

as consonant with conservation but against development. Out of this rumble has emerged a new respectability for the game of 'find the loop hole', and the legal profession is having a field day.

In this game the winner takes all (timber) by disguising logging within a bogus oil palm or infrastructure project. No one seems to mind oil palm, even though it requires wholesale forest destruction. Recent Cabinet approval of new 'Guidelines for Agro Development' has made acquisition of large forest areas a cinch, having specified that "agriculture projects will comply with the existing laws (Forestry, Investment, Environment Acts) except where provisions affect the pace of development"! Small wonder at the competition for Ministries.

So where to from here? There is no easy answer, but it does seem important to regain interest in the forest reforms, and for that to happen, we must demonstrate that they can work. This will require some amendment to the Act. However for the most part the need is for a more moderate and considered approach from conservation interests. All those who wish to play a role must accept the inevitability of new development. The pragmatist will now shift focus towards ensuring that new timber projects are good projects. Only by working with this process may we hope to guide it.

Hopefully, in this way we might yet obtain respectability in the Papua New Guinea forest sector. In any event, this is not the time to walk away as what happens here does matter. This is one of the world's last and largest tropical rainforests. On a more personal note I hope also to break from the cycle of a Minister for every season, but then that in itself is partly why we have a problem in the first place.

**Keith M. Dolman**  
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# Urban Trees Bill

The burgeoning growth of Auckland threatens to burst its green perimeter and to inject more population into older suburbs. Market pressures for unguided development could be perilous for trees. Hence it was in the Auckland isthmus that Tree Council was founded in 1987 and has since been centring its advocacy.

Not only do trees have their intrinsic and traditional values. Their visible presence is a seal of quality, signalling that other planning desiderata have been got right. Such as the amount of breathing space needed in these green house days, the ratio of ground left permeable, the protection of soils, and the whole assurance of a beautiful place to live in.

### An Option

The Urban Trees Bill, as prepared by Tree Council for introduction to the House by Christine Fletcher, MP, is a short measure. Without being mandatory it points district councils towards an option Tree Council would firmly believe in. This entails the general protection of a district's mature trees, by designated height or girth. The aim is not to keep every tree inviolate, but to ensure any removal or cutting (other than work possible with hand-held secateurs) would need consent as a discretionary activity.

The Bill begins by adding to "matters of national importance" in the R.M. Act the protection, maintenance and conservation of the urban tree cover. To that end, territorial authorities would be required to include in their district plants express provisions, of their own devising, for protecting trees.

The conditions to be entered on any resource consent would be extended to include requirements for tree protection. Applications for any subdivision consent – including a cross lease – would have to identify existing trees. The content of a land information memorandum would have to include any rules safeguarding trees. Likewise, on any building permit issued, the requirements for the protection of trees would have to be clearly set out.

### Fines Don't Deter

It has long been realised that fines are not a real deterrent to breaches of tree protection by a determined developer. The new Bill provides that a Court may after conviction suspend an existing resource consent or may prohibit a fresh application for a limited period.

The Urban Trees Bill does not impose on district councils any given set of tree-

protection policies. What Tree Council hopes is that a majority will follow Auckland, Manukau, Waitakere, Rodney and – in part – North Shore (like many cities overseas including all but one of the Sydney municipalities) in providing general protection on the lines suggested in Tree Council's pamphlet (1991) "Trees in the District Scheme". This would apply to mature trees, native or exotic (by height or girth), but subject to a list of exceptions, like privet, willow, acacia, pines, as well as trees grown for fruit.

The consent procedure for a discretionary activity would not be costly, or time-consuming. In most cases formal public notification would not be needed. A majority might be dealt with on the spot – with neighbourhood participation where needed – by a council tree officer acting with delegated authority.

### Breathing Space

General protection involves a draconian prohibition of the cutting of all trees. It would importantly offer breathing space for considering all the options available before the chainsaws started up. Dispensations from planning rules could thus be possible, so as to retain good trees. A council might in suitable cases waive the strict bulk and location requirements for buildings. Planning would thus involve – as it should do – enlightened trade-off on both sides.

In the end it would be rare for the presence of trees totally to preclude all development on a site. But how this was to be done, how it could be designed in the interest of good trees, and how far it might fall short of wringing out the maximum economic gain, would all be matters to be considered.

These things must today be part of good citizenship and community conscience. They could also be matters of enlightened self-interest, in cities where beautiful surroundings create and enhance real estate value.

**John Morton**

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