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A CASE STUDY OF FARM EFFLUENT DISPOSAL COMPLIANCE PROBLEMS AND COMMUNITY EFFECTS WITHIN THE SELWYN DISTRICT

A Thesis
submitted in partial fulfilment
of the requirements for the Degree
of
Master of Resource Studies
at
Lincoln University

by
Jean Craw

Lincoln University
1998

A CASE STUDY OF FARM EFFLUENT DISPOSAL COMPLIANCE PROBLEMS AND COMMUNITY EFFECTS WITHIN THE SELWYN DISTRICT.

by Jean Craw

There are various social effects on people resulting from implementing new concepts and rules arising out of the Resource Management Act 1991. Rural residents are often closer to the effects of change than many other sectors of society. This research responds to conflict situations created by instrumental weaknesses within the Act. The issue of dairy farm effluent disposal in the Selwyn District was used as a test case to reveal some of these weaknesses. In order to do this, known conflict situations involving existing operations and effluent disposal activities were identified and explored with regard to regional and district policies and processes. The focus of the research was on social issues influencing and reflecting participant behaviours relative to implementation of regulatory requirements. Global influences arising out of the politics of trade, consumerism and environmentalism are discussed. The field, at both the global and local levels, is a topical issue for analytical research of rural communities and the natural environment. It questions whether all sectors of society responsible for water quality/degradation receive equitable attention from enforcement authorities. There is a strong emphasis on the social aspect of sustainable land management policies at the local, national and international levels.

Keywords: Resource Management Act, rural sociology, sustainable land management, environmental policy, Canterbury Regional Council, Selwyn District Council
Acknowledgements

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Thankyou also to all those within the teaching and administrating realms of the Department of Resource Studies. I began my University career thinking I needed a degree in agriculture. As I struggled with mathematics I learned of this department. Suddenly, I could not understand why I had not heard of it before. The diversity of subject matter and forward thinking which accompany the degrees offered in this department moulded perfectly into my own philosophy of living. Resource Studies has a solid community spirit. While it is unfair to single out any one person, no student can leave this department without acknowledging the invaluable assistance of Bruna Jones, who seems to be the only person able to answer every silly question a student has.

I would like to thank all the students I have come in to contact with. The camaraderie and knowledge sharing which occurs when all are ‘learners’ develops a spirit of togetherness seldom experienced elsewhere. My special thanks go to Joy Burt with whom this type of friendship had developed earlier in our lives. When Joy joined me at Lincoln we found in each other a supportive relationship upon which to bounce our concerns and ideas.

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Stefanie. Her caring, her expertise, her courage and commitment, and her broad knowledge on a wide variety of topics are an invaluable asset to the students of Lincoln University. Stefanie, no thankyou could ever be enough. To Val, thankyou so much. We shared so many things and developed a unique relationship. Your expertise and life knowledges were a perfect complement to the assistance I got from Stefanie. Your personal caring is something I shall treasure forever.

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To the Lancaster family, Judith Ann, Murray, Letesha, Phillip, Rodney, Jeff and Wayne, many heartfelt thanks. I am aware just how deep the hurt of this issue went with you all. Let us hope that some good comes of it in the form of how people address their own community and involvement, along with sharing and caring. If just one other person learns a social lesson from your experiences, this research has been worthwhile.

Finally, I would like to thank my parents and family for setting the groundwork and persevering with the teaching to make me the person I am today. I consider myself lucky to have been raised at a time which adhered to values of quality of living. Material possessions mattered only relative to one’s basic comfort level. It was a time where hard work and hard play were companions. I attended small schools where there was a entrenched philosophy of caring. At high school we were encouraged to be insightful (I sometimes think of this as inciteful) and develop our lateral thinking. However, strict rules still had to be subscribed to. Together, along with life’s experiences, these values have developed within me the courage to question and take responsibility for the consequences of my own actions.
DEDICATION

I dedicate this thesis to the memory of my mother

Nancy Mary Findlay
(nee Lintott)
12-9-1914 to 4-10-1997

You kept telling me to hurry up and get it finished.
You continually encouraged me throughout life in anything I undertook.
You were born amongst the swamp and flax lands at the centre of my research.
You had the knowledge of yesteryear and today.
You cared and you shared.
You were my Mum and my best friend.

You are the wind beneath my wings.
Papa-tu-a-nuku  
(Earth Mother)  

We are stroking, caressing the spine of the land.  
We are massaging the ricked back of the land  
With our sore but ever-loving feet:  
    hell, she loves it!  

Squirming, the land wriggles in delight.  
    We love her.  

Hone Tuwhare  
1978
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CHAPTER ONE

INTRODUCTION

When the Resource Management Act 1991 (RMA or the Act) was introduced, farmers suddenly found themselves publicly and legally accountable for managing their land resources. From my own experience as a farmer, I feel most of us, while aware of this impending legislation, naively or not, had no idea just how much it would impact on our lives and operations. It was not that there had been insufficient media coverage and warning of its coming. Simply, most farming people felt they were already operating in a traditional manner as stewards of the land. They failed to predict the impact of public interest in their own management practices. Traditionally, these people subscribed to legal and implied rights of property ownership. In accordance with this, there is a saying in farming circles that a farmer intends to leave his or her property in better order than they took it over. However, this notion is based on the landscaped and developed farmland of Europe. Since the RMA’s introduction non-ruralist perspectives on resource management have forced changes in this traditional attitude. Thus, New Zealand farmers are challenged by something that is foreign to their cultural mores.

Subsequent to the legislation, I have witnessed a breakdown in rural communities and a depressed spirit amongst rural residents. Thus, I elected to investigate the effects of the RMA and regional/district authority adoption of its aims and their implementation policies. I have used a specific farming sectoral issue, dairy effluent disposal, upon which to test my theories. My research, therefore, addresses the issue of community and social conflicts arising through implementation of the RMA. I do this with the aid of a case study of farm effluent disposal compliance problems experienced in the Selwyn District.

1.1 Research objectives

Anecdotal rural community concern suggests the issue of farm-based effluent disposal exposes instrumental weaknesses in the RMA. Conflicts have arisen between various
stakeholders, sometimes resulting in head-on clashes between landowners or their agents and statutory authorities. The social effects of implementation are frequently unseen and ignored by the regulatory process. Issues involved in land management include stakeholder equity, along with differing individual values and belief systems. These seem to be the forgotten ingredients in developing policies for cleaning up our environment.\footnote{The constraints of the thesis will only allow a brief journey into this aspect. However, because this is primarily social research, the topic itself dictates the depth and direction of investigation.} Thus, this research set out to identify where and why weaknesses exist in the RMA.\footnote{In this instance, the Canterbury Regional Council policy plan is central to the research, although the Selwyn District Plan is also covered. While the research does not undertake to directly explore comparisons in the plans, compatibility questions arise and are analysed. These are not the only district/regional plans known to cause concern, e.g. \textit{Straight Furrow} 9/5/94 article headed "Regional statement fundamentally flawed" focuses on the North Island.}

It will become evident throughout these chapters that sustainable land management policies are complex due to the interrelatedness of the wide variety of people, places, issues and institutions involved. For the purposes of this research, two avenues were used as a basis for discussion and to reach the objective of the study. The first was to comprehensively examine documentation relating to recent resource management discussion in New Zealand. This involved examining various working papers, commentary, critiques and Parliamentary Discussion on the issue from the mid-1980s. Little evidence of social discussion was found within a New Zealand context, thus, overseas material was sourced where it appeared to have relevance to this work. Literature on many of the topics related to this research was briefly studied. The second phase of the research involved investigating an actual case study of problems associated with effluent disposal. An integrated comparison of social commentary, academic study, the Act’s directives and implementation procedures was undertaken as it directly relates to this research.

Such research could potentially be a catalyst for increasing understanding of the issues central to stakeholder concerns. The findings might suggest mechanisms to reduce or prevent future conflict in this area. The ultimate objective was to suggest ways in which stakeholders from the various perspectives might work together to achieve the aims of the RMA. There needs to be some mechanism which can draw on the best features of all perspectives in resource management and mould them into workable public policies. The Act encourages public
consultation, implying an inclusive user-public-authority interactive process which works by consensus. The research investigates whether or not this is the real scenario.

1.2 Background comment

Researching the social effects of rural resource management came as a natural progression from academic study and my own empirical background. I have been involved in the dairy industry all my life. Over that time, I have witnessed many industry changes commonly perceived as the inevitable results of “progress” or “development”. Such changes take effect over time, are incremental, frequently voluntary and seldom have irreversible or unfavourable effects on individual dairy farmers. As will be shown later, the political impetus arising post-1984 is contrary to that. The changes sustained by the New Zealand population since that time have been wide ranging. Introduction of the RMA, along with a general lack of knowledge about it, has caught some landbased stakeholders unaware. This research attempts to explain why they view resource management issues differently. It also asks how this difference lies in relation to the objectives of environmental awareness. More so, it shows that different values, needs and experiences create perceptions of the problem relative to the standpoint of the individual. Responsibility for remedying adverse effects on the environment does not solely apply to land or resource users. Thus, there is a close but complex relationship between activities and ideologies, resource users and commodity consumers. Implementing authorities pass the onus of paying to clean up the environment onto those it sees as direct beneficiaries of that process. However, what they fail to perceive are the indirect benefits gained by consumers, tourists and other enterprises. That is, this clean-up is a ‘common good’. Thus, the term “user pays” goes beyond primary producer liability. But it is shown that distancing between production and consumption passes responsibility to primary users. Lack of understanding between the various sectors of society

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3 Jane Mansbridge (1983:32) defines “consensus” as: “...a form of decision making in which, after discussion, one or more members of the assembly sum up prevailing sentiment, and if no objections are voiced, this becomes agreed-on policy.”

4 In a rural context and for the purposes of this research, these terms mean the following: “Progress” - The process whereby farmers are expected to put their faith and money into technological advances; “Development” - sometimes seen as a parallel to progress, it is also attached to transforming unused, often virgin land, into agricultural enterprises. It also means diversifying into new and entrepreneurial spheres of primary production other than traditional meat, wool and milk. Both these terms imply a concept of personal monetary gain from increased productivity, thus the farm enterprise becomes more “sustainable”, and that increased productivity is economically useful to the nation.

5 For further reading, see Gray (1992) and Buttel (1996).
can lead to conflicting interpretations of who is socially accountable. In addition, ecological needs and legislative demands may be given unrealistic precedence.

In recognising such complexity, and concurrent with the holistic concept resource management embraces, this research was conducted through interdisciplinary approaches. The cornerstone of this is standpoint theory based on feminist methodology (Harding, 1987, 1993) which is used to uphold the social context that underpins the study. From a policy perspective, this theme of holism is furthered through concepts of meta-policy analysis (Bührs & Bartlett, 1993). Reflexive modernisation (Beck, Giddens & Lash, 1994; Inglehart, 1979) is the sociological basis which is used to encapsulate this localised study of human geography within a specific context. Chapter 2.6 develops this discussion to show the relationships between the various theories and real life activity. The following chapters draw on these themes throughout in support of the arguments raised therein.

1.3 The Case Study

To expand on the hypothesis that public issues need to accommodate differing perspectives, and to illustrate the complexity of issues, I investigated a specific judicial case, namely Canterbury Regional Council vs Lancaster, 1995.6 This was undertaken from multiple perspectives - judicial, community, individual and institutional. Obstacles encountered are discussed fully in Chapter 5 of this research. The significance of using this case was to investigate and question factual evidence of conflict arising over implementation procedures of the RMA. From this comparisons were developed with theoretical commentary. Arthur-Worsop (1991:37) states direct conflict will arise in trying to attain sustainability goals of economic viability, ecological soundness and social justice, especially in the short term. The assumption is that people who form traditional rural communities, while not of one voice, tend to adhere to a similar set of environmental values. These may differ from the opinions of implementing authorities. The research aimed to identify those differences that contribute to communication breakdown and to suggest remedial methods to overcome the problem.

6 Constraints of this thesis demand succinctness. Therefore, using a single court case to illustrate problems provides a suitable example for factual research and meets constraint demands. It allows a basis for comparative investigation of other factors arising from and related to the implementation process as a whole. The topic, in general, is too broad for thesis research. Restraining its parameters allows in depth study of factual occurrences. Implications arising from perceived problems and interpretations of the issue lend themselves to the promise of further research.
Ideally, this would inform future debates and might influence understanding of differences between existing community activities and legislated requirements over sustainable resource use. The standpoint was taken that people matter because individual and community inputs ought to be integral to information sharing and policy process (Bührs & Bartlett, 1993:40).

The intangible concepts about community which formed the basis of my concerns, in some instances were barriers encountered in the field work. I entered this phase of the research aware of an assumed foundering of community structure and trust. The field work, I believe, upheld this. The area of investigation was physically small in terms of geographic boundary and people involved. Inferences relative to social concepts and interaction were drawn from this part of the research which were later shown to conform to studies of wider scope.

1.4 Policy and the public

There is an implicit notion that improved public participation in critical environmental management issues will produce agreed methods of action that lead towards the aims espoused in the RMA. To reach consensus on how best to solve resource management issues, fully inclusive public consultation between stakeholder concerns is a required criterion. Because many people are unfamiliar with personal involvement in public problem solving and how to access information on that process, consultation methods need to bridge this barrier. Under the previous regime of Town and Country Planning, for the most part individuals were excluded from the process and their interests were met by representation. Those representatives were either professional planners, vested interest professionals such as developers and management consultants, or elected council personnel. In the new RMA context, this aspect of the policy dimension only becomes enabling when the public is informed enough to participate. In theory, they become capable of providing inputs to policy development which enables them to own local management problems. Such involvement tends to suggest that some fluidity in administering monitoring and enforcement procedures will accompany implementation, for which territorial and regional authorities are responsible. It also suggests that enforcement authorities should apply reflexivity\(^7\) when monitoring real

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\(^7\) Meaning here that implementing authorities include in their operating mandate sufficient flexibility to amend policies where there is some degree of impediment, for whatever reasons of social or physical barriers, to effective action.
effects of policy and rule implementation. Evaluation of their own effectiveness should include an ability to adapt those policies in order to achieve the best social and environmental outcomes. In some regions, for example Canterbury, the transitional phase in implementation has been especially sensitive with the requirement of rapid improvement to adverse farm activity effects. Intertwined with this is the uncertainty of vague and changeable policies and timelines. Conflicting objectives between institutional policy demands and landbased practice indicate a need for nurturing mutual understanding. Consideration of farmers’ operational resources is vital in linking regulatory criteria and farm practices. The ability of individuals to both economically and physically implement necessary changes is considerably diverse. This emphasises the need for a high degree of multi-lateral information exchange. This test case research was expected to reveal both diversities, and similarities, amongst landbased operations. Each farm operation is unique, both as a physical land resource, and in individual operation. Blanket planning criteria and procedures employed by authorities to attain desired ideological standards of environmental sustainability, while prospectively providing for the wellbeing of people, are therefore questioned. Thus, the thesis topic investigates the premise of a void between a theoretically based institutional approach to resource use and landbased practice. It argues there is a disparity in assumed legitimacy between local knowledge and scientific knowledge. This can manifest in two ways. One is a socially ingrained attitude towards bureaucracy arising from traditional interactions between citizens and councils. Secondly, there is the concern that bureaucrats and technocrats may give little credibility to folk knowledge. Seemingly, time changes little. These opinions were evident some 60-plus years ago in this very same area when the local populace begged for council action over drainage. The area investigated in this research was once swampland. Individual farm drainage systems were inadequate to handle water flows and the existing river system, the L2 and Yarrs Lagoon, were apparently renowned for blockages and clogging by weeds, along with shingle/sand bars. Thus, the locals took to

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8 For further insights into this phenomenon read B Guy Peters (1989) and Pomeroy (1991).

9 Sixty years apart, the notion of sustainable development has the same roots but amended visions of future effects. It is possible there was no need to show concern for degradation as farming was practiced under the ideology of stewardship, notwithstanding the obvious degradation to natural environments that had occurred through “development” policies. Techno-agriculture induced escalated degradation through mechanical and chemical applications. Farmers were hoodwinked into believing new technology was improving their performance. Governmental and agri-business advisory services pushed for such change. For the most part no-one foresaw the risks to the environment. For further commentary in this vein, see Burch, Rickson & Lawrence (1996). Also compare MAF and DSIR Information and Bulletin series in an historical context, dated from 1930s to 1950s.
voicing their opinions on Council (in)action publicly through the columns of *The Ellesmere Guardian*. While the environmental realities may be at opposite poles, the socially held sentiment is the same.

One night a solemn meeting
was held in Yarr’s Lagoon,
The fishes, ducks, and swamp hen said -
our doom is coming soon!

For our dear home in Yarr’s Lagoon
will be a grassy flat,
And staid old cows will pasture there
and produce their butterfat.

The River L went creeping
on its way to Ellesmere lake,
Past muddy bend and oozing banks
its slothful way did take.

The wild ducks and the swamp hens
together sing in glee,
May these councillors live forever
and happy we shall be.

"Mudlark" c1927, Ellesmere Guardian

Then, as may still be argued now, lack of foresight shows public policies often provide initiatives without adequately assessing risks. Why this happens can be attributed to many factors, notwithstanding political lobbying and economic biases. Subsequently, remedial/mitigation policies are often devised to hastily solve single issue problems. This analycentric method is blind to the social, spatial and temporal considerations needed to address environmental concerns. Implicit power that attaches to technological research and expert knowledge overshadows local knowledge systems. As a result, local knowledge systems are not considered legitimate in the policy development process. At the outset of the research, evidence of this was found.

10 For the continuing saga of a poetical but political exchange see the 1927 issues of *The Ellesmere Guardian*. At the instigation of other correspondents the interchange was conducted in verse over several months.

1.5 Methodology

Research methods

Extensive secondary research of literary sources was undertaken. As Chapter Two shows, the abundant writings on resource issues cover an extensive range of interpretations, standpoints and biases. Secondary sources were fully utilised to either explain issues or to provide support for assumptions arising from them. They also reflect the interdisciplinary nature of resource management issues. As previously mentioned, feminist standpoint theory based on Harding was focal to the research. The institutional dimension was based around Bührs and Bartlett's theories of meta-policy analysis. Beck, Giddens and Lash's views of reflexive modernisation were used in conjunction with those of Inglehart and others to complete an holistic approach. Due to the socially based nature of the issue qualitative research was undertaken by way of a case study which is discussed fully in Chapter 5.

Ethics

Throughout the research, I kept to an ethical basis of enquiry commensurate with Lincoln University’s requirements. The case study principals were fully informed of the research and its purpose. In this regard, they were given a copy of the thesis proposal to read and comment on. Their permission was obtained to undertake the investigation, even though the material was public domain. Residents in the community who were approached through the surveys were informed their responses would be treated as confidential. People contacted by phone were told the purpose of the enquiry and their responses given anonymity. The totally open nature of the research process not only conforms to required ethics, but it reinforces the concept of developing community trust. The consent form for the Lancasters is attached as Appendix D.

1.6 Conclusion

It is almost six years since the RMA was introduced to the statutes of New Zealand. While people generally recognised a growing need for environmental protection in the years leading
up to this legislation, few foresaw how a single Act of Parliament would reflect on their daily living. The Act brought with it a new concept in management, namely how everything we do has a relationship to other activities. Thus, everyone was charged with the responsibility for implementing the principles of the Act. What has happened is that weaknesses within the legislation have allowed for varied interpretations of some facets of resource management. This becomes particularly apparent where regional authorities have developed policies for sustainable land management which do not recognise the social dimension of implementation. This thesis aims to show a rural perspective of this by using a case study of dairy farm effluent disposal. In a rapidly changing political environment, and one which is particularly vulnerable to global pressures of economics and trade, New Zealanders have been asked to cope yet again with new policies. However, the social capacity to implement change is basically ignored by implementing authorities. This is particularly true in rural communities which are still struggling with the effects of earlier political changes from the 1980s.

The following chapters elaborate the research process and findings. They provide analysis of community and individual interaction, using the case study of farm effluent disposal problems. How people interact with the natural environment is introduced in Chapter 2 and developed further throughout Chapter 3. Here, I explain one insight into the roots of people’s behaviours by giving a brief historical overview of New Zealand’s agrarian colonisation process. This foundation for social behaviour in rural societies has met with much change in the last two decades. The sources and effects of these changes are discussed in Chapter 2. There is a carry-over to Chapter 3 where such change is endorsed by regulatory control. Discussion is developed over a perceived collision in urban-rural concepts of the need for change in land management. This difference in rural-urban perception is explained in Chapter 4 where my assumptions from the previous chapters are synthesised. The case study, in Chapter 5, is used as a specific case issue to show the reality of these concerns. Chapter 6 analyses the case study and relates it to matters raised previously. Chapter 7 outlines some brief recommendations arising from the research and provides an encapsulating conclusion to the whole work. Throughout, the emphasis is on social effects of change relative to the requirements for sustainable land management and how that impacts on rural communities in New Zealand.
CHAPTER TWO

HUMAN ENTERPRISE AND THE NATURAL ENVIRONMENT

A PARADIGM SHIFT

Tell me, and I'll forget.
Show me, and I may not remember.
Involve me, and I'll understand.

