

LAND-USE POLICY AND FORESTRY DEVELOPMENT IN NEW ZEALAND*

The terms of reference for this report are to outline the existing land-use policy in New Zealand and the way in which this policy affects forestry planning and development, with particular reference to:

- (a) Methods of land inventory and requirements.
- (b) Criteria applied in land-use decisions, particularly those used to assess forestry potential.
- (c) The extent of present public participation in land-use decisions.
- (d) The present departmental authorities, responsibilities and procedures for land-use decisions.

1. OPENING STATEMENT

There are no comprehensive, clearly-stated, national land-use objectives and policies any more than there is a national plan. However, there is a complex range of legislative and policy determinants that in fact influence considerably how land is used both by the Crown and privately.

2. LEGISLATION

Acts Administered by the New Zealand Forest Service Forests Act 1949

Provides for the administration of State forest land by the New Zealand Forest Service. The main activities are described under section 15 which states the powers of the Minister as:

“Acquire, use and develop land for the establishment, culture, growth, protection, maintenance and manage-

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ment of trees and other plants; for the utilisation of forest produce; for administrative, industrial, residential or storage uses in connection with State forest land or forest produce; for providing access; for the carrying on of farming operations incidental to the management and operation of State forest land; for the conservation of water; for the protection of native wildlife; for the stabilisation of soil, including sand fixation; and for amenity purposes, including scientific purposes or such recreational purposes as are consistent with the proper use, management and utilisation of State forest land."

The Act provides for leasing and exchange of State forest land, setting apart of forest sanctuaries, State forest parks and recreation areas and dedication of State forest land for any purpose described by the Minister's powers.

Forestry Encouragement Act 1962

Provides for lending money for the purpose of establishing and maintaining farm woodlots and forest plantations.

Covers Forestry Encouragement Loans Regulations 1967. Now affects mainly the use of local body lands.

Forestry Encouragement Grants Regulations 1970

Provides for grants for afforestation. Affects the use of privately-held land.

Forest and Rural Fires Act 1955

Provides a legislative framework for prevention and suppression of forest and rural fires. Relates only incidentally to land use matters.

Indigenous Forest Timber Advisory Committee Regulations 1966

This committee may recommend levels of production from indigenous forest and thus indirectly affect the use of forest land.

Noxious Animals Act 1956

Provides for the control and eradication of harmful species of wild animals, including powers of entry to land.

Acts Administered by the Department of Lands and Survey

Several of these provide for the protection of native flora. These include the Native Plants Protection Act 1934 and the Reserves and Domains Act 1953. The Lands Act 1948 contains provisions that any timber on land leased on a Crown lease belongs to the Crown (s. 100). Although there are no specific provisions for reserves for forest protection s. 167 of this Act does have provision for reserving land for any particular purpose that the Minister (of Lands) may see fit.

The Land Settlement Promotion and Land Acquisition Act 1952 was initially aimed at preventing undue aggregation of land by any one owner but with the increased interest shown by overseas investors in purchasing land here the Act was extended in a move to restrict the access of overseas interests to the New Zealand land market.

Part IIA of the Act, Control of Acquisition of Land, deals with the purchase of land by overseas interests. No person who is not a New Zealand citizen and who is not normally resident in New Zealand can purchase farmland for any purpose without complying with the provisions of the Act; and similar provisions apply to Overseas Corporations. The criteria are set out in s. 35H. Overseas Corporation and New Zealand citizen are defined in s. 35A(1) and (2) but briefly Overseas Corporation means a body corporate incorporated outside New Zealand, or a subsidiary of a company incorporated outside New Zealand or a company with a 25% or greater overseas shareholding.

There are provisions (s. 35C(d)) for transactions which have been forbidden by the Act to be granted an exception by the Minister.

*Acts Administered by Ministry of Works and Development**Soil Conservation and Rivers Control Act 1941*

The Act provides for the conservation of soil resources for the prevention of damage by erosion, and for the protection of property from damage by floods. *Objectives* of the Soil Conservation and Rivers Control Council are:

- (a) The promotion of soil conservation.
- (b) The prevention and mitigation of soil erosion.
- (c) The prevention of damage by floods.
- (d) The utilisation of lands in such a manner as will tend towards the attainment of such objectives.

