Member's Comment

LESSONS FROM THE WAIROA APPEAL: LAND-USE PLANNING AND FORESTRY

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This issue includes a paper (The Place of Forestry in the Wairoa District Scheme) which is an account of the sequence of events set in train by the Wairoa County Council when it published a review of its District Scheme, events which have been and are likely to be of critical importance for exotic forest expansion and management in New Zealand in future.

An objective of the paper was to acquaint foresters and those who might wish to become a part of an increasing forest industry with the requirement that their plans must conform to district schemes and with the consequent need for vigilance to ensure that such schemes do not unfairly restrict forestry.

The review of the District Scheme, and the subsequent appeal, have raised a number of issues of particular moment both for members of the Institute and for the forestry sector in general. It was to be expected, during an appeal occupying 5 days of sittings, involving a Tribunal, a Council, and five appellant organisations, all of whom had legal counsel and expert witnesses, that the points worthy of further debate would be legion. Some are discussed further below.

FOREST MANAGEMENT PLANS

One point which should be of considerable interest to foresters is the Tribunal's recommendation that predominant forestry use notification should be accompanied by a forest management plan "prepared by a full member of the N.Z. Institute of Foresters . . ."

The Tribunal adopted substantially the wording from the Forest Owners' Association which was concerned to see that forest management plans were prepared by people competent in forestry rather than in town and country planning or local territorial government. Many people recognising that concern would have expected the Tribunal to propose that the N.Z. Forest Service, or at least a Forest Service officer, prepare the management plan, especially as the Service commonly prepares such plans for Forestry Encouragement grantees. However, the Forest Owners' Association saw difficulties because the Forest Service is not infrequently interested in acquiring land for afforestation and might not therefore be very clearly seen as impartial. The Institute may

feel gratified that it is recognised as a competent professional organisation which can act with impartiality but it must also consider whether:

(1) It accepts any collective responsibility, either legally or morally, for the advice given by its full members.

(2) It can agree that management plan preparation should be in the exclusive control of full members.

(3) Full members are necessarily competent to prepare management plans.

(4) Criteria for full membership should be amended.

(5) There are enough competent full members to prepare management plans if other district schemes follow the lead given at Wairoa.

Council members, local sections and forestry consultants recognised by the Institute were questioned about the effects of the Tribunal's proposal that management plans be prepared by full members. Generally they welcomed the proposal and did see it as public recognition of forestry professionalism and expertise. They felt that the Institute should not be precipitate in amending its criteria for full membership, noting that members subscribe to a code of ethics which is relevant to the situation, and that the Institute has some disciplinary powers if they are needed. Those questioned also recognised that full members of the Institute certainly held no monoply on competence to prepare plans and pointed toward an amended requirement that management plans should be prepared by the N.Z. Forest Service or persons recognised by the Institute as being competent to prepare them.

Unless the Institute retreats completely from the real problems and challenges of integrating forestry with other land uses to achieve a better overall use of land it will have to give more attention to the requirements of regional and district schemes.

THE ONE VOICE OF THE CROWN

The Town and Country Planning Act 1977 very properly provides for regional and district planning, the management of resources and the direction and control of development, to be undertaken by the regional and district organisations themselves. To be sure there are requirements to ensure that matters of national importance are incorporated, but the prime responsibility for planning and control still rests with the local government organisation.

The Act provides for committees to assist the local government. An example is the Regional Planning Committee of a United or Regional Council which must have representatives from the Council itself, from catchment authorities, "an officer of Ministry of Works and Development appointed by the Minister to represent the Crown" and as occasion warrants other members. In such a committee the Ministry officer represents for the Crown such central government departments as Lands and Survey, N.Z. Forest Service, Ministry of Energy, and Internal Affairs.

In a somewhat parallel manner, at Tribunal appeals such as that at Wairoa the Ministry of Works and Development represents the Crown. This certainly has what seem to be distinct advantages. It ensures that the Crown speaks with one voice and has one view. Without that requirement departments of central government with differing objectives and policies could present conflicting evidence and hamper the work of the Tribunal.