- Native American saying

2.1 Introduction

Because the citizenry is ultimately responsible for enacting environmentally conscious behaviours, individual difference somehow has to be accommodated within any systematic reform of the dominant social paradigm. While society may demand change, individual behaviours put change into effect. Without education, convincing and acceptance, worthwhile change does not happen. If proposed changes offer only unsubstantiated challenges to individual legitimacy, the process will be painful. Rural New Zealand is currently experiencing some of the pain associated with the challenge to some of its entrenched traditions. This chapter discusses the traditional concepts of land use in farming. I briefly discuss difference between this and other developmental uses of land for human benefit, e.g., extraction industries. Agrarian production is now much more than a requirement to produce food and fibre for local consumption. It is the source of raw material for agribusiness. When that use extends beyond subsistence needs, ecological imbalances occur. Modern societies are structured around city dwelling. Cities, as well as being consumption centres for raw produce, are also the source of profit motive. They induce resource extraction beyond the bounds of individual or national needs. Production for profit has developed into a city-based global trading system which, through modern technology, has removed time and

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12 In this research the focus is on agricultural practices and, therefore, industrial responsibility is not discussed except where it influences decisions in the judiciary or implied adverse effects mitigation policies of implementation authorities.

13 See D. Wood (1996) for an impassioned discussion on post-intellectualism and related topics which fit this argument.
distance barriers which previously existed. But global trade is almost totally divorced from the people and land involved in the real production base. Worldwide, trade in commodities is the business of city managers. Yet the cities are also the domicile of the new paradigm shift in environmental awareness. In the West, rewards for corporate profit-making are bestowed upon managers by way of excessive salaries and fringe benefits. Few people see the relationship between those salaries and the environmentally unfavourable effects for which the original product is responsible. But the drive for increased personal and company gains is responsible for greater resource depletion and environmental degradation. Utilitarian resource use is conceptualised differently from an individual survival/vocational perspective than that of collective common good. Gillroy and Wade (1992:126) state, "...teleological theory (is that) needing a way to compare the diverse good of different individuals so that the total good might be maximised..." Present social discussion, I believe, is based on resource utility, rather than ethereal or intrinsic values of the environment. It is also developed from an urban generated standpoint. Helen Hughes¹⁴ says "...urban society will dominate the rural sector worldwide" (Ralston, 1994:152).

Resource use concepts differ because of empirically driven stakeholder differences. Clarification, therefore, needs to accompany official directives, as has been done within the RMA document itself, e.g., Part 1:2 Interpretation, and Part 1:3 Meaning of ‘effect’. Additionally, implementing authorities tend to take a blanket view, i.e., national and/or regional, over a specific activity and apply the same remedial criteria regardless of local differences. The government recognised physical boundaries were preferable to arbitrary lines on a map for setting the regional parameters of administering authorities. Apparently, these same bodies forgot to apply the same criteria in constructing policies within their own regions. Canterbury’s physical makeup is extremely diverse. Location of service towns and utilities adds to this diversity. Dairying on Canterbury’s plains involves different methods to that activity on converted swampland. In addition, differences of individual operation size or economic capability to comply with policy and rule changes are often ignored. This is contrary to OECD (1991:65) recommendations which state "...any assessment and policy in the field of agriculture and the environment has to take due account of the great regional difference and the diverging needs in the various rural areas". Implementing authorities will

¹⁴ Helen Hughes was the New Zealand Parliamentary Commissioner for the Environment at that time.
find it problematic to encompass and apply domestic directives. There is a need to be mindful of differences in land management practices while striving to attain desired policy outcomes.

In this chapter the theoretical concepts underpinning the thesis are discussed along with a review of literature. This has been done to show to best advantage how the various perspectives and commentary of formal origins fit with social reality. The method fits with the basic argument that resource management issues in their social context are complex, diverse and dynamic. This research also moves away from the clinically removed concept of social research to one with disclosed stakeholder bias.

2.2 Theoretical application

In the context of farm effluent disposal, I used a stakeholder perspective to examine the plans of the Selwyn District (SDC) and Canterbury Regional Councils (CRC). The purpose was to uncover any weaknesses in policy design and implementation procedures. As previously mentioned, theoretical concepts used in the analysis of the realities of landbased practice are drawn from contemporary interdisciplinary perspectives. These are based on standpoint theory, meta-policy analysis and reflexive modernisation. Language use and understanding is a critical consideration in theoretical analysis. Problems associated with legal interpretation of the RMA and resultant tensions have already been mentioned. Along the devolutionary chain, citizens, either in agency roles or as resource users, have to understand the statutory objectives imposed through territorial plans and rules. Thus, informed public participation in consultation and submission processes is vital to ensure consensus of opinion and efficient mitigation of adverse effects does in fact result. In all the stages from policy development through diffusion and implementation, standpoints of the various actors bear heavily on individual interpretation and understanding.

Standpoint theory is important to this research because it allows for inclusion of stakeholder epistemologies in all phases of adopting sustainable land management policies. It allows for consideration of context (Bührs & Bartlett, 1993; Rixecker, 1994) as well as the social construction of reality (Cohen, 1985; Rixecker, 1994) which is discussed further in Chapter 4, rural community. Harding (1991:134) explains, "...standpoint approaches enable one to
appropriate and redefine objectivity. In a hierarchically organized society, objectivity cannot be defined as requiring (or even desiring) value-neutrality.” Concepts relative to standpoints are discussed further in Chapter 3.

Standpoints which reflect people’s culturally derived beliefs, experiences, status, and behaviours dictate their perceptions of events and interactionary behaviours with others. It is their version of truth. Diesing (1991:325) believes this truth is temporary because it is founded on past knowledge. He further says such truths will change through new experiences and understanding. This concept is upheld by the case study where the Lancasters wholly believed their behaviour was not contrary to lawful activity. However, variation in interpretation of issues, or desires for different outcomes, which arise within any given situation can be responsible for conflicts between parties.

Each actor in a conflict situation believes their interpretation of a set of issues is the true one. Note the reference to ‘a set of issues’. This is because each perspective brings different beliefs, experiences and interpretations to that situation. This can create tensions in understanding or desires for different outcomes. Integrated and inclusive stakeholder consultation, aimed at reaching consensus decisions, offers some sense of solution here (at least at the individual level, if not the wider community). Open communication usually aids in developing trust. Through trust and co-operation community strengthens, and in the context of (re)developing environmental quality, is likely to lead to sustainable land management practices. This sentiment was re-iterated in Porkreport (August 1997) in discussion on the shortcomings of the RMA. This community-environment association is the cornerstone of the Landcare project of the Women’s Division of Federated Farmers (WDFF). Wardle says (1994:384), “...stakeholders need to be involved in the identification of resource use issues, so that they ‘own’ the problems and the ways to solve them.”

Community ownership of land management issues imply a multi-level, multi-disciplinary partnership in co-operative land management policies (Ackroyd, 1991:1). Those responsible for drawing up policies and plans must not only discern how people will understand, but also ensure the meaning they intend is conveyed clearly. Hughes (Ralston, 1994:150) expresses the sentiment that, “...suspicion is fuelled when we lack knowledge of systems, scientific processes, people’s perceptions, and current trends...there is a need for the right language to be used...the jargon of one discipline is incomprehensible to another.” There is a community
held belief that consensual land management policies will only come to fruition when regional/district plans become realistic in their objectives. That is, through public communication workable criteria aimed at sustainable land management can be developed and adopted. But time and public involvement are vital components of the process.

Yet some sectors of society promoted hasty change in land based activities once the RMA became law. It is unrealistic to expect pollution problems to be defined and solved instantaneously. Hughes (Ralston, 1994:150) believes there is a “...confrontational aspect between farming and environmental goals” and asks if New Zealand society is not expecting too much of its farmers. Her suggestion is “...don’t forget tolerance. Without it we will not progress very far” (Ralston, 1994:153). While effects of pollution may be tangible, frequently, contributing causes are more problematic to define. Non-point source pollution and consumer demands are two examples which have external influences on pollution. The latter is one which impacts significantly on dairy farm effluent production. Complexities of cause and effect, plus remedial or mitigation measures, need integrated and reflexive planning and implementation criteria to reduce pollution and enhance sustainable land management practices. Territorial authorities are the agencies assigned responsibility for delineating processes towards sustainable land management. The RMA says they will be guided by national standards, but these are yet to be defined. From a social dimension, the case can be argued as to why resource users should change their activities to methods with unknown outcomes. Without guidelines for national environmental quality standards, stakeholders may not be aware their activity is less than desirable. Activity that is apparently physically acceptable may not necessarily meet regulatory requirements. There seems to be a conflict in physical state (water purity) and regulatory process (consent to pollute process). There are two issues here. One is national standards, or the lack thereof. Secondly, how can implementing authorities operate in their regions without defined standards upon which to base policies? This is illustrative of the shortcomings of policy development and implementation. It shows evaluation and monitoring programmes do not readily lead towards sustainable land management because those actions are effected upon unproven policies. Self evaluation of objectives achieved is based on, for example, percentage consent compliance, rather than pollutant reduction to the whole ecosystem. Policy analysts in the public sector apparently are not applying the interdisciplinary approaches resource management needs.
This constricted policy analysis begins at the national level and filters to regional government. Approaches to analysing policy in action tend to adhere to the outmoded methods employed prior to the RMA. This may indicate a need for academic analysts to provide the initiative for new methodologies.

Bührs and Bartlett (1993) examine New Zealand environmental policy under the frameworks of analycentric, policy process and meta-policy analysis. Unfortunately, the text has no direct application to rural issues, although they are implicitly included in general discussion. This text compares meta-policy analysis and analycentrism in depth. Meta-policy proposes an holistic, reflexive approach to policy analysis (Bührs & Bartlett, 1993:30). It considers the analyses of policies as well as the policies and, thereby, analyses problems using integrated analytical frameworks which are not mutually exclusive. It bridges arbitrary boundaries of conventional single-focus analycentric method. Meta-policy analysis thereby allows for multi-faceted analyses which are reflexive and contextually sympathetic. Parsons (1995:32) says ‘meta’ analysis ‘feeds back’...into the practice of policy analysis (and) is concerned with understanding the idea that the analysis of public policy proceeds by employing metaphors: we analyse by describing something in terms of something else.’ Like any political discourse, it is the rhetoric used and how it is understood that affects the workability of policies. Interpretive differences occur with the values, worldviews and knowledges of the players in that discourse. Thus, no policy or decision-making systems are value-free. Malik (1995:234) says meta-policy analysis,

...analyzes...the role and significance of policy analysis in policymaking, how policy analysis influences decision making, and the similarities or differences between policy analysis and policymaking. Meta-policy can offer an analysis of knowledge systems, worldviews, and belief patterns that affect the nature of the policy system. With its focus on values, education, and culture, it may result in bringing about institutional changes and changes in ways of policymaking.

These discussions demonstrate the cyclical, reflexive and contextual nature of meta-policy analysis. Language, context and change are central features of this analytical method. In environmental policy analysis, especially, such methodology implies the policy and decision making processes have that dimension of quality and social value. In the context of the

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15 This is a ‘fault’ of many other texts where ‘rural’ is used. The term ‘rural’ is used descriptive of an industry, i.e. agriculture, on the same level as any urban industry and thus does not differentiate its landbased activity from manufacturing. Another concept of rural is one often applied to images of third world or poor Western regions. It does not generally get assigned to Western ‘normal’ rural or agricultural in the sense, as, for example, the assumed ‘progressive’ or ‘developed nation’ image attributed to New Zealand agricultural regions. There is an implied concept of positive wellbeing. Thus, in many texts, ‘rural’ infers an image other than that bestowed upon rural New Zealand.
requirements of the RMA this is an integral part of the process to ensure the future wellbeing of people and sustainability of resources\textsuperscript{16}. The applied nature of these analytical perspectives is discussed in the appropriate contexts within this document. As the case study shows, decisions bereft of integrated policy analysis can create anomalous decisions in land management practices. Thus, especially in a social sense, such decisions and policies are not effects based. Yet current resource management is espoused to be effects based. However, such effects are those singularly identified in the environmental problem solving climate. In true meta-policy processes, contextual situations and multiple risks and effects associated with specific problems are jointly considered. The case study in this research exemplifies the multi-dimensional elements of the social, legal, environmental and political spheres of any problem. Meta-policy includes the value-based dimension.

Because this dimension of socially grounded 'value' means outcomes are not easily identifiable or measurable, meta-policy could work against some effects based implementation processes in the institutional context. Bührs & Bartlett, 1993:34) say, "deliberate or inadvertent institutional change...can be a powerful influence on social values." Thus, they say, meta-policy analysis assesses policymaking through institutional change which is more value driven. Such institutional change can be cyclical and interwoven with other institutional reforms. Complexity is thereby a component of the method, especially with the social dimension included in analyses.

Meta-policy ideology is simple: its application is complex and problematic. In the context of environmental improvement change is required of resource users, but so is change necessary in institutional approaches to problem solving and policymaking.

Current policymaking tends to be analycentric through its method of reactionary problem definition and solution proposition. The social effects of policy making and implementation tend to be forgotten because the focus is on specific issues and policies. Unless the social dimension is a recognisable public issue, it is ignored in the policy planning process. Situations arise where policy is implemented through dogmatic demands, as is evidenced in the case study. This is especially evident at the regional level. Conflicting interpretations of land management policies then arise through the diversity of urban and rural stakeholder

\textsuperscript{16} See Chapter 4.6 'Purpose and Principles'
standpoints and perspectives. The analytical research in this thesis thereby deliberately hinges on interpretation of existing texts and theories from a rural-based perspective, as shown in the following chapters. Also, shortcomings of existing institutional methods are examined. The discussion shows how the rural perspective is different to present, predominantly urban influenced approaches to resource management issues. That a substantial urban influence on rural activity exists is not denied. It is the direction and power of that influence which is important. Career bureaucrats are most likely to attach values and methods to problem solving which look to short term efficiency in application. These people are frequently expected to come from urban backgrounds and will operate within patterns of norms and values held by that sector of society. In discussing norms, values, roles and status, Babbie (1994:28) states, "...organisations operate within the constraints represented by institutional patterns". The relationships between urban consumerism, economics and primary production, associated with the demands of legislation and international trade, and coupled with variable community beliefs, values and traditions, are all contributing factors to the overall probematique.

As already mentioned, multiple structural reforms and value changes have been imposed on New Zealand society since 1984. Some will argue there has been too much change too quickly (Kelsey, 1995). Others adhere to a more institutionally based evaluation of the reform process in which little regard is given to social impacts (Furuseth and Cocklin, 1995). Many individuals and communities are unable to understand, accept and endorse this deluge in a short time. This again links to the problem of community traditions and the implicit need for a sustainable future, however that is defined. Because rural communities are in the vanguard of environmental change, these problems impact more directly on them. Yet, they see the directives coming from urban agencies. There exists a perceived void in responsibility. It leaves them with a sense of helplessness over their own destiny in their legitimate rural activity.

Bureaucratic preference to overlook variance, by design or indifference, is not the post-1984 policy approach central government intended. Bührs and Bartlett (1993:105) state devolution

18 For further reading on ethical discussion of these issues see Sagoff, Churchill, et al (1992).
19 See Appendix G, edited extract, New Zealand's Future in the Global Environment
and decentralisation are at the centre of institutional reforms. Devolution is intended to erase the gaps between government, governing and practice. It should support a multi-dimensional policy design-to-implementation structure which is continually self-evaluating. Thus, while it is not propounded as a cure-all, meta-policy approaches to analysis are strongly supported by environmentalists. This relationship is important because the environmental lobby has been instrumental in both the international and domestic dimension of RMA formulation. There is a contradiction in this because meta-policy analysis, by its all-encompassing analytical and reflexive nature, is slow. Environmentalists are keen to see remedial changes in human behaviour towards the environment occur quickly. In practice, implementation may, of necessity in some circumstances, be slow, or need incremental transition phases. Unique characteristics of some operations may place added demands on the timeframe of implementation. Perhaps this speed feature is why, in practice, the basically linear, quick-fix analycentric approach is used. It allows problems to be defined and immediate solutions proposed. Implementing authorities are required, through Annual Plans and Reports, to publicly provide proof of their activities in addressing the requirements of the RMA. In order to show effectiveness, there is a tendency to identify problems and produce policies, such as consents to pollute or alternative disposal methods, which can be enumerated and thus provide statistical ‘evidence’ of performance. Such methods do not necessarily reduce adverse effects upon the environment, but merely relocate them. Thus, allowing adequate time for integrating all perspectives or adequate risk analysis in policy development and implementation is a barrier. This form of problem solving is an inherited concept arising out of strategic analysis in wartime and focuses on problems and optimal solutions (Bührs & Bartlett, 1993:16).

What the analycentric method excludes from its analysis causes concern. It fails to acknowledge synergistic effects and context. Context, in practice, covers the physical state of the environment at a specific time and place, intermingled with social aspects of people and management. The multiplicity of contextual situations within a single social reform issue is problematic. Because there have been plural reforms in New Zealand governmental policies since 1984, issues become compounded and confused. This generates an enormous social

20 Yet again this issue is one too complex for this thesis, but ramifications attaching to it directly affect society and behaviours with a flow-on effect on resource use. While some reform policies patently affect land based operations and resource use, others have indirect influence through subliminal social demands as diverse as consumerism and intrinsic values.
problematique which is only marginally touched upon in the literature. For example, Furuseth and Cocklin (1995) provide an outsider’s evaluation of New Zealand’s sustainable management model which is apparently biased to institutional concepts of resulting problems. There is an inferred recognition of cultural tensions, but at no stage is there substantiated evidence of what these are. If academic enquiry cannot adequately investigate and proffer evaluations to such social issues, how can implementing authorities adequately meet these challenges? These institutions themselves are part of the reforms, and their internal reorganisation will affect operational procedures. They, too, suffer the ills of rapid change through uncertainty. This shows through in the case study chapter where there is a perceived fragility in regulatory development and application.

District and regional policy statements discuss environmental reform issues. Environmental policy critiques directly discuss topical policy issues. Social enquiry is largely neglected within this type of literature. Its relevance is that it provides insights into why stakeholders make certain decisions and take particular stances. The difficulty arises in marrying these factors in order to discover what actually happens during the hiatus between present conditions and goal achievement. Physical environmental changes are not unrelated to social effects. Because human behaviour is central to environmental effects, how induced change impacts on the wellbeing of people is as important as ecological sustainability. For example, “Agenda 21” (Sitarz, 1993:ch.8) seeks to have social aspects included in the policy formulation and decision making processes. This people inclusive approach to resource management is developed on the global view of sustainable development arising out of the Brundtland Report. The Brundtland Report in ‘Our Common Future’ (1987) states “sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs”. This statement implies necessity for changes in social behaviour attained through consensus. Section 5 of the RMA reiterates this sentiment. However, converting that desire into workable policy is where problems arise. Questions arise relative to implementation authority attitudes and cost-

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21 Because this is an area of research in its own right, only general discussion directly related to the issues within this work are used.
effectiveness, desire for or against incremental change, and the influence of haste from both the environmental lobby and political targeting of blameworthy private activities.  

Because government has devolved responsibility for implementation to the regions, inconsistencies between how those regions interpret and apply the law will exist. Peters (1989:9-10) states, "...all laws are meaningless unless they are enforced, and this is where public administration comes into the picture...the manner in which the laws are enforced gives them their true meaning". Prickett (Ralston, 1994:116) says, "the great fear of farmers is that a land-use dictatorship will be set up, driven by unsympathetic urban dominated regional councils and abetted by the career and salary ambitions of the experts and bureaucrats." Thus, while central government is continuing its commitment to providing effective environmental legislation, the regions are still displaying dogmatic attitudes to their own views and methods of governing.

Over the last decade, coincidental with United Nations commissions, the global and local growth of a strong environmental lobby arose. In such a climate, along with an initially party based political drive for expediency, I believe the RMA was rushed through its parliamentary stages into the legislation. Jones (Ralston, 1994:105) notes, "It is by no means a perfect piece of legislation and the process we used was by no means perfect. It was an enormous task compressed into 18 months. Without an Upper House we were able to do it..." The following chapter discusses this in more depth showing how the RMA arose through those burgeoning environmental concerns which erupted in the 1960s and escalated in the 1980s (Morgan, Memon, Miller, 1991; MfE 1988, 1989, 1991, 1993). Over intervening years, the party aligned Bill introduced by Labour, was adopted by National. For the most part, party politics were set aside in a bid to get the Bill passed. New Zealand's positive action in developing this legislation was a brave and necessary new step.

