

Planning Gymnastics in South-east Otago's Catlins

In the beginning of the year, the South Otago branch of Forest and Bird took what could be a precedent-making case to the Planning Tribunal, attempting to impose controls on the clearance of privately owned bush in the Clutha County Council. National Conservation Officer, Gerry McSweeney, attended that hearing and here reports on the background to it.

The Catlins is the last remaining expanse of native forest on the entire east coast of the South Island. The inland forests lie largely within the Catlins State Forest Park. However, lower altitude and coastal native forests are in private tenure, Maori ownership, scenic reserve as well as the 550-hectare Lenz Reserve near Tautuku Bay, our largest Forest and Bird reserve.

The forested Catlins coastline, very popular with Otago and Southland holiday-makers, is of growing tourist importance. Since 1977 Lands and Survey have championed the concept of a Catlins Coastal Park. Their 1982 report recommends the establishment of the park centred around existing scenic reserves but expanded through the leasing and purchase of private coastal forests. The Coastal Park concept attracted wide public support but recently seems to have lost its momentum and little progress has been evident in the acquisition of the private coastal lands so vital to the Park's integrity.

Combined assault of chipmilling and Rural Bank grants

Meanwhile coastal forests in the Catlins have fast been disappearing before the combined assaults of the new Government-subsidised chipmill near Invercargill and Rural Bank bush clearance grants.

When Forest and Bird members protested to the Government about the clearance subsidies, they were repeatedly told that the responsibility for private land use controls rested with local, not central government. Therefore in 1982, our 200-strong South Otago branch, which includes many farmers and Catlins residents, made detailed submissions

to a sympathetic Clutha County Council. Forest and Bird sought planning controls on bush clearance for about a third of the privately owned bush in the county — 3,500 hectares of the key scenic bush areas on the coast and along State Highway 92, the main route through the region.

In response, the Clutha County placed restrictions in their District Scheme over clearance of that 3,500 hectares under the Conditional Use provisions of the Town and Country Planning Act. Before clearing bush, landowners had to get County consent for the clearance. This prevents unnecessary clearance. It also allows the County and Government agencies to give that farmer priority if they want to offer alternatives to clearance, such as compensation or purchase of the affected bush area.

The bush areas identified by the County were registered on the District Scheme and owners were eligible for rates exemption for those areas and for assistance with fencing them.

“No man is an island...”

Objections to the County zonings were heard in August 1983. Many farmers in the Catlins regarded any restrictions on bush clearance as an infringement of their landowning rights. They argued that what they did on their own land was their own business. Other farmers and ratepayers disagreed, responding that every individual was part of a broader community and a nation which also influenced what one did on one's own land. Bush clearance controls were just another facet of the individual's responsibility to the broader community. There were already controls over education of children, there were building and health codes and even Catchment Board laws to

protect water and prevent erosion on private land.

Unfortunately in December 1983, Clutha County threw out most of its bush protection provisions.

Planning protection was removed from 3000 hectares of private forest and controls left on only 450 hectares around and south of Tautuku Bay.

Test case for the Planning Tribunal

South Otago Forest and Bird objected to that decision and took its appeal to the Planning Tribunal which recently heard the case from 28-30 January 1985.

Sadly, but predictably, Government agencies made no effective contribution to the appeal. Lands and Survey, Wildlife Service and in particular the highly trained and paid planners in the Ministry of Works, preferred to stand on the sidelines and leave it up to a voluntary organisation to fight to protect a natural and scenic area which all those Government agencies have recognised as being of national importance.

The Planning Tribunal's decision was reserved and could take six months to be announced. Whatever the outcome of this case, it will be a key test of whether New Zealand's foremost planning law, the Town and Country Planning Act, can be effective in promoting wise land use.

Back in 1964, the Forest and Bird Society first put forward the idea of a Catlins Coastal Park. Our latest efforts to make progress towards that objective by using the District Scheme have taken four years and are still unresolved. Meanwhile bush clearance continues.

The following excerpts are direct quotes of evidence presented at the appeal over the Clutha County scheme in late January 1985.