Important *functions* of the Council pertinent to the working party on land use policy are:

- (a) The carrying out of surveys and investigations to ascertain the nature and extent of soil erosion in New Zealand.
- (b) The co-ordination, having regard to the objects for which the Council is established, of the policies and activities of Government departments, local authorities and other public bodies in regard to any of the foregoing matters and in regard to the alienation, utilisation and occupation of lands administered, owned or occupied by Government departments, local authorities or other public bodies.

In the Soil Conservation and Rivers Control Amendment Act 1959, Part II there is provision for *safeguards* against erosion and flooding.

Water and Soil Conservation Act 1967

The Act promotes a national policy in respect of natural water and to make better provision for the conservation, allocation, use and quality of natural water and for promoting and preventing damage by flood and erosion. . . .

The Act binds the Crown.

Section 21 of the Act deals with *Rights in Respect of Natural Water*. The sole right to dam any river or stream, to divert or take natural water, to discharge natural water or waste into any natural water or to use natural water is vested in the Crown subject to provisions of the Act.

Any applications by the Crown in respect of natural water are made to the Minister, with copies sent to the Regional Water Board. The Board recommends and reports to the National Water and Soil Conservation Authority for decision. Such decisions are publicly notified and there is an appeal procedure through the Town and Country Planning Appeal Board.

Both Acts are at present under review, with the general objective of consolidating the legislations.

Town and Country Planning Act 1953

This Act provides for the making and enforcement of regional and district planning schemes by regional and district planning authorities and is administered by the Minister of Works and Development.

The process of regional and district planning involves the formulation of the objectives of the community concerned, the examination of alternative policies for the achievement of these objectives, and the selection of the policies which best

achieve the objectives. The selected policies are then stated in the regional or district planning scheme. It is through these means that regional and district land-use policies, integrated with other policies, can be clearly stated and implemented.

(a) *Regional Planning Schemes*: A regional scheme has for its general purpose the conservation and economic development of a region comprising the districts of more than one district authority (county, municipal or district council) by means of:

- (1) Classification of the lands comprised therein for the purposes for which they are best suited by nature or for which they can best be adapted; and
- (2) Co-ordination of public services and amenities which do not relate exclusively to the development of any one district.

A regional scheme is prepared by a regional planning authority comprising the representatives of the district authorities in the region.

Before becoming operative a regional scheme must be submitted to:

- (1) The Minister, for consideration in conjunction with existing and proposed public works which must be provided for to his satisfaction. Otherwise the Minister's approval of the scheme is not required.
- (2) Every regional planning authority for adjacent regions, and every local authority in the region, for its approval.

(b) *District Planning Schemes*: A district scheme has for its general purpose the development of the area of a district authority in such a way as will most effectively promote and safeguard the health, safety and convenience, and the economic and general welfare of its inhabitants and the amenities of every part of an area.

Before a district scheme is operative changes of the use of land require the consent of the Council under section 38A of the Act, subject to the objection and appeal rights of the Minister, the Regional Planning Authority, other local authorities and affected land owners and occupiers.

Every district authority is required to have an operative district scheme by 1 January 1971. At present 190 of the 249 district authorities have operative schemes. Before becoming operative a district scheme is publicly notified and is subject to objection by the Minister in the public interest and on behalf of other Government agencies, the Regional Planning Authority, local authorities, owners and occupiers of affected

land, and certain public organisations. Objectors may subsequently appeal against the Council's decision to the Appeal Board. A scheme is required to cover a period of 20 years and be reviewed every 5 years.

The Council is required to, and has the power to, ensure that all uses of land (including forestry) within its district comply with the provisions of an operative scheme. This control excludes control of the Crown's use of any land (except for certain housing purposes) but includes control of the use of Crown-owned land by private agencies. Specified departures from the scheme's provisions may be approved by the Council subject to objection and appeal rights.

Control of land use in accordance with a district scheme which complies with a regional scheme is the means through which the regional scheme is implemented.