While most New Zealanders were aware of global pollution and environmental hazards, their image of a "clean and green" New Zealand persisted. The Bill was evidence that legislation was needed to not only retain what we had, but to clean up where we had gone wrong.

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22 Further discussion on these issues arises in Chapter 3 in relation to how devolution and the public participation processes are working. Environmentalism and its relationship to rural community concepts are the foundation of the theoretical discussion in Chapter 4, while the case study provides evidence of stakeholder perceptions of these questions.

23 This image is perpetuated in media representations of New Zealand from advertising to public policies in trade and tourism. See, for example, *Recycle Today*, Issue 5, 1994 "Return to Paradise" by Dr Kerry Laing.
Prickett (Ralston, 1994:116) says the new legislation is "...a revolutionary concept with an evolutionary application and effect". This infers ongoing evaluation and adaptation of the legislation: it will grow along with changes in attitudes and practices. The Resource Management Amendment Act (1993) is evidence of this process. The number and depth of amendments pay tribute to the reflexive nature built into the original Act. Passing that reflexivity to the regions appears to be where the process meets problems. Yet many individuals still did not see their own actions or activity as contributing to the downside of environmental degradation. They saw heavy industry, city smog, car emissions, refuse disposal and polluted estuaries as being blameworthy, but not themselves. This attitude persisted in both rural and urban society. However, subsequent to the legislation came Draft Plans which identified and classified individual activities such as land use. These plans identified issues and activities never before considered as areas for regulation and in need of consents. For example, reformation of 'undeveloped' privately owned land, and tightened household building constraints. For the first time, I believe, many people saw they individually contributed to pollution even when their input was minimal. New Zealand’s desire to be proactive in its aims for a sustainable future put it at the forefront of action without the benefit of testing for operational inadequacies. Central government overnight divorced itself from regional responsibility, except in issues of national importance. With responsibility for effecting the provisions of the legislation passed to local government, new problems emerged. Enthusiasm to meet the demands of the Act, along with the push from the various lobby groups, meant this sector was ill-prepared to accommodate those requirements.

Problems occur when environmentalists and politicians, at the local, regional and national levels, seek rapid implementation of international agendas while failing to see anything but ideological ends. MfE (1989:1) states "... (a) crucial difference in the new law is its focus on the end result rather than in activities". The document explains, “the aim of the reform is to produce legislation which is integrated and workable and fair to resource users while not compromising the quality of the environment” (ibid). What seems to have happened is a failure to allow for adequate incremental transitional phases involving stakeholder inputs which lead to informed voluntary changes rather than regulatory or punitive restraints. While global environmental degradation begs urgent action, it takes social change at the local level to implement it. Because halting environmental degradation demands changes in people’s
behaviours, it is probably better slow and informed than the political ideal of rapid, enforced change. This is where meta-policy analysis, with its multi-faceted application, is beneficial. As Foran says, "...we tend only to define those problems we can solve..." (Ralston, 1994:137). Apparently, habitual analycentric problem solving measures are as difficult to change within bureaucracy as "traditional" modern farming methods are in agriculture.24

But modern farming is faced with radical change from many different fields. For instance, effectively, farmers are the minor actors in large scale agri-business. This has developed out of the globalisation of resource and primary production. At the same time, this production is in collision with the newfound (or refound) awareness of human impact on the global environment. There is an implicit notion of scale of production which challenges the traditional family farm concept adherent to New Zealand agricultural production. While many people can adapt to this situation and work alongside corporate farming, many smaller farm units are less likely to have the physical and personal inputs necessary to do so. This enlargement and corporatisation of the industry, along with other features of globalisation, have occurred simultaneously with many of the other changes experienced in New Zealand over the last decade. It is my belief that traditional farmers seek a return to the former method of agricultural production coming from family farms and thus desire to see a turn around to this effect. Thus, they retain the ties to community and legitimacy of themselves as quality food producers.

In order to achieve this, renewed change is required in bureaucratic method, agricultural applications and social mindset, as well as global economic policies which would have to adapt to encourage such modification. No one sector of human activity can be excluded from change. Consumerism and economics are inextricably connected. The demands these place on people’s behaviours as product and resource users, directly affect the environment through ecological imbalances thus created. Local activities have global impacts, and, conversely, global demands impact at the local level. The Western concept of capitalistic economics has global dominance, which creates a globalised dominant social paradigm. It has gone through all its phases of modernity, post-modernism, and all the sub-isms used in description and analysis. It has now reached a new horizon which Giddens labels "post-traditionalism or

24 The term used here, "traditional modern", may seem an oxymoron, but it simply means adherence to the post-WWII traditions of monoculture, mechanisation, science and technology, and chemical regimes of present generations. It makes no reference to 'old' traditions of the pre-mechanised era.
reflexive modernisation” (Beck, Giddens, Lash, 1994:57). This is a sociological attempt to marry the concepts of global ecological alarm to social enquiry on human behaviour and interactions with the natural environment. These writers explain their newly labelled concept as showing,

"...ecological issues have come to the fore only because the ‘environment is in fact no longer external to human social life but thoroughly penetrated and reordered by it. If human beings once knew what ‘nature’ was, they do so no longer. What is ‘natural’ is now so thoroughly entangled with what is ‘social’ that there can be nothing taken for granted about it any more." (1994:vii)

They conclude, “the social and natural worlds today are thoroughly infused with reflexive human knowledge...” (ibid). My belief is that, traditionally, through acting in a role of stewardship, New Zealand farmers always believed in this relationship26.

“Reflexive modernization” appears to complement meta-policy analysis because it supports the social emphasis of policy making. These two theoretical concepts can be moulded together using Sandra Harding’s feminist standpoint theory, thus recognising values of difference (Harding cited in Rixecker, 1994:119-131). Throughout this discussion I have emphasised the complexities of empirical difference and context. Hartstock (in Harding, 1987:159) says, “a standpoint is not simply an interested position (interpreted as bias) but is interested in the sense of being engaged.” It is the differences amongst people and communities which provide potential for division and conflict. Harding’s (1987) standpoint theory discourse synthesises discussion on these tensions to provide a basis for problem analysis. Empirical differences mean people interpret situations according to their individually experienced history. Harding states, “knowledge is supposed to be based on experience, and the reason the feminist claims can turn out to be scientifically preferable is that they originate in, and are tested against, a more complete and less distorting kind of social experience” (1987:185).

These sociological critiques together illustrate how language and meaning will have variable interpretations because people’s epistemologies are different.27 The case study research and

25 Beck, Giddens & Lash combine to give three variable, but similar descriptions of “politics, tradition and aesthetics in the modern social order” in which they state that reflexivity is the most dominant social theme of their enquiry (1994:vii). Their second theme concerns change and the status of tradition, especially those which affect “gender, the family, local communities and other aspects of day-to-day social life”.

26 See Fox (1990) pp 141-142.

27 Such a sociological analysis is a large academic undertaking which involves, in typically Giddens manner, the dialectic deconstruction of theoretical stances.
analysis also illustrates this. It shows the differences between community, sector and agency. Differences within community are also revealed. How all these factors influence personal and agency decision making and interaction is central to understanding people’s behaviours within the RMA implementation process aimed at achieving sustainable resource use.

2.3 Academia and Sociologia Ruralis

Sustainability is the catchword of the 90s, used in relation to almost any discussion connected with the environment and human resource usage. However, the term is beset by multiple interpretations and wide misuse. Through rhetorical manipulation, the term is used in wide-ranging applications to support self-interest in natural resource use. Depending on the adjectives or phrases used in conjunction with the word, there is a vast array of variable interpretations of what is being sustained (see Chapter 4). In contrast, unbiased commentary on sustainable resource use and the effects on human societies seldom features in academic literature.

Resource management is a social concept involving people and their behaviours within an integrated ecological environment. Diverse environmental and institutional perspectives on sustainable resource use are widely covered within the literature. These range from concepts of organic practices, through technical and scientific theories to wide-ranging academic critiques. For instance, some commentators suggest sustainable agriculture is a reversion to organic culture (Woodward, 1994). This may arise because, in its purest form, a definition of sustainable agriculture would exclude the use of artificial materials for enhanced production. I suggest the reality is most people, including administrators, politicians, legislators, farm managers and the public, including environmentalists, do not conform to this view. The reasons would be as diverse as the people involved. However, knowledge of agricultural and marketing systems would account for most of this. Use of artificial growth promotants and pest/disease retardants is widespread ‘normal’ practice in any agricultural export economy. In addition, it now has an intergenerational history. This means much folk knowledge of how to operate without these materials has been lost. To regain this knowledge, operators need to source documentation which is either ‘old fashioned’ or from areas hitherto classed as ‘on the fringe’ of conventional agricultural practices. Contemporary writings tend toward the
scientific or academic style of enquiry. However, there is a growing trend for seeking out pre-modern techniques in some landbased applications, e.g. home gardening and organic cropping on a commercial scale. This research contends modern farming has been forced to align itself with the science side of this argument, while, as individuals, many farmers still having some attachment, albeit now fragile, to pre-modern mores. It is this socially constructed attachment which I believe creates a distancing between rural and urban concepts of sustainable resource/land management. Rural perceptions, I believe, tend to attach to the social realities of living with change, whether it be rapid political intervention or incremental intergenerational adaptation to new technologies and methods.

Whatever the basis of people’s belief systems, any form of adaptation means there is a need for information transfer, whether it be on the technical or social dimensions of living. As I later argue, there is presently little relativity between research/discussion and the ‘real world’ because findings are not adequately diffused to community level. There is a vague assumption in the West that all their people’s will gain access to information. That this information is not readily available either by distribution means or format, e.g. readability, is apparently not a matter being considered. Within the realm of conventional agriculture, documentation originating from academic, Crown and agency sources predominates in resource use discussion, e.g., MAF working papers and Ralston 1994. These include in-house or inter-sector discussion papers from academics, local authorities, government departments and business sector reports. The topic range includes finance, property management, land management, agricultural and agri-business agency issues and much more. Discussion on the concept of ‘sustainability’ is undertaken from the perspective of those origins and includes biases. There is no fault in this, but each seems to exclude other standpoints. Interpretation of resource management and sustainability documentation is diverse, yet there is a predominance of technical/professional data or reports which evaluate policy processes.

In researching literature on environmental sustainability, creation of the legislation and critical analysis of the transitional phase of implementation, it is evident vast areas of interpretive ambiguity arise. In order to unambiguously inform the people, the language of

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25 M. Ralston (editor), a collection of proceeding papers referred to substantially in ch. 2.5.1 and later. This Conference was held in 1994 and involved people who were at the cutting edge of the sustainability/resource management debate.
the legislation must be translated into clearly understandable regional rules. Both resource users and administrators need to be able to extract the same meaning from those rules. The identified diversity of sources and interpretation at different levels in various disciplines lends itself to ambiguity or contradiction. This in itself can create unintended conflict. Those stakeholders with a different disciplinary approach may view the aspirations, attitudes and behaviours of others as contrary to their interpretation of how integrated resource management will be undertaken.

It is the socially constructed standpoints which will impede or enhance implementation of the legal requirements of the legislation and resulting regional policies. When emphasis shifts from people and activities to the environment and effects, conflict and tension is likely to occur. Fookes (1992:3) cites Fisher’s (1991) legal interpretation of the RMA, s.5(2) paragraphs (a) and (c), with the summation that the activity of management is an anthropocentric function which is “...more likely to be concerned with matters of immediate or short-term interest”. From the draft stages of policy planning, language and its use is critical (Considine, 1994:58). Fookes (1992:4) recognises tensions exist in interpretation and implementation. He again uses Fisher’s interpretation in stating “...the apparent preference in legal interpretation for the management function having primacy does not exclude the attainment of social and economic objectives (which) must be achieved within biophysical/ecological objectives” (ibid).

These tensions are relocated to implementation because of hazy policy plans, complicated by lack of adequate public consultation and participation. Where the fault lies may be outside the direct domain of each sector. It may be the complexity of the interaction which creates the enigma itself. If evaluation of resource management policies is to be undertaken in an holistic manner, it could be assumed any investigation should encompass the ideology of standpoint theory and other closely associated research perspectives. Understanding how people are situated in their perceptions of events through experiences and cultural traditions is an important factor in this. By acknowledging and accepting difference, resource managers in the public sector can be reflexive and adaptive. This approach is discussed throughout under issues of traditional farm/rural practices, community concepts, decision making involvement and reality of actions. Investigation of the case study and analysis of sociological critiques adheres quite significantly to this perspective.
Because there is wide variability in the concepts and interpretations of stakeholders in the sustainability argument, activities which were legal at the time of RMA inception, are now problematic. Add to this the possibility of criminal liability if these legal boundaries are exceeded, and the RMA becomes a very real threat. Mutable definitions of other concepts such as community, rurality and resource use add to the confusion. Attaining sustainable management of resources involves, in one role or another, co-operative action of the entire human population. Interpretations of environment and resource use are diverse. Not only do perceptions differ between rural and urban, domestic and foreign, but there is also diversity within each sub-group. This arises because people have empirically driven values, desires and behaviours which positions them in the process of interpreting and adopting the RMA.

2.4 Gaps and deficiencies

In order to understand who means what in discussing resource issues, the rhetoric used within the wide ranging literature needs careful study. This seems to be where greatest confusion exists, and it is pivotal to how conflicts arise. While each interpretation may be valid in its own right, there are multiple issues to assess. For example:

- legislative intent;
- ability of existing resource users to meet requirements;
- allowable and workable time-frames for change;
- general understanding; and
- suitability of language for the context of information transfer.

The assumption is that through devolving responsibility for implementing resource management to the regions, central government envisaged these authorities would have greater understanding of local issues and thus create policies best suited to local needs. They would be expected to take into the process the expertise of previous experience in administration while retaining a closeness to local communities and activities. The question arises of whether stakeholders and the public feel this is really happening. Through enquiry of actual events such as the case study some public doubts can be addressed.

From both the literature and case study research questions arise as to whose or what agendas implementing authorities give priority. For example, are implementing authorities
undertaking their task in a spirit of community goodwill, or does the language barrier provide avenues to pursue other goals? For example, certain visible agricultural operations have been pinpointed in district/regional plans as easy targets to clean up. Such focus could be purposeful in order to give a public appearance that authorities are actively undertaking their duties. Are they, therefore, serving their own agendas to gain public urban support rather than to provide an overall community service? There could be multiple reasons for how any individual acts within their administrative position. Do they have genuine concerns for outcomes, or are they supporting a lobby for personal advantage or idealism? Career ambitions and political association may be subliminal agendas. It is natural for those in public service positions to have plural objectives - the personal and the "public good". Pomeroy (1991:113) states, "Policy makers who fail to allow communities to shape their own future may have an agenda of their own, although it may not be explicitly recognised by either group as such".

Pre-legislative discussion papers (MfE, 1988a; 1989) seem to have set a foundation for institutional management to self-elect as overall land managers. At the same time stakeholders become responsible for policy implementation. The roots of action and self-evaluation of achieved results delineate the problems as institutions see them. Inflexible implementation policies using preconceived methods to achieve pre-identified ends is a reactionary approach. Invited and selective representation for public participation in policy formulation and discussion also supports this agenda. This issue is discussed further in Chapter 3. Lack of identification of specifically rural social effects implies de facto management because it is not something which the distanced managers witness. Additonally, how individual bureaucrats perceive their position in the implementation process has the commanding influence on their actions.

In this research, the bureaucratic standpoint manifests itself at the point of drafting the district/regional policy plans and interpretation of government directions, namely the RMA. This is the "struggle over ideas" (Stone cited in Bührs & Bartlett, 1993:24). While there was

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29 See B. Guy Peters (1989). The importance of public service behaviour is mentioned in this research to show how administrative values, beliefs and objectives can affect personnel roles in implementation.

30 This statement opens up complex issues of standpoint perspective based on individual and collective empirical experiences of bureaucrats, internal power structures and expectations of the bureaucratic institution. See B. Guy Peters (1989). Further discussion is outside the scope of this research.
adequate provision for public input after the Draft Plans were published, there is little
evidence of pre-plan inputs being widely solicited. Minimal consultation at the outset
presupposes public acceptance. My perceptions of what happened in the first stages of plan
drafting are that public awareness of the entire process was, at that time, inadequate. I base
this on my own experience where I had to become involved in the academic process to fully
comprehend the situation. Public awareness has since grown too. This is because people
have felt the effects of not knowing and not becoming involved. Initially, people accepted
the previous state of representation unaware of the new public participation ability afforded
them through the RMA. Deliberate or accidental, this lack allowed interim plans to come
into effect that touched most people’s lives in some way or another. It was not until people
experienced this that they saw their missed chances. When the next round of Draft Plans
came around, they were better prepared to meet the challenge. Evidence of this arises in the
discarded Selwyn District Plan. Initial public unpreparedness allowed fervent policy making
in some regions which favoured some forward-thinking development strategies, e.g., peri-
urban subdivision. It would be guesswork to suggest there was any connection between
property developers and the policy process. However, it can be assumed there is some
coincidence in such development and council rating. At a time when council expenditure
faces unavoidable increases due to restructuring and devolved responsibilities, the RMA’s
‘freedom’ is fortuitous. Thus, in order to preserve their own financial viability, councils by
design or accident aid some elitist sectors of society. These are the people who have the
power and knowledge to get themselves included in the representative consultation processes.
Therefore, as Peters (1989:9) voices it, “...the political system is involved in making public
policies that in turn benefit some people in the society and disadvantage others.” This
concept is also manifested in monitoring policies and local body self-evaluation.

It may not be so much that councils purposely align themselves with this self-promoting
sector, but that through necessity and pre-existing systems, the old mould is hard to break.
This leads to outcomes which do not always complement the intent of the legislation. Thus,
“...the ‘real’ policy of government is the policy as implemented, rather than the statements of
legislatures, political executives, and others” (Peters, 1989:192). For example, the Selwyn
District Plan identifies “rural character” while promoting lifestyle blocks and quality of living
from an urbanist’s viewpoint. Within this document, there is no investigation of how lifestyle
subdivision affects the quality of living of longstanding rural residents and business operators. Prior to the introduction of the RMA, the Ministry of Agriculture and Fisheries (MAF) stated (1992b:iii), “the cumulative effect of these (Government policy) reforms... (is that) the viability and appeal of farming and rural lifestyles in general, have been reduced.”

From the small amount of literature on New Zealand rural sociology few analyses were found to directly relate to the social arguments arising in this thesis.31 That MAF have identified such issues, but nothing seems to have been done about it, suggests the idea has been overlooked or ignored, for reasons yet to be discovered.

In a rural area with rapid upsurge in subdivision and a developing commuter sector, existing community structure and affinity undergoes stress associated with change.32 The result is a fairly rapid dissolution of an already small, dispersed community. Couple this with unfamiliar opinions and influences of urban annexation, and old community ties begin to fracture. Additionally, rural operations are visible, and their individual ownership and operation, for the most part, thereby creates industry fragmentation. Consequently, they lack sufficient political influence in a localised setting to challenge oppressive or distorted compliance requirements. Pressure from new residents, unacquainted with the ways, needs and traditions of that community can cause misunderstandings.33 Prickett says, “the greatest danger is that the process of change will be rail-roaded by experts, bureaucrats and the unsympathetic political agendas of the urban majority” (Ralston, 1994:117). If misunderstandings arise from misplaced environmental concern, as with the Lancaster case study (see Chapter 5), then that is a matter which district and regional authority implementation and compliance procedures need to address.

Community strength needs full support in order for people to discuss their concerns without being unduly partisan in outlook. Long term residents feel insecure over social change within their community structure. This results from urban-generated and/or district/regional council policy. It becomes the responsibility of those institutions to mediate and explain

31 Ian Gray (1991, 1996) provides Australian examples which explore the social effects of change imposed upon rural individuals and communities.


33 It is outside the scope of this research to fully investigate the issue of commuters and ex-urbanists repopulating rural districts. However, that influence is believed to impact substantially on the environmental lobby against farm based pollution. This ‘lifestyle’ trend also impacts on the family farm concept and inheritance, farm size and land utilization, local economic restructuring and amenity rating values.
procedures to the sectors undergoing change. Unfettered community-council discussion is required to build mutual trust. Where trust exists, implementation of new policies can be undertaken more quickly and effectively. Thus, sustainable land management goals are more likely to be achieved. Accordingly, in Kemmis’ (1990:124) view,

...as rural life is threatened more and more severely by international markets, by technological dislocations and corporate domination, it may be time for a reassessment of the relationship between cities and their rural environs.

