

The trust’s Operation Nest Egg kiwi project is the largest of its type in the North Island, producing 299 chicks for release into the wild over the last 10 years.

Areas of pine are being converted to native forest and significant predator control work is being done with the aim of securing breeding areas for other endangered native bird species — whio, whitehead,

robin and tomtit.

About half the forest (6037 hectares) is indigenous and is subject to a sustainable forest management plan (FMP) that provides for the harvest of the forest for a term of 50 years from October 20, 1996.

Most of the rest is pine (6433.3ha). A small tranche is protected by the Queen Elizabeth II National Trust (334ha), which is exempt from rates.

The pine block was operated as a production forest by its previous owners and there is still a forestry right over it, enabling it to be harvested by a third party for a term of 26 years from July 2018.

In their review application, Ashland and FLR claimed rates-setting decisions made by Wairoa District Council in 2018 and 2021, and the application of those decisions to Maungataniwha, were flawed, affecting the subsequent rates years between 2018 and 2021 and those to come.

The 2018 decision meant owners of forestry land would pay a rate at a proportion of five times that paid by residential ratepayers (for each dollar of capital value).

Wairoa council was ‘well within its powers’ in rates categorisation for forest.

The applicants claimed that

rate was designed for production plantation forestry — not one where the focus was mainly on preserving, not harvesting, indigenous forest land.

While the council differentiated in its 2021 rates-setting decision between indigenous and exotic forest, it made a further distinction between protected and non-protected indigenous forest land.

That was a disbenefit for owners of non-protected indigenous forest land such as that in Maungataniwha, as they would pay a rate at a proportion of 1.6 times that paid by residential ratepayers.

Ashland said it had not undertaken any harvesting activities on the indigenous forest block and there had been no approved annual logging plans under the Forest Management Plan since 2001.

They said that harvesting activity on the pine forest block was limited to begin with and had declined to the point where all production forestry operations had ceased by December 31, 2017, other than in two small areas in which production forestry operations had continued to limited extents.



ABOUT HALF THE FOREST IS INDIGENOUS: The 12,470.3 hectare Maungataniwha Forest is owned by Ashland Investments, which together with Forest Lifeforce Restoration Trust, has been working on native forest restoration and other ecological projects.

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