(c) *Review of the Town and Country Planning Act*: A review committee has reported to the Minister on improvements to the Act. Suggested improvements include:

- (1) Strengthening of the regional planning provisions. This is coupled with compulsory regional planning for all regions under the Local Government Act.
- (2) Increased opportunities for public participation.
- (3) Increasing the control of district and regional schemes over Crown activities.

It is intended to incorporate these changes in a revised Act during the 1975 Parliamentary session.

3. EXAMPLES OF AVENUES FOR POLICY FORMATION

- (a) Cabinet approval following inter-departmental investigation — afforestation of the Poverty Bay/East Cape hinterland.
- (b) Cabinet Policy and Priorities Committee — financial approval for any new policy involving funds.
- (c) Ministerial approval — signing of Forest Service regional working plans.
- (d) Permanent heads jointly — policy for future use of high country catchments.
- (e) Permanent Head of Forest Service — wide variety of policy matters; in effect interpretation of the legislation. Covered each year in the Annual Report.
- (f) Caucus Committees — Noxious Animal Control and Related Matters 1974.

- (g) Public participation — Environmental Impact Report for Mangatotara State Forest; indigenous forest policy; Forestry Development Conference.

In general no single policy statement for use of forested lands exists. Policy consists of formulation and interpretation of legislation through many complex channels and influences.

Policy determinants may also be set out in political party manifestos or ministerial statements or cabinet directives.

4. LAND INVENTORIES

- (1) *New Zealand Land Inventory System — Department of Lands and Survey*

The aim of this survey is to produce maps, of the same scale and background, for each county in New Zealand, depicting the different aspects of land and its use. These maps are:

- Land cover (Vegetation)
- Geological Resources
- Soils
- Potential Pastoral Use of Soils
- Land Tenure
- Land Use

The series, known as N.Z.M.S. 237 Land Inventory Survey County Series, was originally at a scale of 1 inch:1 mile, but with the advent of metrication the scale has been changed to 1:100 000 or 1:50 000 where detail warrants it. Progress in mapping, so far, has been slow but the department is trying to speed things up.

- (2) *Land Information System*

Recommendation 39 of the National Development Conference called for the compilation of data likely to be of value in land use and planning studies, in a form suitable for recording and retrieval by electronic data processing. This proposal to centralise data relevant to land use is still under study. The State Services Commission is responsible.

- (3) *Central Land Agency*

In 1973 Cabinet approved in principle the setting up of a central land agency in the Department of Lands and Survey to establish a register of all lands of the Crown as a prerequisite of good use of all Government land. The pool of land so identified could be drawn on by departments as required and the procedure would review the use being made of the land. This proposal has been shelved.

(4) *Land Use Capability Survey*

New Zealand land use capability classification is based on an American concept. The eight-class standard land use capability classification was adopted with modifications to suit New Zealand conditions by the Soil Conservation and Rivers Control Council in 1952. Since the formation of the Water and Soil Division of the Ministry of Works and Development in 1966 the Division and catchments authorities have been responsible for carrying out the surveys. At present the Water and Soil Division is engaged on the preparation of four maps:

- (a) *The National Resources Inventory Survey* (1:63 360) comprises a field survey and mapping of the following physical features on a unit area basis: rock type, soils, slopes, erosion type and degree, present vegetation and land use. At present North Island field work is virtually completed with approximately one-third of the field sheets completed and available for distribution.
- (b) *Land use capability map* (1:250 000) prepared for the following purposes: to provide the background for development of national standards of capability for use by all planning agencies; to show national capability patterns; to enable preparation of a recommended soil conservation and water management map of New Zealand. About one-third of the maps for each island are ready for printing.
- (c) *Recommended soil conservation and water management map of New Zealand* (1:250 000) showing relative potential for the following land uses: cropping, pastoral, forestry, catchment protection and water management. Potentials are expressed in terms of inherent physical qualities and limitations. No sheets are available.
- (d) Erosion map of New Zealand showing potential erosion severity, present erosion severity and an erosion association which indicates the erosion process occurring within each unit. Eight sheets are ready for printing.