This implies a responsibility for city-based institutions to initiate co-operation with rural land use operations. One avenue would be to encourage methods of information transfer readily understandable by all stakeholders. At present, it seems acquisition of information occurs only through conflict situations, or by farmer/farm association initiative. Specialty publications such as Federated Farmers’ *Straight Furrow* and community digests do a service here, but the quality of information passed on is subjective. The information is frequently in them, but the style is journalistic opinion and superficial rather than factual information dissemination. There is a danger that whatever information is passed on through these channels, stakeholders may be sceptical of its authenticity. Such digests could perform a public service by providing regular features written by council or agency staff and backed by the appropriate authority. This could be seen as bridging the knowledge gap.

2.5 Information transfer

*Where is the wisdom we have lost in knowledge*
*Where is the knowledge we have lost in information*

- *T S Elliot*

The ultimate objective for sustainable land management policy is to induce resource users to amend their activities so that they meet sustainable environmental standards. This means some landbased people need to make substantial changes to existing operations. These could

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34 These publications are info-media and as such employ journalists to produce articles rather than source skilled discipline specific authority. This highlights the lack of middle ground between journalistic bias and scientific reporting. It also leaves local knowledge systems ‘out on a limb’, i.e. how does it fit in the information exchange process?

35 Government institutions fix the parameters of these ‘standards’ which are anthropocentrically defined (designed to create an environment where humanity can survive). For RMA implementation procedures, these ‘standards’ have optional limits (Bührs & Bartlett, 1993:126,146), responsibility for which passes to the agency controlling that particular sphere of activity or region. Sustainable land management is seen in human terms rather than ecological. Some extremist ‘green’ lobbyists may see it in purely ecological terms. Somewhere in the middle may be a better position. Helen Hughes (Ralston, 1994:152) said, “...policies do need to be stated which incorporate people as part of the ecosystem.”
involve high financial outlays or radical methodological change. In some way or another, it challenges their autonomy. Therefore, they must fully comprehend the requirements and projected effects, both from their own standpoint and that of the national community, both in regional and international contexts. Diffusion of information relating to ideological ends, and resource use constraints to attain those ideals, is a necessary link in the policy implementation process. The vehicles used to distribute that information begin with the district and regional plans.

At $75 for a copy of the Selwyn District Plan, accessing policy documents can be difficult for some individuals. Information dissemination occurs in a tiered process of administration and practical application. It is interdependent on the many and varied interpretations and obstacles encountered in that chain. Academic format and bureaucratic language tend to make policy statement documents confusing. The context, on the surface, frequently appears irrelevant or obscure to many lay readers. Any hidden implications of the proposed policies are thereby apt to be missed. Again, this lack may be purposely designed (but not admitted) as part of policy implementation as it obscures real meaning. Alternatively, it may arise through a failure to incorporate a suitable literacy level at which written communication should be aimed to adequately inform all levels of readership. Authorities are legally meeting the legislative requirements for public consultation, but create barriers through language and method. This may be because they do not genuinely want to invite an influx of submissions and information transfer from stakeholders (ref Air New Zealand case).

How individuals within rural communities invite or access information is probably as variable as any topical opinions they hold. Commentary from stakeholders and extension sources identifies strengths and weaknesses in information transfer. Included are farm

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36 The cost of some policy statements is excessive, which makes free access to information questionable. While copies are freely available at local offices for inspection, any serious attempt by members of the public at making submissions needs continual access to these documents.

37 Taranaki Regional Council direct those drafting policy documents to employ a 14 year old reading age in the language they use. This is then checked by an independent academic auditor before release to the public. It is not a perfect solution in the information dissemination process because it involves compromise. Policy makers are trapped by the language of the law and the need to produce documentation in 'plain' English which could create imbalance in precision. (pers com. John Hutchings, TRC 1996).

38 See MfE Working Paper No 2 which outlines the judge’s rulings in the Air New Zealand vs Wellington Airport case. This sets a precedent as to what constitutes a legal definition of "consultation".

39 Pers com Liz Burt & Patrick McCartin (1997), Lincoln University, Farm Advisory Service. Recent statistical data is problematic. There is the assumption that farmer use of these services is considerably less than desirable for efficient information transfer between the various sectors.
advisory services to reflect farmer involvement, as well as extension activities conducted by farmer-owned co-operatives, Federated Farmers, government departments and educational institutions. Arthur-Worsop identifies a number of impediments to change (1991:40), including those which are economically and socially based.40 "User-pays’ has also introduced monetary barriers which has impeded information flows which are so vital to the process of change” (NZPI, 1994). Where monetary barriers exist which exacerbate already stressed farm budgets, many people miss opportunities through cutbacks in personal expenditure. This means farm advisory services and subscription digests become dispensible. They are the forum where voices from all levels discuss topical issues. At this level of personal contact each actor respects the legitimacy of others. Thus, in information transfer processes, such avenues are effective in multi-lateral discussion. Yet these vehicles of information exchange are now in an open market system. Helen Hughes stated (Ralston, 1994:151) "...we must transfer information in the best possible way without undue cost.” User-pays reflects one significant change imposed on New Zealand in general since the mid-1980s. Publicly funded services were discontinued in that format and government departments and agencies were directed to charge fees based on open market rates. For many economically marginal enterprises, free access to information became an impossibility. Up to the minute information is a vital factor for farming to retain its competitive edge in global markets. This applies at all levels of agricultural production from the farm gate to manufactured end product.

New Zealand farmers operate in an industry which demands they keep abreast of contemporary technology. They have an inherited pride of achievement and excellence within that industry. They are receptive to technological change which promises tangible benefits to them. Change which is regulated, offering no short term benefits and based on apparent vague concepts foreign to their perspectives, may not always be easily embraced. Successful change depends on effective information transfer and trust in the institutions involved in that process.

40 Murray Arthur-Worsop (1991:40) lists seven major “impediments to change”, which, he says, are “...largely economic and socially based”. An adapted version of this text is included as Appendix I.
2.5.1 Intermediary institutional literature

Academic and service institutions, such as MAF, are intermediary in the information transfer process. They are the vital links between policy institutions, scientific and technical agencies, and people. Ideally, these institutions have the necessary communication expertise to translate knowledge from one sphere of activity to another. This should be a multi-lateral application. To attain environmental stability, it is imperative that it occurs under the framework set by the RMA. Wardle (cited in Ralston, 1994:384) believes "...resource use policy has to be flexible so that it can adapt to society's changing knowledge and community values." The RMA allows for flexibility in interpretation and application of policies for remedial action. Flexibility is also required in the implementation process. Along with openness, this enhances an atmosphere for mutually beneficial information exchange.

Already, rural support agencies show a concerned degree of awareness over the level of information transfer. In this research, I draw on several chapters of Proceedings of the 1994 New Zealand Conference on Sustainable Land Management (Mary Ralston, ed), which attend to the social implications of institutional activity in compliance and regulatory fields. These papers identify expressed fears and concerns held by stakeholders. However, this report is a selected representative level of opinion. Apart from earlier writings of J T Baines (1989a, 1989b), this portfolio of papers is as close as the literature gets to a social review of what happens in a New Zealand context. If the ideals of the RMA are for the benefit of present and future generations, then the perceptions, opinions, values and attitudes of the present generation, at all levels on the interactionary social scale, are essential in determining if those aims are realisable. The legislation is designed for administrative flexibility. The question arises as to how flexibility is interpreted from the various standpoints under discussion. While there has to be, for operational effectiveness, rigidity in goal identification, implementation procedures require adaptability. These apparently contradictory stances invoke a concept of chaos. Yet Dror (1994:6) states, "...a pluralism of conceptual frames is necessary for analysing complex interaction situations". If flexibility is not occurring in practice, then there needs to be some means of identifying gaps. This implies specialised analysts are needed to monitor social effects alongside monitoring the effects of change (in this instance, environmental change) which arise through implementing and subsequently
evaluating resource policies. It also means valued public involvement in implementation. It does not mean compliant, and possibly reluctant, adoption of regulatory demands. Thus, stakeholders need to be aware of and contribute to current information.

Public access to intermediary institutional literature could be problematic. If stakeholders are unaware of its existence, or cannot understand its content, these issues need addressing. I have alluded to the language problem earlier, but there are other factors involved. The level of 'comfort' stakeholders feel at using the literary medium may be reflected in the extent of participation. Some stakeholders may subscribe to industry journals, while others read little. Thus, diffusion processes may need attention. The diffusion question also raises further issues of whether stakeholders have the necessary attributes to become actively involved in consultation. That is, do they understand what consultation is and their role in it? Likewise, participation may be affected by other factors such as personal ability, desire, confidence or time public participation demands.

Lack of public participation in regional and district planning may not necessarily reflect apathy, but rather insecurity outside one's own field of expertise. A cursory study of how administrative institutions perceive and employ consultation measures is discussed later. Lack of response from a community enquiry of this problem is discussed in the case study. Analysis of public (or sectoral) reticence to participate in consultation involves information transfer/exchange, the politics of action/inaction, perceptions of institutional concepts and values assigned to public inputs, and selected representation.

The RMA deems consultation a necessary component to implementation and the aims of achieving sustainable land management (Clause 3: First Schedule: RMA 1991). Just how implementing authorities view or act on this is imperative to the process of change from present conditions to a state of sustainable land management. If some view it as a nuisance, then it could be assumed these policymakers will include only token consultation in their decision making process. This is where it becomes apparent that many authorities elect consultation with selected representation of public interests over wider public inputs arrived at through consensus. Compromise which is of no substantial benefit to anyone is often the result. Bobrow and Dryzek (1987:75) state "...absence of consensus on the proper standing of

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41 From the literature, it appears there are barriers to individual stakeholders undertaking serious input into the policy development process (Arthur-Worsop, 1991; Pomeroy, 1991; Ralston, 1994).
various social groups...leads to conflicting interpretations of observable results”. Without publicly derived consensus, policies will exclude the experiences and historical local knowledge of specific activities in set areas. Such policies will be narrow and reflect generalised opinion developed from scientific research which may not have a flexibility or diversity factor built into it. Thus, it is clinical and value free, but maybe not realistic under differing physical and social conditions. Exclusion of stakeholder opinion in that process results in their interests being met by representation. Frequently that representation involves assumption of the needs and desires of those being represented through so-called ‘expert’ knowledge systems, which may have little real bearing on the reality of the situation from the point of view of a localised community. Dunn (1982:295) (cited in Bobrow & Dryzek 1987) states, “...the distinction between scientific and ordinary knowledge loses its force when interchange is truly open and critical. Theoretical knowledge requires the validation of nonexperts” (1987:172). Thus, stakeholder involvement in policy formulation can potentially allow a convergence of ideas on sustainable land management and environmental protection. But to get to this stage, stakeholders need to be in receipt of non-conflicting signals as to who their fellow actors are. For example, we frequently speak of Landcare Groups as an initiative for community approaches to land management problems such as soil erosion. The Women’s Division of Federated Farmers (WDFF) has published a resource kit for setting up such groups (1995). However, when we have an institutional organisation incorporating the same terminology in their name, as Landcare Research, (formerly the Department of Scientific and Industrial Research) stakeholders may begin to wonder where officialdom ceases and their involvement begins.42

2.6 Conclusion

This chapter briefly outlined the theoretical concepts underpinning this research. Standpoint theory and meta-policy analysis not only recognise complexity, but in effect, add to it. However, if people’s wellbeing is the cornerstone of ‘sustainability’, then recognition of

42 This Landcare concept began in Australia and has been developed for New Zealand conditions in some areas for many years. WDFF have identified a niche for education and community responsibility in land management and produced this guideline for setting up Landcare groups. The handbook states (P2/1) “...we don’t inherit the land from our ancestors - we borrow it from our children.” The philosophy is that landcare is about people in a local community taking action together to prevent degradation of their environment and achieve sustainable and profitable resource use.
multiple standpoints is necessary. By utilising holistic approaches to evaluating the components of policy development through to adoption, organisational views are moulded to the requirements of social reality. The social emphasis apparent in reflexive modernization joins these stances. Together, they allow for analysis of environmental issues in a manner which acknowledges the complexities associated with the concept of 'total environment'. This total environment centres on the physical environment while including human activity and impacts. It is the human dimension, at all social levels, which will determine the viability of policy.

Photo: J Craw

Remnant natural pond close to research area.
CHAPTER THREE

NEW DIMENSIONS OF PRIVATE CHOICE AND PUBLIC POLICY:
TREADMILLS AND TRADITION

If the study of theory and the study of fact do not fertilise each other, both will be barren

- William Glazer

3.1 Introduction

The RMA, along with the Local Government Act 1989, have brought public attention closer to the activity of governing. Because recent reformation of the public sphere has had lasting effects on people, they are learning to cope with involvement in that process. Concurrently, the public demands accountability from institutional involvement. People have also learned that leaving decisions to selected representatives now no longer is a guarantee (if it really ever was) that their best interests will be served.

Reassessed notions of resource management have brought about changes in the processes of governing and accountability. This value change also demands that personal behaviours in land and resource management will adapt. This chapter provides a social enquiry into origins of people’s behaviours in private and public spheres. It discusses what happens when those perspectives come into conflict with each other and with legislated demands. It provides academic discussion on these issues which are related to the case study.

Rural traditions which reflect the standpoints of people involved with farming are discussed in relationship to present day farm practices. Recognition is given to how progressive technological changes also create changed behaviours and attitudes, over time, to the concept of stewardship. These standpoints are affected by the complex issues involved with a defined paradigm shift demanding accountability and change from land users for the environmental effects of their activities. Thus, standpoint theory is used to compare decision making mechanisms and reflexivity in policy processes of analycentricism and meta-policy analysis. Historical aspects of New Zealand’s rural origins, which are the foundations of people’s
beliefs and attitudes, are outlined. The paradigm shift that accompanied the RMA is profiled and commentary is developed on the interaction between these two themes. Thus, issues of consultation and public participation are discussed in relation to this background material. How these people's fundamental concepts, attitudes, beliefs and actions influence behaviours with each other and institutional structures is also discussed.

3.2 The Resource Management Act (1991): History and Legislation

3.2.1 The Colonial Legacy

Capability in natural resource management has traditionally been thought of as something New Zealanders enjoyed as an inherent trait. Many people claim a close association with the great outdoors in one way or another. However, modern society and global politics show the chasm between myth and reality has broadened both in real activities and personal interpretations. What most people considered the 'New Zealand way', the right way, now no longer holds up on the international stage. This new realism applies to all activities, rural or urban, developed or wilderness, domestic or international. The realisation that as a nation we are living a lie has hit both rural and urban communities. Our global neighbours are no longer convinced previous activities have 'developed' New Zealand along ecologically sustainable tracks. We have gone from one wilderness state, through phases of extraction and reformation, to transformation by way of chemical and exotic species invasion. Old utilitarian colonial values of Europe arising out of the Industrial Revolution no longer dominate all our thinking. The colony has come of age. However, the power of politics and position remain, creating both personal and social conflicts.

New Zealand was built on a capitalist colonial system where economic growth and development, fostered initially in the primary production sphere, have been the fundamental initiatives. To achieve economic growth, natural resources and ecosystems have been depleted, reshaped, degraded and destroyed in the name of progress. Modern Western images

43 While in this context the assumption is attached to New Zealand world views, the notion is far from new or localised. See Kemmis, 1990:20 regarding attitudes or 'civic virtue' and relationship to farming and agricultural production.

44 By this, I mean that almost intangible assumption that our 'clean-green' image of "Godzone" is built on rugged, get out there and do it, No. 8 wire, 'she'll be right' attitude, where we forgot the high degree of ecological destruction, reformation and chemical application which moulded that landscape.
of landscape have emerged from centuries of transformation arising out of utility. Hughes (1975) discusses this ideology, stating its roots can be found beyond Greek civilisation, through patriarchy and expansionism. Spars for maritime trade and war became a vital commodity and accessible forests were laid bare (Hughes, 1975). By sequential depletion, humans invaded neighbouring natural ecological landscapes. European communities have habitually utilized and transformed natural resources and wilderness into cultivated and groomed garden estates, tailored as production centres for intensive monoculture farms. Over time, this process developed into trade, expansionism and colonisation.

Thus, 150-plus years of colonialism have transformed New Zealand’s pre-European wilderness landscape into what it is today. This desire to “tame and transform” is primarily based on entrenched beliefs of what constitutes development. A prime example comes from the anonymous writings of an Indian Army officer who, in 1852, penned a lengthy eulogy of the virtues of the colonial prospects of the embryonic Canterbury Settlement. He first writes, “The exports New Zealand can produce, may be classed under three heads. That from stock, that obtained from the soil by cultivation, and that grown by Nature” (Saunders, 1852:21). This illustrates the expectations placed on migrants of their purpose in settling this land. He continues:

These hills form Banks’ Peninsula. From them the aspect of the plains is that of a large sheet of brown paper, with a few dark daubs to represent patches of wood, and a few ultra-marine blotches for the bright blue of running water...This sight seldom fails to disappoint the emigrant...but it now presents a striking example of how much the works of man add to the beauties of Nature. (Saunders, 1852:25-26)

The theme is further perpetuated when he encapsulates English notions of development by saying:

Is it surprising then that an untravelled Englishman beholds with dismay his new home? Can he look with delight on these grand hills, on this wide extent of waste land, when his dreams were of green meadows, of hawthorn fences and gorse covered hedges, of daisies and butter-cups, and all the beauties of his native soil? He has been brought up in garden-like scenery; he is placed on an untouched waste; he has beheld nature only trained by man; he has read of nature, of her flowery meadows, and streams lined by weeping willows; and his native land has every where carried out the description of books, till he imagine he saw in all this, nature and nature only...But this is never dreamt of; his conclusions are formed from a lad, that from the top of St. Paul’s to the bottomless pits of its coal mines, is all art. (Saunders, 1852:30)

45 This description of Western rural cultural traditions does not include those transformations inflicted on the landscape as a result of war and natural disaster (with or without human precipitation).

46 Exclusive language is not condoned, but it is retained in quotes for originality. This language mode reflects the patriarchal bias of the era and English society. Implications of this and consequences of changes experienced in settler society, plus the ultimate effects on the development of New Zealand’s notion of an egalitarian society are topics too large for discussion here.
It is no surprise, therefore, that today’s landusers follow one or other of two trails formed from this heritage. One adheres strictly to the profit motive and has a utilitarian attitude towards land resources, frequently placing environmental quality after the capitalist purposes of extraction and ‘development’. Land use in this context is frequently undertaken by faceless corporate bodies where no one person takes responsibility for effects of those activities. The other trail is that followed by individual or family farmer activity. Here there is often a built-in connection to the land where the people see themselves in a role of stewardship. However, the historical roots of this concept show that twentieth century rapid change in farm technology has, in some instances, closed the gap between capitalist industrial land use and large-scale farming. For the most part, individual or family owned farms are on the periphery of this.\textsuperscript{47} It is the point, in the present, where concepts of ‘development’ at the farm level differ and which causes much confusion in the public mind in understanding others’ standpoints.

3.2.2 Paradox and New Age Paradigm

When inherited notions of land development are combined with modern consumer demands, environmental problems ensue. A global scale escalation of urban driven demand for production and economic growth to satisfy Western materialism means, not only is the landscape reshaped and ecosystems unbalanced, they are depleted, degraded and destroyed\textsuperscript{48}. Human intrusion upon natural environments, beyond the levels of subsistence needs, ultimately develops into Hardin’s “Tragedy of the Commons” (1968). Hardin’s axiom of cumulative intrusion effects leads to ecological crises. Until recent international initiatives, most Western sovereign governmental institutions have been either loath to see, or ill-prepared to resolve, such effects.

But not only does the environment suffer problems, so do farm-based people. People raised on one set of social values and beliefs, having known no different, become charged with the responsibility of endorsing and implementing remedial change. Not only are they expected to accept values and beliefs from without, they are coerced into adopting changes in their own

\textsuperscript{47} This concept of difference in land use is a complex issue. Discussion of difference between corporate and family farm ownership is outside the scope of this work.

\textsuperscript{48} See Wood (1996) and discussion on technology and communities, pp 100, 134-5 & c.
activities by faceless institutional concepts. No regard is given to the admixture of social conflicts this procedure involves. Of prime concern are economic and personal factors such as rights and standing. To them, their perceived status within society is challenged, and they experience conflicts against the roots of their sensibilities. While they hold inherited beliefs about caring for the land, institutions demand a paradigm shift in their cultural values. As all citizens become aware of the need for change, those not directly associated with the production base cannot see the barriers those with that association face. Many of these barriers are socially constructed, and it is difficult for people to change their values. Thus, many New Zealand farmers, who have considered themselves to be stewards of the land, are now being asked by outsiders to change their beliefs as well as their methods of farming. The personal conflict this causes, combined with the resultant stresses, contribute to a rural distrust of the new environmental regime.