But is the requirement for one Crown voice all to the good? It should be recognised that the objectives of regional (and district) government and planning include putting government in the hands of the people, transferring control from central to local government and providing the forum for the public discussion which will test the soundness of the planning. How can such a forum properly consider all points of view if the views of central government departments are screened out and silenced and represented only by one voice?

In the Wairoa example, the views of central government departments were channelled through one officer of Ministry of Works and Development whose field of expertise is town and country planning and not forestry. To him it was apparently not practicable to reconcile forestry planning with the technical requirements of a predominant use. Unable to find a compromise, it is not surprising that the Crown voice turned away from the advice of N.Z. Forest Service and did not support forestry as a predominant use. Indeed it was probably only spirited lobbying behind the scenes at the appeal which changed the Crown voice from advocating conditional use for forestry, as it had advocated at the earlier objection hearing.

The point to make here is that central government, if it is to contribute to good open local government, should produce all relevant information and not just that which it decides should be given. To do less is to patronise local government, to inhibit and to deny full participation in regional development. The Institute might well be concerned at this trend for, on balance, the

consequences are likely to be disadvantageous to forestry development in New Zealand.

DOMINANCE OF PASTORAL FARMING

Early in the paper it was shown that, although Wairoa County Council purported to adhere to the objective that land should be used according to the principles of best use, in fact it was the Council's intention to provide for continued pastoral farming rather than forestry wherever this was possible. The Wairoa County is certainly not alone among counties in this view.

To some extent, the view follows from the widespread though mistaken belief that forests thrive best on land which is too poor for pastoral farming and this belief itself is probably a consequence of the use of trees to repair the damage to erosion-prone land caused by unwise pastoral practice.

But these views are probably also an inheritance from a country which for many decades has exported pastoral products and particularly wool, lamb, butter and beef as its prime source of income. In a world with a fast increasing population, increased production of food for export has been seen as vital for the continued development of New Zealand.

Perhaps this has been recognised in the Town and Country Planning Act 1977 (section 3 (1) (d)) which declares as a matter of national importance "The avoidance of encroachment of urban development on, and protection of, land having a high actual or potential value for the production of food".

But is production of food necessarily the best or highest use of land? At a time when New Zealand is facing increasing difficulty in being allowed access into existing markets or in penetrating into new markets and when there are huge "mountains" of food stockpiled in the countries which can pay for it, is not diversification toward other products desirable? The point is of more than academic interest; it is not reasonable for foresters to dismiss it as unimportant on the grounds that where food production is an optional use, forestry would be unable to compete on economic grounds. Foresters and indeed all land users should consider the balanced use of land. It is a resource in which the social, economic and physical factors are all important and interdependent. It is not a resource to be used and justified on physical factors, alone.

If this realisation is lost by default, it is only another step for farm-biased counties to assert that all pastoral use, even of steeper land, is directed toward food production and is therefore

in keeping with the spirit of the Act, in contradistinction to forestry.

It is understood that the Forest Owners' Association has reached a compromise or accord with Federated Farmers of New Zealand to recognise forestry as a suitable use for land classes V-VII but not I-IV. This could be a dangerous compromise for it could be adopted as a principle and thus used to reinforce the argument that forestry deserves the worst land.

CONCLUSION

Only three problem areas have been discussed but there are many more which warrant closer scrutiny. Some have been identified in the points made by witnesses for Wairoa Council. Until full discussion of all the problems and fears of the majority of people has taken place and until people can be satisfied that forestry warrants a larger role in their lives, there will be more "Wairoa appeals".

POSTSCRIPT

Since the major substance of this and the preceding paper was written, there has been consultation among Wairoa County planning staff and appellants from which it is very clear that the County will press for an interpretation of the decision of the Tribunal which will effectively place forestry in a position subordinate to pastoral farming.