(5) *National Resources Survey*

The primary aim of the National Resources Survey is to collect and analyse data available from Government sources that a regional authority would need to prepare a regional planning scheme. An important secondary purpose is to make available comprehensive information on regional resources, and development trends, to assist organisations and individuals in their own planning for a region. The survey has to date

covered 8 of an intended 17 regions. The surveys cover historical development, climate, geology, soils, land use, water, agriculture, forestry, population, industry and employment, regional economy, transport, tourism and Government. Each report includes maps at a scale of 1:500 000 although the number of maps and their subjects vary from survey to survey. Part VIII, Waikato-Coromandel-King Country region, has the following maps: Soils, Land Use, Geological Resources, Potential Use for Soils.

The Potential Use for Soils maps in Part VIII and Part V, Otago region, indicate the use or uses for which each class of soil is most suitable. Potential uses identified include production forestry, intensive and semi-intensive grazing or production forestry, conservation, and various types of cropping and grazing. The method used to identify potential uses is explained in Part V, Otago region.

(6) *Department of Scientific and Industrial Research*

Basic surveys of the soils and geology of the entire country have been completed and issued at a scale of one inch to four miles. Specific areas have been covered in more detail for various purposes.

5. INVENTORY REQUIREMENTS FOR FORESTRY

The future exotic forest area will progressively extend on to lands which are currently undeveloped or under-developed in terms of their productive potential. The first requirement of any inventory is that it should concentrate on such lands and upon those which are clearly unsuited to their present use. For well-developed forest or farm lands the future land use is relatively fixed, at least in the intermediate term. Only in the under-developed areas is there immediate flexibility of choice and they are thus of considerable importance in deciding the future balance of land use. "Under-developed" obviously requires careful definition but would, for example, exclude Taranaki dairy lands or pumice plantations and include much of the hill country of the Marlborough Sounds.

The main factors of interest for potential plantation forestry from a forester's point of view are:

- Expected growth rates — *i.e.*, productivity — which will generally be related to soil fertility.
- Soil stability which may set limits first for farming and then for plantation forestry.
- Topography and geology which affect operational costs — *e.g.*, for roading and logging.

— Present cover.

— Location which affects hauling distances.

In addition if rational land use planning is to be undertaken the potential productivity for competing land uses needs to be known.

Comprehensive data do not exist at present. They are needed, *in map form*, at a regional level initially. They should be gathered at a tempo which makes them useful for planning. At the current planting rate for exotic forests (0.4 million hectares in ten years) inventories which cannot be completed in a year or two to cover the relevant lands in entire regions will be of little value. For this reason a broad and comprehensive approach should be preferred to one that is detailed, if that latter is unduly slow.

Planning requires the comparison of alternative land uses in the "grey area" and a decision of the appropriate balance of each in accordance with community objectives. A decision on the appropriate balance will not remain constant and at any time is best undertaken as a marginal analysis (economic, social, environmental) — *i.e.*, commencing with the *status quo* for the region as a whole and assessing change overall.

The amount of work required in both the data collection and the subsequent analysis is formidable and may serve as a deterrent to the suggested approach. The alternative is to allow market forces tempered by some controls to dictate the pattern of future use as they generally have in the past.

6. PUBLIC PARTICIPATION

(1) *Town and Country Planning Act*

(a) When a district scheme is first being prepared, the Council is required to invite proposals from the public for inclusion in the scheme. The Council determines whether the proposals should be included.

(b) When a district scheme is first prepared, or subsequently varied, changed, or reviewed it must be publicly notified. Owners or occupiers of land affected, and organisations of persons engaged in any profession, calling or business, or associated with the promotion of any sport or recreation, or for any other purpose of public benefit or utility, have rights of objection to the Council and subsequent appeal to the Appeal Board against the Council's decision. Interested *individuals* whose land is not affected do not have objection and appeal rights. Objections to public works are possible when the works are designated in the scheme and the scheme is publicly notified, but there is no requirement for all public works to be designated.

(c) When there is an application for consent to a change of use before a scheme is operative, or a conditional use, or a specified departure from a publicly notified or operative scheme, owners and occupiers or affected land have objection and appeal rights but other interested organisations or individuals do not.