It is not that rural activities are generally perceived as ‘wrong’; it is that the new institutional belief system is different. Paradoxically, many people romanticise country living as idyllic. Yet, the same people may be those making demands that production processes be changed to meet the new environmental paradigm. Some rural people who have experienced these challenges identify lifestylers as those lobbyists. This was expressed in the case study. Lifestylers are seen to adhere to double standards. An example is the predominance of chemical use to manicure their property (pers. obs). Tension exists in the tacit belief of human coexistence with nature, but little accountability is assigned to the behaviours and expectations of the non-production sector. That is, consumer habits do not change and are not consciously linked to production and environment. Consumers’ abdication of responsibility is aided by bureaucratic administration of land management policies. Urbanisation is to blame for this void in recognition of cause and effect in commodity production and use. Many city people do not know the origins and processes of those goods. They have lost tangible contact with the land. These problems also have a global context which is described by Inglehart (1977:8) as the post-industrial society where technological innovation is primarily responsible for people’s disassociation between goods and their origins.

While in this context the assumption is attached to New Zealand worldviews, the notion is far from new or localised. See Kemmis (1990) p20 re attitudes of ‘civic virtue’ and relationship to agriculture and agricultural production.
In New Zealand, this detachment from the land is a modern phenomenon. Post World War II, the nation's cities and suburbs have grown substantially. This is due in part to the post-war 'baby boom' along with urban drift. Technological advances meant lessening in the availability of farm labouring jobs (pers.obs.). Machines and new methods took over from the traditional labour force. As Inglehart (1979:6) says, "innovations in agricultural production already have enabled a very few people to feed the rest." Thus, labouring families were forced to migrate to the cities to seek work. With the passing of one or two generations, the association with the land was forgotten. Farms became a nice place to visit if you knew someone who had one. To perceive them as the production base of food and fibre goods became less apparent. For some, what is rural is seen as a leisure source. So it is, that over time and inter-generationally perceptions changed. Many people in cities have only a thread of attachment to their historical roots with the land (Wood, 1996:133-143).

Yet, for colonial New Zealand, the land and its resources were seen as utilities for human use and capitalist wealth. Initially, pioneering was the means of escape from poverty, servitude and mundanity for the adventurous and courageous who later grew to see themselves as one with the land. They truly believed carving farms out of the wilderness was for the common good and worth the hardships they endured. Working-class farmers saw the land-people interaction as a partnership. This tenet was bequeathed to their antecedents (Saunders, 1852). With the passage of time, this spirit was modified to meet the new challenges New Zealand farming encountered. Geographic isolation meant inventiveness and technological advancements were welcome partners in production. Administrative bodies were seen as necessary adjuncts to viable farming pursuits. New Zealand's colonial mindset throughout the first 150 years of European occupation was established and governed through large state bureaucracies (Memon, 1993:30).

Generations of New Zealand farmers vigorously embraced marketed promises of rural development and technology. They foresaw the hope, if not always the reality, of personal achievement, financial gain and individual opportunity and freedom through adopting the

50 Technological change and social movement in labour markets are similarly experienced in most Western publics. See Inglehart (1979) for deeper discussion, pp 6-18.

51 Kemmis (1990) writes about community and the politics of place discussing implicit notions relative to rurality, urbanity, community, identity, responsibility and sense of place. Some of this is pertinent to how attitudes and rifts have evolved and how much the American experience influences internationally. Recommended reading.
gilded wisdom that came from advertised new knowledge. Concurrent with the opportunity to farm in their own right, these people were highly receptive to scientific and technological innovations which helped to produce copious amounts of “clean-green” primary produce for export markets (traditionally Britain, latterly world-wide).

However, as a price-taking industry, farm incomes were reliant upon government subsidies until the 1980s to maintain them as economically viable propositions. These were seen not as subsidising domestic consumption and bolstering low international returns, but as direct hand-outs to farmers. It could be assumed subsidies were partly to blame for a rural-urban rift in perceptions of some social values. Removal of all farm subsidies during the 1980s was part of major internal restructuring and external trade demands (Bührs & Bartlett, 1993; Memon, 1993). The effect was, in some instances, brutal and dramatic (Dairy Exporter, 64(12);50). A general assumption insinuated only the inefficient would succumb to these financial pressures. This is debatable as there are many other factors to consider, including national fiscal policies, industry restructuring, export demand, personal indebtedness, capacity to diversify, and individual farm/farmer needs and desires.53

Thus, traditionally, urban demands and central government actively encouraged rural development (seen as land transformation) and increased primary production as a means to national economic growth. Over time, the gap between rural and urban perceptions of utility widened. In the present, the urban influence dominates primary produce merchandising through producer boards, co-operative conglomerates54 and agri-business (Le Heron, Roche & Watson, 1992). While the benefits are that farmers can tap the expertise of urban business, it leaves them vulnerable to market forces and global pressures.

This vulnerability is reflected at the local level when overseas economic influences affect the farm-gate price of raw milk. One such pressure for New Zealand was subsidy removal recommended as an environmentally favourable move (Chamberlain, 1996:28). Farmers

52 The decade of the 1980s saw massive fluctuations, including substantial decreases, in the price of milkfat which placed huge stresses on farm management activities and financial forecasting within the industry and by individual farms.

53 Enquiry into this phenomenon is an issue greater than the scope of this thesis. However, it is mentioned here as a contributing factor to farmer/rural attitudes.

54 Originally, milk processing was undertaken in localised co-operative factories. Many companies in close proximity amalgamated. With bulk transportation in refrigerated tankers there were further mergers. Capital expenditure and global market forces encouraged further amalginations to the point where whole regions are served by large single processing/marketing companies, e.g. South Island Dairy Farmers and Alpine Dairy Products. Expansion of reason and rationale for this are outside the scope of this study.
were still reeling from the effects of removal of domestic price support systems when government introduced further restructuring policies in the mid-1980s.\textsuperscript{55} These included the Environment Act 1986 which established the Ministry for the Environment and a Parliamentary Commissioner for the Environment (Palmer, 1990:13). It culminated in local government restructuring and the RMA.\textsuperscript{56} Rural people and communities were ill-prepared to absorb so much change in such a short time. Meanwhile, government induced changes were affecting all of society. Included was a developing interest in environmentalism at both the national and global levels.\textsuperscript{57} Domestic politics culminated in a marriage of party political agendas and environmental lobbying, together espousing immediate action. This spawned the RMA, albeit somewhat prematurely. While legislative action was unarguably needed to halt and remedy resource depletion and environmental degradation, some observers believe New Zealand's environmental legislation was weighted to specific lobbies such as the Business Round Table, a strong environmental lobby and agri-business (Kelsey, 1995:110-111). The RMA in itself is generally acknowledged as timely. Doubts arise over the haste with which the Bill was pushed through Parliament (Jones, 1988:105). The legislation, having gone through a lengthy interdisciplinary construction phase, was devoid of adequate risk assessment and public knowledge inputs. Concurrently, councils suffered from a general lack of planning staff with the necessary qualifications for effecting implementation. Gleeson (cited in Le Heron and Pawson, 1996:251-255) says the cumulative effects of restructuring have meant there is conflicting argument as to whose purposes the RMA serves. From all perspectives, passing of the Act heralded a new era of private and public accountability in activities with a natural resource use base.

Introduction of the RMA in 1991 ran close on the heels of global initiatives arising out of the Brundtland Report (1987) and was seen as a political opportunity to enhance New Zealand's clean-green image at a time when world fiscal matters were particularly volatile and export

\textsuperscript{55} For the purposes of this thesis only those policies directly involved with landbased activity pertinent to this research are discussed and at levels appropriate to the topic. For political discussion on these and related policy changes see Kelsey (1994:95-96) where she discusses the decline in traditional agriculture to a state of "sunset industry".

\textsuperscript{56} For further reading on these reforms, Rogernomics, and privatisation see Bührs & Bartlett, 1993; Memon, 1993, MfE Working Papers, (various).

\textsuperscript{57} Bührs & Bartlett (1993) discuss the environmental aspect of this era in depth.
markets tenuous.\textsuperscript{58} The tragedy of Chernobyl, the 'Rainbow Warrior' affair, acid rain in Europe and a host of other world problems were a trading plus for New Zealand's fragile export economy and aided a de facto paradigm shift in environmental attitudes. The nation's political arm grasped at new international initiatives in order to justify its position as an agricultural trader.\textsuperscript{59}

3.3 Devolution\textsuperscript{60}

Environmentally associated world tragedies highlighted the vulnerability of our global environment and its living organisms, including humankind. Unrelated incidents, continents apart, of apparently disassociated causality awakened a collective human consciousness of imminent environmental catastrophe. The catchphrase of 'Think Globally, Act Locally'\textsuperscript{61} caught on in many political and academic circles. It could be said this notion inspired governments to delegate responsibility for action to the citizenry. On the one hand, there was the urgent need to halt the effects of collective resource mismanagement, while on the other to concurrently induce responsible individual behaviour through regulation.\textsuperscript{62}

It was intended that New Zealand's proposed resource management law would devolve responsibility for implementation to the regions. This was facilitated by the newly created regional council boundaries, but as Willis (1991:243) notes:

...the desire to bring in water and soil resource management under the regional government umbrella can be said to have driven the implementation of the legislation. Spatial change has meant less 'rural' influence on decision-making because the smaller amount of regional councils are now centred in either metropolitan or provincial cities of considerable size and urban character.

\textsuperscript{58} For example, the Wall Street stock market collapse. The snowballing effects from this on world money markets showed it as an untimely occurrence when considered, not only in terms of fiscal downturn, but in terms of priority considerations to global concerns being addressed at domestic levels. Individuals seemed more concerned with personal financial survival rather than the impending changes the RMA would invoke. Much of the rhetoric was so oblique many people failed to see it applying directly to them.

\textsuperscript{59} For further discussion on these issues it is recommended to compare and critique press and local/sectoral digest reports of the time.

\textsuperscript{60} This term is discussed only in terms of its relevance to resource management issues. It is acknowledged that there may be varying interpretations of the specific concepts of devolution in wider political/governmental regimes.

\textsuperscript{61} Roussopoulos gives a fuller discussion on the roots of this phrase (1993:112).

\textsuperscript{62} This is a huge and controversial statement which could open up arguments around implications of conflict of interest and business activities, etc. These issues are not discussed here unless there is a direct relationship to the thesis topic.
But the problem is not without precedent. In 1980, while discussing rural depopulation and resettlement, the plea was made for a rural voice and rural needs to be met when devolving responsibility for local decision to the regions (Cant & O’Neill, 1980:121). Yet almost a decade later devolution is still a rhetorical issue when Palmer, in his opening address on the Resource Management Bill, stated:

...the Bill provides a new framework for resource management. That framework complements the reforms of local government, which in turn, provide for greater efficiency, greater accountability, and more focus on resource management functions and decision-making (NZPD, 1989:14166).

However, the state had no intention of relinquishing its overall control. “The Bill provides for national policy statements to which local government must have regard...” (ibid). What was not foreseen was how some regional authorities would over-react to those statements at the expense of social impact of their newly developed policies. Important to agriculture was Palmer’s statement that the Bill would provide “…opportunities for central government to set technical standards for environmental quality” (NZPD, 1989:14166). This offered the promise of foresight and dependable guidelines upon which people could expect regional authorities to base their district/regional plans.

The idealism of delegation meant the regions took responsibility for managing the environment, notwithstanding necessity for due regard to national environmental standards. “Each region will have to prepare a regional policy statement setting out the objectives for management of all the resources in the region as an environmental whole” (NZPD, 1989:14166). The philosophy behind this was that regional authorities, as opposed to district authorities, would be more akin to geographically defined areas rather than arbitrary lines drawn on a map. While this is a logical concept, a region is not just the sum of all its parts; it is a tableau vivant of the total environmental package, plus influences beyond local parameters. As discussed, creation of regional rules applicable to specific activities need to incorporate flexibility. Best practicable options (BPOs), as suggested by MfE (1994c), allow for intra-regional adaptation to meet the specific needs of different geophysical conditions.

Delegation of responsibility does not appear to mean local autonomy. Devolution of resource management to regional authorities has occurred at the same time public services, such as

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63 Now, Sir Geoffrey Palmer, Prime Minister of the day, Labour politician, lawyer and environmentalist, pushed for the new legislation and was responsible for introducing The Resource Management Bill to Parliament.

64 See Ray Salter, MFE, 1992
post offices, police and health care facilities, have been (re)centralised or privatised. As an example, private agency operations, where there is a service, have replaced community post offices and in most instances do not provide the wide ranging services of the previous era. Both devolution and recentralisation have removed responsibility for governing from rural locations and rural administration to the urban professional environment. The division between rural activity and urban governance, therefore, widens. The formalised arena for conflict resolution, submission processes, plan and policy formulation is still the domain of urban professionals. It is arguable this is a significant barrier to local community and individual involvement in the process. Yet, Palmer stated (NZPD 1989:14167):

A significant new feature of the Bill is the provision of greater encouragement for mediation in all of the processes. That means that parties will be encouraged to reach agreement amongst themselves and that informal pre-hearing meetings can be held rather than the parties always saying, 'See you in court.'

Palmer's enthusiasm could also have set the seal for zealous environmentalists and others within the regions to pursue their own agendas. For example, "...any person will be able to apply to the tribunal seeking an order to restrain unlawful activity, to restore the environment, and/or to claim reimbursement" (NZPD, 1989:14168). But there is no recourse built into the legislation whereby stakeholders adversely affected by any form of intervention can seek recompense. By default, this portion of the legislation shows favour to a faceless 'public'. While its intent was to broaden the scope of public recourse upon potentially environmentally degrading development projects, its consequence has impacted more on established farming sectors.

The legislation is founded on assessed effects of 'development' on an industrial scale. This is not the same as family farm units. Correctly applied to extractive and potentially (and probably) degrading activity this phrase is acceptable. There is an implication that this right of public challenge is in regard to new development projects which involve an idea of conflicting interest in relation to environmental stability. It could also be interpreted to mean challenges against deliberate acts against the natural environment by existing industrial-type operations, such as discharge of chemical pollutants. The word at issue is 'unlawful'. As previously argued, most farmers believed their existing activities were lawful. The degree of accountability between small private enterprise and large scale industry is not addressed. It is unclear if Palmer envisioned large scale pollution by heavy industry, mining or extraction industries, or the cumulative effects of human behaviour, including landbased activities such
as farming. Whatever political reasons there were for haste in passing the legislation, at the
time inadequate attention was paid to possible effects upon people now. Thus, all the
representative consultation had failed to acknowledge the social context of the proposed Bill
both in content and method of implementation. Taken together, the implicit nature of
administration and recrimination work against the objectives of sound resource management.
Adequate social risk assessment could preclude such accidental alienation of stakeholders.

This argument is upheld by Palmer’s contradictory statement which says, “No landowner will
lose rights that are held at present, and some will be given increased protection” (NZPD,
1989:14168). The case study chapter shows but one instance of this. While Palmer’s
statement is a positive move to ensure rights, in application it has become vague and
confusing because people involved in farming have lost rights and see no added protection
coming from the RMA. This thesis argues that, through devolution, central government
failed to identify probable risks adhering to policy implementation. A primary example is
that which arises between existing individual activities and corporate schemes. Along the
way, people have lost rights because authorities such as the CRC have failed to transfer
existing permits to consent status. Presumably this happened because that seemingly simple
procedure got ‘lost’ in the uncertainty of complex policy design. In debate, Rob Storey
(National Member for Waikato) raised this issue of uncertainty. This research identifies
doubt amongst stakeholders with regard to responsibility, previous rights, activity effects and
outcomes. It questions uncertainty arising out of blanket criteria across diverse industries. It
argues there is uncertainty in understanding the legislation and policy plans. It questions
knowledge bases of the people versus science. It also questions the social status of existing
legitimate operations thrown into turmoil because of this uncertainty. With adequate and
accessible information, people can evaluate situations for themselves. Where there is a need
for change, amicable explanation and encouragement that does not threaten personal viability
is called for. Policies need to be enabling to encourage people to actively reduce the pollutant
effects of existing, previously lawful, activities.

Agriculture, and any human industry or intervention, will produce pollution. Much rhetoric
was bandied about ‘environmental bottom lines’. Devolution has allowed authorities to
formulate policies on inconsistent or non-existent data. MfE has been tardy in identifying
these standards. Appendix H includes a reproduction of the MfE (1994) definition of those
standards sourced from their *Environment 2010 Strategy* publication, but this is vague and falls short of defining specific environmental needs. Three years between introduction of the RMA and providing guidance to attaining those levels is a substantial temporal void. Stakeholders have been coerced into taking remedial action for effects of existing polluting activities. In the case study, the Lancasters believed their method of effluent treatment met the criteria set by the regional council. This shows stakeholders are often left devoid of adequate knowledge of both cause and effect. It may be a cliché, but isn’t that putting the cart before the horse? Palmer said:

...the Bill provides for integrated pollution control. That very important provision will control in a consistent way all the processes of discharging to the environment or producing waste. Discharge permits will be required, and discharges will be expected to conform to a best practical option management system (NZPD, 1989:14168).

In some regions, such as Canterbury, the implementation process of policy statements, rules and plans, and monitoring activities, does not conform to this statement. This is discussed further in the case study chapter.

Palmer concedes the demands of the Bill would impose greater difficulties on regions already experiencing problems with restructuring. He is not explicit about how the problem should be addressed. For example, he says that:

It is inevitable that, as they (regional councils) struggle to live within the new structures that have been created, they will struggle even more with some of the new work-load that will be imposed upon them by the Bill (NZPD, 1989:14168).

What he does not say is how to deal with the social problems they will create and encounter from implementation. Local government has been charged with responsibility for initiating new directives, drawing up plans, rules and policy statements, finding adequately qualified staff and the whole gambit of implementation which produces social repercussions. Jansen (1993:1) identifies internal difficulties in local government, notwithstanding conflicts arising in the wider community. This is especially so when errors of judgement occur, as they inevitably did, and will continue to do, so long as the instrumental weaknesses of the RMA remain uncorrected.

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65 Local Government Act 1989. For further information see "Local Government in New Zealand’ 1995
66 Sir Ross Jansen (1993) Thesis providing a detailed insight into local government of the 1980s. Jansen was a career bureaucrat and drew on experience as well as research sources for his work.
Throughout the reading of the Resource Management Bill, Palmer appears to have ignored the personal impact of his (in)famous legislation. Undue haste in introducing the legislation, while full of good intent, has left a swathe of stormy aftermath for others to clean up (Russell, 1996). Passing responsibility to local government through a document plagued with ambiguity and without clearly defined environmental bottom lines (EBLs) is not responsible government. This is Palmer's devolution. In its haste to gain international recognition and become a leader in environmental legislation, the bureaucracy, along with the support of the nation's environmental conscience, has placed the burden of change upon others. Yet this has been done without due regard to providing necessary information of what is desired to be achieved and how to attain that state. Thus, when William Lafferty (1996:193) says:

...there are clear possibilities of exploiting the normative position to exert political pressure on domestic regimes. Governmental leaders become bound up, and to a certain degree carried away by the momentum of international and regional environment-and-development processes. They either compete in capturing, or belatedly give their active support to, the moral cutting edge of the persuasion,...

it becomes apparent that application of policy in such a way can have delitorious effects on those sectors of society bearing that burden. In a New Zealand context, a personal desire for environmental change, concurrent with a need to find some way of promoting the nation's primary exports, can be seen as justifiable. However, the implicit power structures in such political actions overshadow any notion of public good. Individual standing is lost in a sea of confusion surrounding institutional standpoints and expectations.

3.4 Private and Public Standpoints

*By seeing through their eyes, I had begun to see through my own.*

*Gloria Steinem, 1992*

Where any individual is situated in relation to the politics of land management through personal beliefs, attitudes, behaviours and wider knowledge, is reflected in their action/inaction within the overall process of social change. Everyone contributes in some way or another to this social process. It is a natural part of living in a society aware of its own place within and impacts on the total world environment. Through life experiences and teachings, each has their own standpoint which influences their actions. Attendant with adaptation to new social pressures for environmental accountability is acceptance of differing
behaviours and values within society. How others see facts and values is as important to the process as the facts and values themselves.

Fact may be seen as science, often described as value free. It can be measured and tested. Hypotheses can be determined and scientific method used to prove or disprove them. But the values used to reach those conclusions reflect the life experiences of the person undertaking the research. Values are politically influenced. Is there, then, a clearly defined line between the two states - scientific fact and political values? What is fact to one, may be interpreted differently by another due to their situated standpoints. At what point can fact be so politically influenced, i.e., by values, that it is cast in the shadow of doubt? A commonly known example would be Darwin’s “Theory of Evolution” in which it is said he adapted his findings to accommodate the expressed displeasures of religious adherents. Where in fact, lies Truth?

I remember from my childhood of being told not to judge another unless I had stood in that person’s shoes. I was taught to stop and think about how the other may view things. I learned, almost instinctively, to respect the views, values and opinion of others. It did not mean I had to ascribe to those views, just that my understanding of any given situation would be more worthy for acknowledging different standpoints. I saw this as so simplistic it was hard to comprehend it as a basis for a theoretical stance in research. In addition, as a woman, it means I automatically attach gender related values to this thinking. Thus, my perspective of analysis can be labelled feminist standpoint theory. To me, it is what comes as natural. That my perspective will differ from someone else’s is an inherent feature of the stance. Some theorists, such as Hartstock (1987) and Harding (1987), suggest feminist standpoint theory focuses on gender difference. While I do not challenge this, I do argue it can be extended to include all culturally derived differences (including male culture). I briefly discuss in the case study how there is a gender based difference evident in culturally derived values and beliefs in this rural context. My argument is that feminist enquiry ought not to simply counter traditional androcentric methods in research, but be inclusive of gender differences. It is the whole which makes up a culture (or sub-culture). Analysis of events may be gender biased, but enquiry needs to recognise the part those gender differences play in creating varying value related standpoints.
Such standpoints are dynamic and reflexive. Any given situation in personal analysis of life is built upon previous experience, and the outcome will add to future (re)actions. In the government sphere of public politics, my early memory is of inferred weakness in those who changed their perspectives and opinions. As my own political awareness has scholastically grown and matured, I now see this to be a strength if that change is genuine. Change made for a common good which reflects assessment of a specific set of data is worthy. Change that is merely a turn around to gain personal prestige because of public circumstance is fickle. It suggests an enigmatic situation can exist in the private versus public spheres of people’s activities. Thus, it may be a factor in how the personal values and aspirations of individual bureaucrats are reflected in the policy development and implementation processes. These arguments may seem far removed from the implementation strategies of resource management. However, I believe it adds to a completeness of public service if the agencies can review and adapt policies in order to achieve the best outcomes, given present knowledge, and leave personal agendas aside.

Such reflexivity, in an abstract way, relates to Inglehart’s (1977) discussion on social value changes and the basis for them. That is, he believes this process of change “reflects a transformation of basic world views...taking place quite gradually but steadily, being rooted in the formative experiences of whole generation-units” (1977:21). This, then, seems to be standpoint theory in an inter-generational context. Each interpretation is bound in complexity because of their fundamental principles. The main difference appears to be the temporal context where Inglehart’s world view changes are those adopted by the post-materialist West, otherwise known as the dominant social paradigm. Harding’s standpoint theory, I believe, is not bounded by whose views are being represented, but rather that all views are considered. Accepting that world views are dynamic means decisions are made on existing knowledge, but are elastic enough to allow for new knowledges yet to be experienced. Under the changing paradigm Inglehart (1977) describes, such analysis is of past experiences and reactionary. Rather than change taking place because of conscious reflection on individual and community activity, it is occurring through generational related socio-economic response factors. Thus, the same social class which subscribes to the environmentalist lobby is also that which Inglehart says adheres to ‘post-materialist’ world views (1977:112-115). They are reaping the benefits of the materialism of former generations while espousing a paradigm
shift in the present. In the new model, social change includes future generations and the whole environment. From this it can be seen that people's situations in the present dilemma of creating change for the benefit of the world environment are extremely complex, but nonetheless have threads of relationship.

Accepting the complexity of varying standpoints (and, therefore, opinion) adds to the policy and decision making processes, allowing a move to be made away from analycentric problem solving methods to multi-faceted meta-policy analysis. Thus, rather than separately identifying and solving environmental problems, which may run parallel in the overall picture, related issues can be addressed in the cyclical and overlapping manner in which they really occur.

Throughout life, people interpret, analyse and adjust their behaviours within the situations they are currently involved. It is a natural process of social living. We not only adapt to suit ourselves, we adapt to suit our social situation. It seems logical, therefore, that society applies this to public life. Problem solving through analycentric perspectives removes the social dimension (political and value ridden) from the issue. It thus becomes scientific (value free) and clinical, and of course is seen to be rational. Conversely, adopting analytical and problem solving mechanisms which include the variable and dynamic perspectives of the *hoi polloi* has hitherto not been part of New Zealand's policy and decision making process. Such exclusive method is also elitist by its selectivity in who participates.

### 3.5 Consultation/Public Participation

The concept of public participation (as opposed to representation or selective participation) includes the 'other' in policy making. That the mechanism of such 'open' democracy is workable is evidenced by the fact that the Selwyn District Council has just scrapped its Draft District Plan.\(^{67}\) This situation arose through the magnitude of public submissions. It also illustrates the strength of the process and validity ascribed to the views put forward. Local or folk knowledge, along with its standpoint biases, is legitimate and has standing. Some may

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\(^{67}\) This occurred late in the research process. It is included here in support of the argument of consultation in action. Later references to the Selwyn District Plan relate to its status at an earlier stage of the research and discussed in that context.
argue such processes waste human resources and are chaotic. That is, time and effort is lost in finding suitable policies for effecting remedial intervention in resource management.

There are two lines of thought here. One is that while the short term application of policies is postponed, the long term benefits of subsequent policies will have greater and more effective impacts. Also, because of public inputs, acceptance and compliance will come as a natural progression of consensus. Through the dynamics of society, the public acknowledge ownership of the entire resource management problematique. Time and effort seemingly lost in the plan preparation and submission process is a time of transition in which public thought and behaviour adapt.

At the same time, while it has been a time for public transition, so too has it been for administrative institutions. Together, both public and private institutions gain appreciation of each other's standpoints and reflect on all the issues. It is a time where sense is made out of chaos. In the interim, behavioural changes occur if only because people are collectively communicating and there is a growing awareness of the effects of human impacts on the environment. Over time, and seemingly almost intuitively, this learned awareness becomes acquired knowledge from the spheres of knowledge acquisition as described by Babbie (1988). These are either socially constructed (cultural) knowledge which changes with the dynamics of the society within which we live, or they are epistemological knowledges which are those learnt by experience. I believe there is another stream of knowledge which is a marriage of the two and very much akin to the standpoint perspective in which personal experience interacts with the cultural identity. That any one nation state will have many subcultures interacting with each other simultaneously and often overlapping adds to this complexity of knowledges.

Truth thus becomes the reality of how an individual is situated in a given circumstance. If there are stresses which distort the rationality of that truth from the perspective of onlookers, then that truth is no less valid in the situation of the individual or community. Public participation which is not representative invites distortions and, ultimately, conflict. Public consultation is a platform for problem solving which involves concerned persons, stakeholders and institutions. It allows for localised ownership of problems, through discussion and consensus. But localised ownership does not mean institutional ownership (MfE, 1988b). I believe in the preamble to local government reform, district authorities saw
the role of consultation as discourse between them and central government. This interpretation is valid when considering who, under the umbrella of public consultation, was involved in the pre-legislative discussion rounds.

During the Resource Management Bill’s introductory debate in Parliament, Palmer lauded government’s active public consultation effort. However, Storey challenged this by stating:

In the consultative groups and in the committees there has been a strong weighting to environmental interests, and the interests of people in the commercial sector and of landowners and manufacturers have been conspicuously absent. A group of 15 people was selected especially to comment on the Bill. Although the implementation of many of the provisions will rest on the good will of people such as manufacturers, farmers, and landowners, none of these groups was consulted... (NZPD, 1989:14170).

Such representation relies heavily on academic processes of rhetoric and writing. In so doing, representative horizons become narrowed through constricted knowledges. But these knowledge systems are very powerful. Rey Chow believes this sort of representation creates distancing from the ‘other’ (1993). The contention is that this allows those representatives to disassociate the self from the context.

Various public sector analytical documents frequently refer to who was consulted. Like the regions, government agencies considered consultation was best undertaken with ‘selected’ people and sectors of society (NZPD, 1989). Harding explains how such selective representation can distort the real needs, visions and situations of ‘others’ through “...including others’ lives and thoughts in research and scholarly projects to starting from their lives ...” (1993:140). Most precursor academic research in political processes traditionally fails to see that policies do not acknowledge the lives of those it deems to govern. Standpoint theory, says Harding, shows how to move from this self-centred perspective (ibid).

Harding continues, “When people speak from the opposite sides of power relations, the perspective from the lives of the less powerful can provide a more objective view than the

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68 The ‘other’ is defined as what is not ‘our’. Chow says, (1993:7) “The process of ‘othering’ in which the ‘other’ is opposed, in the form of an impenetrable spectacle, to a contradictory ‘subjective’ narrative position is a self-defeating one. The polarization of ‘self’ and ‘other’ as such blocks any perception of inequality, however genuine, from being able to change the existing reality as it potentially should... This polarization of positions is symptomatic of the contemporary theoretical scene...(and) should alert us to the overdetermined nature of political struggles which cannot be reduced to ‘choice’ between the amplification of rhetorical rules and the chronicling of historical events.”

69 Recommended reading on ‘othering’ and standpoint theory are Rey Chow (1993), Linda Alcoff (1991) and Sandra Harding (1993).
perspective from the lives of the more powerful" (1993:141). Thus, when people are omitted from the consultation process, the onflowing effect is a void in who participates. When people cannot tangibly see their interests represented at the top level, they may not perceive any effective outcomes from participation at their own level. It becomes apparent that waiting for voluntary participation, either through submissions on draft plans/policies, or attendance at public meetings, does not meet the needs of the community. Observers frequently say the people are apathetic. I challenge that theory and say people will not participate if conditions do not take into account temporal and spatial needs of communities, plus individual skills needed for consultation. If there are any reasons why people do not become actively involved, it ought to be part of the mandate for administering bodies to seek redress of this anomaly. It may not be a logical exercise for many urban areas, but could be seen as a necessity in scattered rural communities. This is especially so when the people being regulated are those ultimately held responsible for putting those regulations into practice. Due to the diversity of individual enterprise and physical aspects of the land, individual inputs into policy are a necessity.

Somehow, under the concept of devolution and power-sharing, there need to be positive strategies devised to educate and encourage stakeholder involvement in the policy process. Boaden (cited in Edwards, 1978:198) says:

> Participation is about power, and public participation in local government is about shifting the balance of power away from those in formal positions of authority in local government towards individual people or groups in the locality or community.

The RMA legislation embraces this notion, but the process of implementation begs its effectiveness. The manner in which most regions are undertaking their participatory obligation, first through oblique documentation, and secondly through restrictive information dissemination, is questionable. Colman states, “The citizen has little role in the process except to be able to disagree with plans when they are at the relatively late public display stage” (1973:201 cited in Edwards, 1989). This negative effect type public participation is further commented on by Richardson (1983:202) who believes that, in some cases, decision-

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70 For example, during 1996 the CRC and South Island Dairy Farmers called a meeting on effluent disposal. They set aside one date and time only for this to occur. Notice was short and thus there was little time for most farmers to rearrange their already busy schedules to accommodate this very important meeting. Subsequently many were unable to attend. There are no published reports of the outcomes of this, or possible other, meetings. Reducing the options of attendance does not appear to be constructive consultation.
makers implement participation processes in order to manipulate citizens or to persuade them to accept their particular policy developments. He says nobody listens (1983:204).

These sentiments are reiterated at the local level by Tilling (1983:273) in discussing the regional planning process under the old regimes. Many individuals believe they are powerless to influence policy decisions and that nobody would take interest in a single individual’s view. This supports my contention that people are not apathetic, but that they feel powerless. Richardson continues by saying,

... people feel intimidated by often long, complex processes within local government and many issues may appear to be beyond the competence of some individuals who find themselves unable to find their way through the maze of explanations offered or regulations given when they ask what was thought to be a simple question (1983:204).

Fifteen years on, this statement still holds true for many rural and marginalised people. It has been explained earlier that those who may be labelled ‘post-materialists’ do find the RMA more empowering. Their social status and professional ties bequeath them this legacy. But many ruralists (and marginalised sectors of society) have been left behind in the former ‘industrial’ society where they follow the guidelines of (s)elected representatives. Because of this, they do not attribute importance to themselves in the governance chain. There is a complexity of reasoning as to why this happens, but the bottom line is, such sectors are not perceived to be providers of valued input to the planning process. Most people do not seek public office at the local level and thus allow their interests to be represented by others. In the process they seem to lose value as people (or communities) of ideas. Their field of expertise becomes perceived as bounded by the confines of their individual activities. Over time and inter-generationally, they lose the confidence of self-expression within a wider social setting. In effect, they revert to the former notion of peasants whose interests are best represented by the politically minded. Grundy (1996:70) expresses the sentiment as “the weight accorded to community views.” In the context of public participation, this view not only means the legitimacy accorded local knowledge, but the feeling of worthiness the people extract from the whole process of regional planning.

Richardson states, “...(people) are overwhelmed by concrete daily concerns; little belief in their own ability to affect the world in which they live” (1983:206). Thus, there is on the one side, a fragmented industry with little individual voice, and on the other a strong bureaucracy
backed by legislation. Frequently people see little purpose in expending energies in what they perceive as a fruitless exercise.

In addition, the context and setting of where public consultation takes place also influences participation. While some people have valid comments and concerns which should be voiced, if they feel intimidated by surroundings, this information does not come forth. People may also doubt their own legitimacy, and this may be especially so in a farming context where there is a subliminal fear of doing something wrong. This is now especially so with the RMA and pollution ‘hotlines’. This mechanism for public involvement in monitoring potential pollution hazards is also a vehicle for over-zealous interference. As the case study shows, lack of observer knowledge in relation to existing activities and their legal status, can result in reported incidents which ought never to occur. While the stakeholder is held publicly responsible for their actions, the informant is afforded anonymity. In areas where this happens quite regularly, individual stakeholders within that community become frustrated and distrustful. They see this as collusion between environmentalists and local authorities. The result appears to be an accidental offshoot of the environmental protection and submission processes built into the legislation. However, it is a fundamental weakness in the legislation as it provides no safeguards for stakeholders and can have detrimental social effects. But it is a requirement of the legislation that local and regional authorities develop policies and plans to control and protect resources within their jurisdiction. The failing seems to be that the social context is ignored except where the legislation demands the Treaty of Waitangi be considered. This does not necessarily mean these authorities have to put into effect policies recognising Maori inputs, but that they are required to duly consider them. It, too, is a loose part of the legislation open to varying degrees of adoption or neglect. Some may consider that certain policies are developed merely to placate Maori interests, while other policies are imposed without the due considerations they deserve from a Maori perspective. It may be said by some that the water quality argument in respect of Te Waihora (Lake Ellesmere) is one of those grey areas.71

71 Deeper discussion on local Maori values in relation to water and land management is outside the scope of this research. While its implications and assumptions have a definite attachment to the research on effluent discharging into water systems which feed into Te Waihora, it was not part of this research plan to develop that line of enquiry.
3.6 Policy Making/Decision Making

3.6.1 Selwyn District Council

The Selwyn District Council is responsible for ensuring district plans are devised which compliment the CRC’s “...objectives, policies and rules in relation to the control of the use of land for the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances on water quality” (CRC, 1995:152). They, therefore, are a first stage in contact over land use designation. Their traditional roles infer a community connection with closer ties than the regional body. It is logical, then, that stakeholders will associate policies with their localised district authority unless they are made aware the regional authority holds that role. In this regard, it is most likely stakeholders will seek information via district plans. Thus, for land use classification, in this instance, stakeholders take their initiative from the district plan.

However, the Selwyn District Council Proposed Plan overlooks dairy effluent disposal. While factory farming in relation to pigs and poultry is relatively well documented with definition of activities and rules, dairying is omitted. Is this because, by assumption, dairying activities are considered the realm of Regional Council responsibility, or is it subsumed under intensive primary production? Paragraph 4/11 Objective 3 - 2 states “...to encourage rural intensive primary production on elite soils surrounding settlements in close proximity to Christchurch by allowing a minimum lot size of 4 hectares in such areas.” This paragraph infers dairying is not one of those intensive primary production spheres because of the reference to lot size.

Subsequently, the only other section of their Proposed Plan near the topic of effluent disposal is that of factory farming, which does not specifically include dairying. This section specifically prohibits disposal of factory farming effluent onto land in conjunction with that particular enterprise. It does not ban disposal on land associated with a particular factory farming practice. While dairying is not considered factory farming, the method of milk collection creates a centralised effluent transfer activity which then falls into the same type of category as effluent concentration created by factory farming.

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72 See earlier footnote regarding the changed status of the Selwyn District Plan.
Paragraph 6/81 Rural Zones outlines purposes and reasons for the proposed rules. The wording is frequently vague and where clarity exists other distortions arise such as a failure to specify which rural zones (in relation to what activities). It is a very generalised section which begs the question of how future landowners are going to know what permitted activities apply to the property they buy. Where a property has a tradition of a particular activity, will there be a prescribed obligation for sellers to provide full property history of land management? Does this indicate a need for attachments to title deeds detailing restrictions or permits on approved activities? What would the time lines be, and how could registrars keep abreast of changes other than site specific amendments? For example, is it not possible that what is allowed by current permit may lapse with change of ownership? There are no guarantees that future regional policies will honour long term consents by being transferable to new owners.\textsuperscript{73} Admittedly, title searches should detect these. The question remains, however, whether or not there will be a legal obligation for attachment to documentation. There are moral and ethical implications in these questions which could place further social stresses on stakeholders. It seems dairying is an activity which by its very nature creates its own complexities in developing environmental policies.

If dairying falls into neither category of factory farming nor intensive primary production, then surely the scale of its activity within the Selwyn District should demand it is regulated under its own category, if only for the purpose of clarity for landowners and dairy farm operators. According to the map (attached Map 2 Appendix J), most of the area relative to this study does not fall within the elite soils zone. Yet, much of this soil is peat and has long been considered well suited to not only dairying, but also to horticultural production, for example, black soil potatoes. Does such absence of classification, by default, allow all regulation to fall within the jurisdiction of the regional council? There is a very real doubt as to why these issues are not addressed within the Plan. I believe the issues are too complex for existing personnel and operating resources of the Council to address. With the CRC having wider powers, and the main issues being land and water quality, inaction by Selwyn abdicates the responsibility to the regional authority. However, because most stakeholders look first to

\textsuperscript{73} To remove this right affects the ability to sell a farm business as a ‘going concern’, or a type-specific operation, e.g., pig or dairy farm. Arguably they become land which has formerly been used as a pig or dairy farm. Farm resale value could be adversely affected.
their district authority, the district plan could at least specifically assign responsibility to the regional council.

3.6.2 Canterbury Regional Council

The mission of the Canterbury Regional Council is to safeguard, enhance, develop and promote the physical, social, economic and cultural environment of the Canterbury region and its people.

(CRC 1995, frontspiece)

The October 1995 modified version of the Proposed Regional Policy Statement is a strange document. Without any covering explanation, the original document has been reproduced with amendments either in the form of strikeout or bracketed italicised additions. The only indicator of what this means is held in the subtitle “incorporating decisions on submissions received and minor amendments”. Throughout the document there are no explanatory notes as to why amendments have been made, nor from whence they came. Thus, there is no indication as to whether the amended entries have arisen internally from council recommendations or derived from public submissions. Some of the changes are major.

The CRC’s own performance in relation to its status and direction under the terms of the RMA appears to be central to the objectives of the Policy Statement. In Section 2.4 Implementation via the Annual Plan, they outline this. It could, therefore, be inferred that this council sees its own performance in public eyes foremost and thus relegates the environment to second place. While that presumption may be contested, the various performance analyses tend to support the contention (CRC Annual Reports). This then suggests that social aspects of regulation and implementation fall further down the ladder of consideration and at best lie in third position. Yet, the CRC in Section 2.4 states (p13):

The Council is mindful that the Act aims to promote the sustainable management of natural and physical resources - not necessarily to achieve it immediately. Sustainable management is a long-term aim which we [the community] should all be working towards: the pace at which we [the community] go[es] will be influenced by parameters such [as] the nature of any environmental problem and the cost and time needed to make changes.

It is pertinent to note the amendments of “we” (possibly interpreted as “the council”) to “community”. I infer from this that the planners have seen the issues involving the whole regional community. The amendment hints at a small shift in council attitude. But it could be a two-edged sword. By sharing the aims, they also share remedial obligations. In the
original format, council was able to dictate policies, terms and time frames. With this change it allows for community ownership of problems and community involvement in setting policies for change.

While CRC’s Annual Plans are considered in conjunction with this document, it becomes evident analysis is done in the analycentric approach. Malik (1995:232) says this:

...involves the use of quantitative techniques for sophisticated mathematic modeling; cost-benefit analysis; risk assessment; technical details of measurement of specific environmental problems such as pollution of air, water, and land, ...and so on...Such research does not require background or understanding of the political dimension of policy.