(d) There is no legal requirement for public participation in regional planning except for rights of objection to district schemes which comply with regional schemes.

(e) Although there is no legal requirement to do so, councils and regional planning authorities can increase public participation opportunities by publicising their objectives. They can list the alternative policies which have been considered and their reasons for selecting certain policies; they can also ask for the comments of members of the public before objectives and policies are confirmed and expressed in the district or regional scheme.

(f) The proposed 1975 review of the Act intends to increase opportunities for public participation in planning.

(2) *Environmental Protection and Environment Procedures*

The procedures apply to projects carried out by Government or involving Government finance or approval. It is the responsibility of the promoting or supervising departments to see that environmental assessments are prepared for all such projects. Where a project is likely to arouse considerable public interest or have significant environmental effects (on either physical or social environments) then a full Environmental Impact Report should be prepared.

An Environmental Impact Report is a public document and is notified as being available for public comment in the *N.Z. Gazette* and in the press. Public comment is collated by the Commission for the Environment who then prepares an audit of the report and of the proposal, to ensure that the environmental effects of the proposal are fully understood. Both the Environmental Impact Report and the Audit are available to Government when it makes a final decision whether a project should go ahead.

(3) *Voluntary Release of Plans*

A further method of public participation is for the planning agency to release its plans and invite public comment. For example:

(a) As suggested for planning under the Town and Country Planning Act in (6)(1)(e) above.

- (b) The Forest Service's approach to publicising its proposals for the utilisation of South Island beech forests.
- (c) The report to the Commissioner of Works on the Effects of Hydro Electric Power Development on the Resources of the Clutha Valley; which indicated the environmental, social, and economic effects of 70 alternative combinations of proposals for power development and suggested means of overcoming problems created by some combinations. This was released to the public. Subsequently a Liaison Committee was set up to allow public comment to be received. This was followed by the Clutha Development Commission which heard submissions from the public, carried out its own investigations and recommended its own proposal to the Government.

7. CURRENT DEPARTMENTAL AUTHORITIES FOR FOREST LAND DECISIONS

Most of these have been explained in Sections 2 and 3 above.

(1) *Forest Service*

The Forest Service has delegated authority and responsibility for management of State forest lands in terms of the Minister's powers.

(2) *Land Settlement Board*

The Land Settlement Board is the controlling agency for Crown land. The Board is chaired (nominally) by the Minister of Lands with the Director-General of Lands as deputy (and actual) chairman. Membership comprises the Assistant Director-General of Lands, the Field Director, and the permanent heads of the Valuation Department, Ministry of Agriculture and Fisheries, Rural Banking and Finance Corporation, and four private members. The Board is represented locally by Land Settlement Committees, comprising the Commissioner of Crown Lands and two farming members.

All policy-making powers and many executive functions are invested in the Board by the Lands Act 1948, although officers of the Department of Lands and Survey are given statutory responsibility for most day-to-day functions.

(3) *Land Use Committees*

Land Use Committee procedures deal with changes in status (from Crown to State forest land or vice versa) or in prime usage (between farming, forestry, soil conservation, recreation, etc.) of major rural land areas of the Crown (100 hec-

tares or more). They further deal with areas leased for afforestation, or acquired by the Crown for forestry, land development, soil conservation, recreation, etc., or for subsequent disposal.

Committees comprise officers of the Departments of Lands and Survey, Agriculture and Fisheries, Works and Development and Forest Service, and are required to report on optimum use and to consider capability of sustained production, soil and water values, recreational needs, scenic values, preservation of flora and fauna, etc. Economic and environmental factors are also to have a bearing.

The Land Use Committee procedure is limited in that it applies only to Crown-owned lands, and it operates without a proper regional framework of objectives and policies.

Breakdowns of the procedure usually result from inability to reach a decision over properties capable of satisfactorily fulfilling more than one productive role. These problems are virtually impossible to resolve on an individual property basis but in the absence of adequate inventory and regional guidelines there is little alternative.

(4) *Land Use Advisory Council*

This was set up following the Physical Environment Conference, to establish criteria for determining the best use of rural lands of the Crown.