As such, it does not allow for local inputs and distances administration from stakeholders. The social context is disregarded. Some will argue social considerations come with the substantial inclusion of matters significant to tangata whenua. This is true, but is not inclusive of all stakeholders’ social needs. Neither is it necessarily reflective of Maori needs, but rather, meets the legislated demands of acknowledging the Treaty of Waitangi. Consultation which included all local communities could mean consensual policies would result which provided adequate transitional terms to attain desired outcomes. Current policy formulation and implementation is done with bureaucratic domination and selective representation.

3.7 Implementation

Implementation of CRC policies involves not only the regulatory functions such as consents, but also the Council’s accepted responsibility of information transfer and advocacy.


...policy implementation is shaped and molded (sic) by the implementors who interpret policy from their own standpoint or that of the organizations they represent. Indeed, the implementation of a policy is determined primarily by the way the issue has been defined during the early stages of the policy process.74

Were CRC to adopt meta-policy analysis to effects arising through implementation of their policies and regulations, the hiatus between stakeholder acceptance and policy objective may close. As Malik (1995:234) further says:

74 The relationship between analytical frameworks and standpoint theory was expressed earlier in this chapter.
...meta-policy can offer an analysis of knowledge systems, worldviews, and belief patterns that affect the nature of the policy system. With its focus on values, education, and culture, it may result in bringing about institutional changes and changes in ways of policymaking.

However, current administrative application appears to relate to a productionist attitude emanating from agro-commodity thinking based on capitalism. Thus, the productionist framework of policy and decision-making arising from representative consultation is counter to the objectives of social wellbeing. Le Heron, Roche and Johnston (1992:278) note, "...‘social issues’ are seldom seen as being an important part of the agro-bureaucrats’ mandate.” Getting policies implemented is the sole aim, but successful implementation requires sound policy and time. Farmers plan their business strategies on a long term basis within an industry that can be beset by stochastic events. To introduce new policies and adapt activities requires time for transition to meet their physical and social needs.

3.8 Transitional Policy

To the CRC, the term transitional policy appears to mean their own activity in implementing the RMA. This may arise from a fundamental oversight in the legislation where there is no direct instruction to adopt incremental change criteria for resource users. However, transition from the institutional perspective is explicit in the legislation. Zoning is an example. O’Neill (1994:51) states:

Zoning is well established as a technique to direct and control development in local authority areas in New Zealand...The development of zoning...seems to mirror the degree of involvement of the public sector in economic development. The power authorising local authorities in New Zealand to zone comes from the transitional provisions of the Resource Management Act 1991, (RMA).

Officialdom does acknowledge a transitional phase from an operative perspective is needed. MfE (1994:15) says, “likely social impacts of environmental policies should be assessed and alternatives to minimise the social transitional costs should be evaluated.” This loosely implies the concept of transition. Their argument hinges more on marginalised peoples, e.g., the urban poor or unemployed. In the production sector, it identifies those most apparently affected by constraints on particular activities, such as clear felling forestry. By exclusion, anyone in between falls through the cracks. If operators (on the collective scale) are not seen as marginal, the assumption is individual operators will cope. If not, they are considered incompetent or economically fragile and deserve to fail. Williams (1993) argues this when he says there are no benchmark criteria requiring land users to measure the effects of their
activities. He advocates the use of a log book to record the land use activity. This becomes a management tool which measures land use competence and is "... (an) asset maintenance process of a land-use business" (1993:47). It enhances long term land stewardship with a positive form of operational accountability. Data recording aids stakeholders during the transition phases to sustainable land management. It also provides a tangible history of site management upon which future activities can be based. To use poetic license, such a record would become the standpoint of each site.

At present, measurement of competence in land use is economically based, and thus does not take account of ecological considerations which farmers may employ. The two are unrelated. Such measurement also ignores the standpoints and aspirations of individual land managers. Frequently, to achieve economic viability in production, land users are coerced into adopting ecologically unsound processes. Under the present economic system, to make the transition to new policies in environmental accountability, land users must be in a financially stable situation. Pomeroy (1996:3) says:

...the Ministry of Agriculture has recognised explicitly that "businesses in the black find it easier to be green than businesses in the red" and the viability of the farm business (and uptake of sustainable agricultural practices) depends on the economic, social and physical health of family members, and of the community.

Pomeroy illustrates the complex relationship between these factors. Personal conflicts arise between financial constraints and personal desires. When the land user cannot financially afford to implement environmentally favourable changes coming within their own belief systems, they may opt for a best fit given circumstances at that time. The tensions of economic viability and implementation costs can potentially lead stakeholders into conflict situations.75

3.9 Conflict resolution

What is the general interpretation of conflict in resource management? Is it assessing potential risks from project development, or is it local private activity with public or cumulative effects? Conflict appears to be handled from a perspective developed around how

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75 An inability in dollar terms to meet the demands of councils may cost the operator (farmer) their source of income if they chose to opt out of the practice rather than disobey the directive. Thus, they may chose to accede to their "environmental conscience". (pers obs).
lobby groups, authorities and business concerns could mediate possible adverse effects of major development projects. There is little evidence of the existence of any public or institutional awareness of conflicts in private small scale enterprise such as daily farming activity. Where issues arise suggesting the farming sector is responsible for adverse environmental effects, it is on a collective scale such as fertiliser leachates, burn-off air pollution, or non-point source discharges. Dairy farms are readily identifiable sources of effluent accumulation and disposal. Thus, when public pressure requires authorities to be visibly effective in controlling undesirable activities, this sector is strictly governed and monitored. As has been mentioned previously, the infrastructure of dairy farming with individual ownership and operation means it is a fragmented industry at the farm gate level. As such it has little effectiveness in controlling its own destiny in public matters unless it is backed by powerful agency representation. This is usually achieved through such organisations as Federated Farmers. However, it is the regulatory perspective upheld by newfound public awareness which carries the most weight.

The case study shows what can happen when the two perspectives clash. It need not be that either perspective is wrong, merely that the process of mediation is weighted against the farming sector. There appears to be a tendency to allow the courts to pass judgement. However, expertise in this area is merely through interpretation of legislation or through precedent, sometimes in an incorrect context. Stakeholder knowledge and experience count for little in the drama of court procedure. Because each farm situation is unique, the court process ought not to be the only means of ensuring compliance and solving conflict.

The lack of farm situation awareness indicates little sympathetic acknowledgement exists towards the wellbeing of individuals caught in the web of resource management arguments developed out of large project concerns. Farm directed regulatory controls are a spin-off from this. Where mediation can be achieved with large scale one-off development projects, it is not able to be done with farm based pollution. There are two issues preventing this. One is that most negotiating is done on a representative level, which has been discussed previously, and as such is a compromise on ‘average’ farm/land structure. The second is regulating authorities do not seem to want one to one negotiation for each farm unit. Assumptions are made that all type specific farms are the same and one set of rules will do the lot. It has
previously been argued this is not the case and that there are multiple reasons for farm diversity.

In highlighting a number of institutional barriers to negotiation processes, Penny (1992:unnumbered) states:

> The Resource Management Act positively encourages negotiation so there is no longer any administrative reason not to negotiate, but if the consent agency enters into a negotiation it must do so in good faith, and be both reasonable and fair to the parties.

While Penny’s references seem to be in line with project development discussions, I believe much of what he says should also apply to small scale individual enterprise. It could be questioned that the reason some authorities do not want to enter negotiation is they have neither the time nor expert staff to fulfil the obligation this entails. It becomes a constraining force on their enforcing activity and thus may not fit the desired plans for projected annual achievement levels as set out in the Annual Plans.

### 3.10 Conclusion

The foregoing has shown there is a vast and complex range of issues involved in present day farming. Each issue provides its own impact on how individual enterprises are managed. Cumulatively, and in association with farm family epistemological standpoints, responses to these issues dictate how each enterprise is unique. While lines of similarity aid political decision making, difference can create conflict and confusion. The question is: with what degree of difference can the political dimension of land management cope? I do not think there are standard answers. However, analysts and political leaders do need to be able to identify effects of policies where some degree of community breakdown is either evident or probable. Thus, reflexivity built into a multi-dimensional policy framework allows for ongoing reassessment of previously unseen effects.

It has been shown in this and previous chapters that rural communities are experiencing unprecedented change. Traditional structures of these communities have become fragmented due, in part, to subdivision of land and urban migration. This means a change in the productivity base, as well as the infrastructure of industry-related and public services. At the same time, people are reacting to institutional reforms on a national scale. When the restraints and uncertainties of the RMA are added to these factors, there is a suggestion that
tensions in rural New Zealand threaten the very fabric of those communities. The result manifests itself as a depressed public spirit and a loss of confidence in farming as an industry and personal calling. Thus, former attachment to an industry imbedded in traditional values becomes entangled in a world of change that is not wholly understood. What was formerly private enterprise has become accountable to both local and global publics. Although able to adapt to technological change, rural enterprise is unable to fully endorse change which challenges the inter-generational mores of its people and their communities.

Photo: J Craw

Native vegetation persists on wetland amongst English pasture.
CHAPTER FOUR

THEORY AND COMMUNITY INTERPRETATIONS OF SUSTAINABLE LAND MANAGEMENT

Rain does not fall on one roof alone. - West African Proverb

4.1 Introduction

Community and social interpretations of sustainable land management issues are a necessary component of policy implementation. This chapter explores this argument from the perspective of rural community. Initial discussion sets out the meaning I apply to rural community which is one fitting the research themes of standpoint, representation and difference. The idea of a strict definition implies solid parameters, but rural community is a dynamic social dimension (yet traditionally based). I briefly comment on how recent social and institutional change has affected this concept of rurality. Discussion is biased towards the theme of rural culture and social standing in regard to sustainable land management. It also expounds opinion on how otherwise like communities accommodate and accept difference.

Concepts of community acknowledge the apparently contradictory states of stereotypes and invisibility as identified by Young (1990). Herein, this builds on the former discussion of ‘othering’ and distancing in policy processes contained in Chapters 2 and 3. These themes are discussed in relationship to interpretation of sustainable land management and developed at both the non-rural and rural levels. The term non-rural is used to embrace any social conventions not adhering to the implicit notion of rural culture. Rurality, as described by Mormont (1990), fits with the concept of community to explain the standpoint. Together, these notions are developed to discuss perceptions of environmentalism, consumerism and sustainable management.
4.2 General Interpretation

A non-rural viewpoint of resource management is perceived as differing from a generalised view held within rural culture. Non-ruralists, sympathetic to the intents of resource management and its ensuing regulatory controls, are not always aware of the social effects of enforced change. Through disassociation of where produce comes from and the demands, constraints, economic and social pressures of that production, most consumer society is unaware of their own role in the process. When domestic consumption is a minor part of what is primarily an export industry, consumers do not associate their daily requirements with mass production.

Generations have grown up seeing milk in bottles or cartons. There are those who, through no fault of their own, are barely aware of the process of its production. But this disassociation is responsible for the growing distance between production and consumption, rural and urban. It is important to reiterate that it is urban consumers who have developed renewed consciousness of the polluting effects of land use. Maybe this reawakening arises, in the first place, through the activities of industry. For example, the meat industry has a direct association with rural production. Ardent and timely media attention to the pollutant effects of effluent and waste disposal by freezing works fired public interest in that industry's activities. Few will argue the necessity for them to change their attitudes and practices. However, primary responsibility for effects of these operations belong to urban managers. In such an example, the connections between rural and urban responsibility get lost in the progression from farm production to consumer product. Thus, perceptions of what is rural for this industry should end in the stockyards. This illustrates how consumers can unwittingly abdicate their own involvement in the whole process.

76 For an expanded discussion on global consumerism, see Waters, 1995, pp140-145.
4.3 Rural community interpretation

Community and Rurality

It is necessary to understand that perceptions of resource management and responsibility do differ between social sectors. To see why rural communities may feel more susceptible to the impacts and social disturbance brought about by change, I offer an explanation of my perception of rural community. This discussion combines and develops views of Mormont (1990) on rurality and Cohen (1985) on community, thereby creating links to the concepts of standpoint and representation raised throughout.

Mormont describes rurality, not as a social class, but as a category which, while acknowledging difference, portraits particular social characteristics. He says, “hence if ‘rural’ is a social category, it is not so much a category contrasting rural dwellers with others in terms of economic intents, but rather one which defines a world (primarily moral, but also cultural) value in which rural dwellers participate” (1990:25). This can be linked to Young’s (1990:231) interpretation where she says, “In community persons cease to be other, opaque, not understood, and instead become mutually sympathetic, understanding one another as they understand themselves”. This notion is not meant to convey an idyllic togetherness or stereotype. Rather it reflects a collective understanding of difference and individuality along with Mormont’s underlying concept of sub-cultural identity. Identity is negated in policy processes if it is only represented as the ‘other’. Lack of stakeholder inclusion in policy and decision making over nearly two decades of political and social reforms have done just this. Such political activity has hurt New Zealand’s rural cultural identity.

The feeling of community I attach to this research derives from the meaning (as opposed to definition) proffered by sociologist Anthony P Cohen (1985). He argues the word community suggests “…a group of people...(who) have something in common with each other, which...distinguishes them in a significant way from the members of other putative groups” (1985:12). In this way, he says community encompasses both similarity and difference. It implies symbolic boundaries which are socially constructed (Cohen, 1985:13). By linking this interpretation of community with Mormont’s discussion on rurality, readers may gain an insight into what constitutes the complexity of New Zealand’s rural culture.
As already explained, rural New Zealand has undergone immense challenges and induced change in the last decade. The RMA is primarily responsible for this in association with socio-economic policies arising since 1984. Together, they contribute to an upsurge in urban drift of economically ‘comfortable’ urbanists migrating to rural regions. This is done as an ‘escape’ from the less desirable aspects of city life or as fulfilment of a dream or ambition to retreat to the country. Such lifestyle living has changed the traditional rural concept in areas of enforced (mostly) subdivision.\footnote{Enforced because lifestyle subdivision is a creeping invasion of productive land due to value change induced by home-building worth versus productive worth. Thus sellers, in order to relocate to a larger landholding (or urban retirement) are seduced by dollar values in excess of what a neighbouring landowner could pay for productive use of that land.} Because smaller lot areas of landholding are involved, the price of rural land escalates beyond the value of its productivity. In addition, the improved value of the land increases and thus council rates increase. Urbanists demand reticulated and publicly funded amenities akin to those available in the city. Thereby, embellishments of urban life are foisted upon rural communities. Accompanying the physical and material imports are socio-political changes which affect the very fabric of rural mores.

Explanation of the complex relationships between diverse sectors of both rural and urban societies was given in Chapter 3. Generally, a rural belief is that lifestylers conform to an elite, powerful group who have the resources and skills to promote their own interests and agendas in the socio-political sphere. While ruralists seek to hold to social traditions, the imported urban sub-culture of this socio-economic group has strong attachments to the new era of environmental awareness. In a time where monetary values frequently overpower old traditions, rural communities see the values of their lifestyles being eroded by urban migrants. Yet, these urban migrants are the foundation of a growing environmental lobby.

\section*{4.4 Environmentalism}

This environmental lobby identifies as a strong advocate of concepts arising in the RMA (Palmer, 1990). This research adopts a definition of environmentalism similar to that voiced by Roussopoulos (1993).\footnote{Readers are recommended to see Roussopoulos' text with regard to definitions of environmentalism, ecologists, conservationists, etc.} It is one which conveys a meaning ascribed to a set of attitudes and values held by some Western elites. It is not the only meaning of the term. Different socially constructed standpoints on environmental desires do exist. The meaning here fits
with this particular research. This is because the case study provided evidence of stakeholders believing urban based regulators and lifestyle blockholders strongly influence the policy making and implementation processes. Environmentalism, says Roussopoulos (1993:19-20):

...tends to be biased towards the concerns of an elite group, proposing reforms which will make life more pleasant for the already privileged but neglecting the problem of social and economic inequality...a view which ignores the importance of dynamic balance or homeostasis. A part of this current grew into conservationism which promotes the carefully planned use of natural resources - both biotic and abiotic - and elements of our historical heritage, in order to ensure that no unnecessary harm is done to them.

This form of environmentalism tends to “...deal individually with one crisis after another” (Roussopoulos, 1993:72). Thus, there is a tendency to “...concentrate on bringing about small but urgent changes...” (ibid). Regional bodies who develop policies which exclude the social dimension of implementation requirements could be seen as endorsing this lobby. There is an inherent fear within some rural sectors that this is indeed the case. The push for rural accountability in land use comes not only from local environmentalists, but also our international trading markets. Prickett (cited in Chamberlain, 1993:8) worries that:

...it may be the marketplace that has the greatest say...increasingly questioning...the environmental cost of the products they buy. My fear is that land owners and farmers will lose control of the process of change. Politics, urban ignorance and a demand for mass solutions could leave us on the sideline.

Highly visible land use activities become prime targets for induced change, rather than an holistic approach to social education and remediation. Roussopoulos argues such enviromentalism subscribes to the belief that environmental problems will be remedied by technological solutions (1993:73). Consigning solution seeking to the sphere of science allows the national community to abdicate from ‘ownership’ of the problem. Through the power corridors of regulatory institutions, it is thus bequeathed to the production sector.79

Roussopoulos’ definition of environmentalism, in this context, suggests its adherents subscribe to a powerful lobby.80 When related to the effects of consumer behaviour and attitudes, such a lobby tends to ignore much of the realities of modern living. Frequently, many consumers utilise the amenities of technology and production without due regard for the consequences. For example, is using lead free petrol a sufficient compromise to pollution control in one’s own transport concerns? There is little difference in this effort to mitigate the

79 This discussion is in relation to agricultural production and not industry.
80 This view arose in the case study in a somewhat oblique form.
effects of pollution than a dairy farmer adapting to a new and less damaging method of effluent discharge. Often environmentalists lobby for farmers to be regulated and monitored, while their own activity is free choice. This shows there are socially constructed gaps in sub-cultural attitudes, beliefs, ideals and actions of consumer society.

4.5 Global and local consumerism

Consumer responsibility (or irresponsibility) to environmental damage incorporates many spheres of possible discussion. These can be at the local level of individual choice to the global level of international trade. The concept of consumerism is not a modern one. In discussing Greek history, Hughes (1975:80) states that cities alter natural environments and their inhabitants affect hinterlands through demands for food, other products and raw materials. Thus, modern consumer behaviour only differs in the technological advances and ultimate product availability which make demands on natural environments more severe. Attitudes driving demand, it can be assumed, have changed little. However, in modern times citizens are becoming increasingly aware of degradation resulting from time and the collective forces of extraction and modification of ecological states. International trade tends to fracture the relationship between end product and resource base through the many links in the chain of that trade. Thus, in conjunction with modern technologies, there is greater cross-boundary interaction in consumer trade. With this globalization there is also a greater ignorance of the effects of demand. Wood (1996) contends much of this comes under the banner of ‘need versus greed’. Gottlieb and Fisher (1996:34) say of the globalisation of agro-food systems, that:

...food in the United States travels on average of 1300 miles and changes hand half a dozen times before it is consumed (The Packer, 1992) ... (and) what is eaten ... comes from a global everywhere, yet from nowhere that they know in particular.

This illustration of physical distancing between product source and consumption is reproduced in the distancing of cause and effect in relation to consumer demands placed on that production chain. As previously mentioned, end users see no relationship between everyday consumables and production-based pollution. Gottlieb and Fisher (1996:34) ask, “how can they act responsibly and effectively for change if they do not understand how the

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81 The topic is outside the scope of this work but mentioned to show its importance.
food system works and their own role within it?" Of course, this does not apply to food alone. The entire process of production and distribution involves multiple forms of extraction and degradation. 

Gobalisation of the agro-food chain involves mutual exchange of products. Locally, farmers adopt production initiatives both voluntary and enforced. They voluntarily strive to produce an ‘improved’ product in order to win competitive overseas markets and maximise profits. However, they become entrapped in the web of multinational agri-business where they buy at retail the inputs for their production and sell at wholesale to these same multinationals. In the interim, they are financed by them as well. Thus, voluntary production policy adoption can subtly lead to enforced adherence to economically based public policies. Because there is no real economic separation of export-domestic production, this export oriented behaviour is also attached to local production trade.

It is in this local dimension that consumers see the effects of agro-food production. What they see are the results of demands for financial export returns which have traditionally been the source of funds for imported goods. Thus, consumables not associated with local land production are not seen to be responsible for environmental ‘bads’. Concurrently, business enterprise distorts the image by exploiting environmental awareness and using it as a marketing tool. ‘Green’ products from food to soap to energy are flouted in advertising media. The reality is, in most instances, this is merely an advertising ploy which produces a strong message for sustainable management of the global environment, probably an unintended by-product of sales promotion. Such corporate manipulation does little to halt degradation and depletion of the earth’s resources. In effect, it extracts and alters more, increases pollution and through socio-economic pressures disenfranchises consumers. Thus, profit-motive capitalist production is unsustainable.

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82 Discussion is outside the scope of this research. However, it is a very important factor in the relationship between personal and institutional values and belief systems within all sub-sets of society, national and international.

83 Again, beyond the scope of the research and too complex for discussion here.

84 This is the basis of much recent argument surrounding protectionism and intervention by producer boards. The Business Round Table have been most vocal in this context.
4.6 Sustainable management

PART II
PURPOSE AND PRINCIPLES

5. Purpose-(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-

(a) Sustaining the potential of natural and physical resources (excluding minerals to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and

(c) Avoiding, remediying, or mitigating any adverse effects of activities on the environment.

It is generally acknowledged that Part II, Section 5 underpins the RMA. In order to effectively achieve these aims, implementation strategies need to be mindful of social wellbeing. The Warrant appointing the Royal Commission on Social Policy in 1986, stated consideration in this regard should include:

...the ways in which responsibility for social wellbeing is currently shared among individuals, families, voluntary service groups, ethnic and tribal affiliations and other communities as well as local and central government hinders or assist the achievement of a fair society (Gray, 1993:72).

Gray (1986) further says the government of that time expressed a fair society to involve:

* dignity and self determination for individuals, families and communities
* a sufficient standard of living which ensured participation in and belonging to the community
* genuine opportunity for all people to develop their own potential
* fair distribution of wealth and resources
* acceptance of identity and cultures of different peoples within the community.

Recognition of people’s location in a fair society also predetermines their position in sustainable land management. Rural stakeholders do have an environmental responsibility in land management. In a fair society, public strategies also involve social responsibility towards land managers which effectively incorporate policies enabling change. Change, therefore, becomes a joint venture where knowledges and responsibilities are shared.
In their *Proposed Regional Policy Statement*, the CRC imply a self-assigned supremacy in sustainable land management. The document intimates management function of natural and physical resources is their domain. Wording of the introduction supports this assumption. This may occur as a result of their interpretation of devolved responsibility. In addition, the Policy Statement infers responsibility for actioning management policies lies with users. For example, they (CRC, 1995:3) state:

Sustainable management involves managing the resources of the Canterbury Region in ways which provide for the needs of current and future generations...Integrated management also recognises that the decisions of resource management agencies such as regional councils and territorial authorities need to be co-ordinated. Their functions and powers overlap, particularly in respect of land related matters. District Plans cannot be inconsistent with the proposed Regional Policy Statement or with regional plans and many policies at both levels will need the co-operation of territorial authorities for effective implementation via their District Plans.

It also infers land users are solely responsible for actioning management policies. The case study provides evidence of this. The council attitude predetermines a stance wherein the underlying assumption is that their staff formulate the rules and stakeholders are responsible for implementing them. There is an implied notion of hierarchy where the wellbeing of people in the present is of least significance. According to Brash (1992:2), this is not the intent of the legislation. He says:

...the reference to “wellbeing” enjoins all persons to ensure that in achieving sustainable management the aspirations of people and communities are not unnecessarily frustrated. This means that EBLs (environmental bottom lines) must be able to be justified as the best way of promoting sustainable management while still enabling people’s and community aspirations to be achieved.

The reality of any attempt to understand sustainable management is that interpretation of the term will be determined by the experiences and desires of stakeholders. The purpose of the RMA is for promotion of sustainable management. However, many people and institutions use the terms, sustainability, sustainable management, resource management, environmental management, and sustainable development interchangeably. In all usages the true meaning in application can only be derived from knowing the focus of stakeholders and what is to be sustained and/or managed. In some facets of operation, the terms could be seen as oxymorons, and this is especially so with regard to sustainable development. However, semantics aside, explicit intentions of sustainable management will differ between

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85 There is a vague notion of difference between effects of policies on people now and future generations. “Future generations” seems to be a ‘thing’ rather than people, just as the environment appears to be given this status also.

86 David N Brash, Regional Manager, Ministry for the Environment, Dunedin.
stakeholders dependent upon desired outcomes. This may be at variance to some legal interpretations of the RMA. Brash (1992:5) says the RMA framework aims to recognise:

...the purpose of the Act is to “promote” sustainable management. In my view this means that sustainable management does not need to be achieved overnight; rather there is a(sic) obligation to determine how to achieve it and put policies in place which are aimed at achieving sustainable management at some agreed point in the future...as our knowledge grows and our perceptions evolve, the “goal posts” of sustainable management may move somewhat and we may never actually achieve it.

Institutions may assign a hierarchy of protection with the natural environment at the top. Stakeholder positioning is likely to have a people-oriented perspective. The RMA is purported to be non-hierarchical at the people-environment interface, but where the well-being of environment and people come into direct conflict choices will be made. Gale and Cordray (1994:310) state the variable definitions assigned to sustainability allow it “...to serve as an attractive political banner...”

The CRC’s position is reiterated in Part III of the Proposed Plan:

Integrated resource management has two key elements:

1. ensuring that the impacts of management of one resource on another, or on the environment generally, are taken into account; and

2. ensuring that agencies involved in resource management work together in an effective and co-ordinated way to promote sustainable management. (1995:325)

This appears to affirm the assumption of the management function lying with regulatory bodies, in this instance, themselves. Not all councils adhere to this philosophy, e.g., perusal of Taranaki Regional Council’s documentation shows regulatory authorities can develop policies which incorporate a joint-venture approach to these management functions.

However, I subscribe to an holistic approach beginning with the legislation and focussing on the phrases in Section 5 which state:

...to promote the sustainable management of natural and physical resources, and

...which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety..., along with

...to meet the reasonably foreseeable needs of future generations.

I reiterate the social sentiment that for people to value the environment their present needs must come first. Needs being the necessities for a quality of life, rather than a standard of living as enjoyed by the previous (stereotypical) definition of environmentalists. Through this axiom it can be seen how there is a difference between quality of life and standard of
living. There is a perceived intrinsic value to human enterprise which, in the current economic climate, has a monetary value as well. Thus, for people in this socio-economic class there is the comfort of being able to ‘afford’ to change their environmental outlook (Bührs & Bartlett, 1994). Concurrently, they may be complacent about their own behaviour as consumers. These concepts were referred to in Chapter 2.

It is in this context that Wood (1996:125) believes society allows itself to become dominated by bureaucracy, which he describes as not only the realm of government but also “the dominating institutional force among businesses, schools, labor (sic) unions, philanthropic foundations, environmental groups, and every other public or private organization.” Wood believes that as society becomes more complex with increasingly entangled and enmeshed issues, it turns to bureaucratic institutions for solutions. Thus, in a New Zealand context, as a small player in the global commons, the RMA responded to inter-governmental recognition of problems of sustainability. Responsibility for policy development and implementation was devolved to the regions in order for the people to develop closer association with the problem and to share ownership of it.

The Act states in Section 59 Purpose of Regional Policy Statements:

The purpose of a regional policy statement is to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.

Yet regional authorities were expected to act without the benefits of Environmental Bottom Lines (EBLs) or National Standards, neither of which have been effectively developed in relation to sustainable land management practices. Through uncertainty of their role and action, as well as grappling with their own institutional reforms, some councils have been reactionary in approaching environmental problems. Without national guidelines of what standards to meet, authorities developed policies on incomplete data.

As a result, some councils are perceived as dictatorial through their policy statements and procedures. Stakeholders often feel powerless in managing some aspects of their own operations. If people and communities are relegated through regional rules to a subservient position in resource management, perhaps this is why negative reactions arise. This can only lead to delays in attaining environmental sustainability. Unless people are given priority and

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87 See Federated Farmers' Straight Furrow June 23, 1997 “Farmers' Fighting Fund”.

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security, they will not be in a position to act responsibly towards their environment. This sentiment is supported by Bührs & Bartlett (1993) and Roussopoulos (1993) who each contend that those who have economic security are most likely to subscribe to environmentalism.

The IUCN support this stance in promoting the idea of an ethic for living sustainably (1991:13). They say this ethic is “founded on a belief of people as a creative force... (and) is important because what people do depends on what they believe. Widely shared beliefs are often more powerful than government edicts” (1991:13). When the initiative for change comes voluntarily from land users, they ‘own’ the problems associated with production and potential or real degrading effects (Wardle in Ralston, 1994:384). Bardon (Ralston, 1994:114) says, “production goals need to be included with conservation goals.” If we return to the concept of rurality, these values already exist as stewardship. This connection may, through technological ‘progress’ and intrusion, exist in weakened and tenuous attachments. However, the cultural concept remains, and any institutional desire to effect change upon it should be mindful of what that change will do to social wellbeing in rural communities.

Therefore, in the wider context of the sustainability argument, there is a need to return to discussion on the positioning of stakeholders. Gale and Cordray (1994) identify four questions relative to defining resource sustainability:

1. What is sustained?
2. Why sustain it?
3. How is sustainability measured?
4. What are the politics?

Conversely, MfE directives to regional councils state “An important aspect of this (Section 5) definition is that the sustainable management of the natural environment should not be compromised by social or economic goals” (MfE, 1994d:2). This is where implementation of the Act is instrumentally flawed, in that on the one hand it has been postulated as enabling legislation while on the other, in the primary production sphere it is restraining. Apparently bureaucratic institutions are pluralistic in application. While there has been a primary push for such legislation to enable the commodification of resource use in a more workable economic format (Kelsey, 1995:110), there has been a concurrent lobby to restrain the
degrading effects of such use. Caught in between are lesser empowered stakeholders such as farmers and citizens.

4.7 Conclusion

It has been shown the cultural identity specific to rural New Zealand is experiencing tensions which threaten its very fabric. Multiple and complex reasons exist which contribute to this. One of the major influences is an intrusion of migrant urbanists, resulting in induced changes in landholding size, use and amenity provision. Producers see diminishing financial returns for their efforts while expenses soar. At the same time, some opt out and subdivide as a survival response. For those who remain, there is a vision of urban migrants displaying the material wealth of the city. Personal interaction or alienation between newcomers and long-term residents occurs. Community attachment is less evident with this commuter sector who retain urban ties. Meanwhile, the already fragmented and fragile rural community is further frustrated. Because most farming operates in a system of diminishing returns, the only way to increase turnover per work unit is to acquire extra land. With prices forced up by subdivision, this makes local expansion economically impossible. The option is to remove the operation elsewhere, thus breaking ties with familiar communities.

When these factors of community change come into contact with traditional rural values, there is friction. In addition, induced changes through regulation in sustainable land management policies challenge the operational activities of traditional land users. Imported values mostly align with the new regulatory sphere, and its adherents are seen as outsider ‘watchdogs’. This perceived intrusion offers a threat to an eroded community structure and activity. Rural people see new wealth arising out of highly wasteful and consumptive urban society. At the same time, they feel the effects of ‘double standards’ when these same people force change upon them. While all this tension exists, rural resource users are losing confidence in their own viability and legitimacy in sustainable land management. Knowledge of global systems and environmental degradation now shows recent agricultural practices do not fit the concept of stewardship they grew up with. Rather than educate for change,
introduction of the RMA has regulated for change. This occurs, not through the legislation itself, but through implementation measures employed by the regional authorities. It reflects the power of urban professionalism, but the immediate coerced change it effects does not necessarily enhance social wellbeing. Nor does it guarantee ongoing sustainability. Challenges to social structure and human enterprise offered under the RMA umbrella may have unforeseen repercussions later. Thus, the Act, through devolution and regionalisation of responsibility, may be an environmental saviour or a social disaster. Surely, it is for the people most affected to voice their feelings on the issues. But as the case study shows, many people feel their opinion is insignificant in the public forum. They also feel pressured and threatened by the very process of implementation currently undertaken by many authorities.
CHAPTER FIVE

THE CASE STUDY

Oh, but the authorities of the temple of Zeus at Dodona, my friend, said that the first prophetic utterances came from an oak tree. In fact, the people of those days, lacking the wisdom of you young people, were content in their simplicity to listen to trees or rocks, provided these told the truth. For you apparently it makes a difference who the speaker is, and what country he comes from; you don't merely ask whether what he says is true or false.

*Plato, Phaedrus, 275BC*

5.1 Introduction

This chapter provides evidence of a conflict situation in resource management which arose through the consent procedure of the CRC. While the case study is unique, it highlights some fundamental shortcomings in the society-institution interface. The timing of the case study events may have been a critical factor initiating legal proceedings. At this time there was much uncertainty regarding how the RMA could be fruitfully implemented. The result has been an unfortunate clash arising out of misunderstanding and misdirection.

In this chapter, I discuss some complex issues of standpoints, desires and outcomes in land management, and I explore relationships of environmental concern and physical activity. People often do, for various reasons, need to act in ways contrary to their own ideals. Economic pressures, geophysical restraints, timing and personal factors all contribute to how an individual farmer/manager can simultaneously respond to their own needs and those of the wider community. This conflict does not necessarily reflect the true desires of those involved. Discussion covers the admixture of complex social beliefs and standpoints intermingled with changing values; all of which is clouded by economic and political pressures. This stance follows from Chapter 4 in regard to traditional practices and the role these play in setting values. The case study supports some of the contentions arising in Chapters 2 and 3. In general, the people in my survey expressed concern over differing perceptions of life where
changing social paradigms afford opportunities to some while pressuring encumbrances upon others. Views borne of working and living in a rural community, which are the core of social attitudes evident in that locale, are discussed. With complex and sometimes conflicting multiple changes in social and institutional structures, people see outsider pressures as the cause of community friction. They thus feel alienated in their own surroundings and withdraw from that changing community as it appears to threaten their livelihood and wellbeing. The case study shows evidence of these feelings.

5.2 Context and setting

The case study setting is a small locality in the heart of Ellesmere’s dairying district. It has a tradition of dairying dating from the mid-1800s when the area was developed out of extensive swampland, as illustrated in Maps 1a and 1b. This development was responsible for producing a chequered history of community interaction with the local council over drainage issues. It is ironic that past generations’ concerns in relation to community perceptions of council inaction are little different to present day concerns over sustainable land management (Ellesmere Guardian, 1927). In both situations, the populace looked at land management through similar eyes, but with visions based on different outcomes. Destruction of the virgin landscape to mould cultivated farmland was considered progressive and the land-people interface was viewed as stewardship (Fox, 1990:141-2). These factors are often the basis for mythical perceptions of close-knit small rural communities.

When my research topic was first mooted, I intended to study the whole Ellesmere district. This, however, proved to be too large a geographical parameter for Masters research. At the same time, information emerged regarding the Lancaster court case. Mr Murray Lancaster was prosecuted by the CRC for not having a resource consent to dispose of dairy shed effluent. Along with his wife, Judith Ann, he milks 120 cows for factory supply. It became apparent this case could be used as a focus for the research. Because of prior knowledge of the district, and through having an affinity with the locality, I decided to narrow the research to that area. I sought and obtained permission from the Lancaster family to use their situation as a focal point of my research.
Maps 1A and 1B - The area represented here lies north-east and adjacent to the research locality. The lower left portion near Lincoln shows raupo swamp and mostly late settlement. This is the land closest to the area of study.
While a single case study has advantages, it also has drawbacks. The size factor potentially allows for full population research rather than relying on random sampling. However, as the research results show, this can be a disadvantage, especially with lack of response. This was not without worth to the study. There are always reasons for negative or non-responses. Assumptions based on other knowledge can be drawn and comparisons made to other academic enquiry. My proximity to the case study, both physically and socially, has its pros and cons. The pros are that I can enter the study with previous knowledge of the physical and social attributes of the locality and the topic. The cons include a possible reticence by participants to divulge information which may be considered private. Sometimes, it could be argued, people would prefer interaction with apparently impartial strangers. A further difficulty with close involvement could be that, while I have tried to analyse this situation from a neutral perspective, my own experiences and attachment to the industry and district dictate that I will display some bias. This does not, however, preclude it being a legitimate foundation for research conducted from a stakeholder perspective.

5.3 Local research and methodology

I wished to develop a socio-demographic picture relative to the central argument of the topic. Surveying techniques were used as a preliminary source of information for the area of research. The intent was to build a demographic profile of the community and to extract qualitative data relative to community values. I was hopeful the written survey would produce local opinion on the Lancaster’s plight. Thus, a large survey document was produced (Appendix A) and despatched to all 25 households within the area shown on Map 3. In total, 74 copies were distributed. This provided a copy for each household member.

Most people in the area of research said they were unaware there had been a court case. Such local research was mainly restricted to the area under enquiry. I purposely adopted an attitude of caution in developing the questions. Although some questions were designed to elicit value preferences, others sought personal information. The preamble to the survey invited respondents to select those questions they wished to answer. This provided an opportunity to divulge information of their choosing. It thus recognised and respected their privacy and situation. There is much uncertainty in the farming community relative to trust.
I therefore chose not to undertake any form of enquiry which could be viewed as a threat to the fragile links of trust which remain.

Opinion from CRC on their interpretation of these issues was not sought. This was because my own family farm unit was one of those constrained by their procedures. I felt monitoring officers considered my interest hostile to their actions. So that the research was not jeopardised by personal conflict, I did not follow this line of enquiry. The research has sufficient strength within the case study to counter any criticism of that stance.

Anecdotal information supported many of the contentions raised within this work. On its own, this did not substantiate arguments put forward. What it did do was give encouragement for further investigation. An example is that of the North Canterbury Catchment Board (NCCB) 1986 advisory booklet with recommended procedures for effluent disposal (Feitje, 1986:79). The disposal methods in this booklet are the same as have been supported by MAF until recently (1994b). Yet, the CRC gives out confusing signals as to which system farmers should install. It fails to discuss options. One anecdotal comment from a resident in an area of close proximity to the research stated:

I kept my ponds and put the irrigator in the last pond. Big-wig in town admitted in a roundabout way this was the plan within three years. I have a letter from the council that I would need three ponds and this would last a lifetime. With the irrigator I get a flush of effluent going down ditches which is far worse than the previous system especially in winter. I don't mind that I had to do it. Knew it would happen in time.

(Anon. pers com, 1997)

Extraction of this type of evidence was minimal in the survey, but nonetheless significant in supporting assumptions and feelings held within the community.

Where possible, surveys were distributed in person. This allowed for personal explanation of the research and paved the way for questions or comment. I believed this contact enhanced the worthiness of the research. A full and frank explanation of the research was given. In most cases, the initial contact person was the female partner of the household. These initial contacts indicated a positive reception to the survey. Absentee householders proved problematic. After several fruitless attempts at personal delivery, a mailbox drop was undertaken to these homes. Time was of essence, and this method hastened distribution which had already run over schedule. Difficulty in delivery arose, in part, because of the substantial change in work habits of rural residents. The majority now appear to belong to two-income families, not farm-based, and thus weekday contact becomes difficult. Likewise,
weekend contact was a problem because of assumed absence due to extended work commitments or leisure activities.

The main survey was to be uplifted by me a number of days after despatch. Prior to this, I rang the households to see if it was ready. Again, most were unavailable or had not completed it. Most of those where contact was made voiced opinion that it would be completed, and they would contact me back. For the most part, this did not happen. Further attempts at contact some time later were either negative or failed. The survey was, therefore, not altogether effective as the response was very low.

Because the topic could be seen as controversial and the survey itself was large, a follow-up one page survey was despatched to all non-responding households. Mailbox drop was the method employed to distribute the second survey (Appendix B). This sought answers to why there was no response to the original survey. Here, the response was greater. A self-addressed and stamped envelope was included for reply. This could have contributed to the improved response. By combining and comparing the responses, it allowed for interpretation of success/failure of both surveys and analysis of probable causes. Interviews were not conducted with residents because the proposed format of survey leading to personal contact did not eventuate. Thus, the case study has a narrow but important focus on the family directly involved in the effluent discharge conflict. What the combined survey did provide, along with Selwyn District Council statistics, was information which enabled me to create a population geography of that locality.

Because of the overall minimal response, I used my own knowledge of the area along with statistical data held by councils and government agencies. This involved contacting these institutions and searching documentation. Because the area of research is small, most publicly available statistical data relates to the larger Ellesmere region and is less relevant to this study. SDC supplied recent landholding and population data for a larger area which included that of the research.

As principals in the court case, the Lancaster family was interviewed on various occasions. While the children were frequently present, all inputs came from the parents who own the farm business in partnership. Involvement in this research was a daunting proposition to them, as well as a new experience. These people are still hurting from the court action. It
seemed, therefore, preferable to keep interviews informal. For this reason, I approached each interview with a probable theme, albeit an unconstructed one. Note taking was minimal, and I relied on signpost issues to assist in remembering discussions. Where doubt arose over what was said, or clarification was needed, I rang later and discussed that issue again.

Efforts were made to extract figures on farmer use of support agencies such as farm advisory services. Here, too, there is concern about lack of statistical data (Pers. com. P. McCartin, 1997). Recent figures are not available on a national scale, let alone a regional breakdown. Map data (see elsewhere in this chapter) was used to support local knowledge and create the link between the people and their ties to this land. Altogether, this was intended to show how a sense of belonging may have developed in this localised community, and if it still existed.

For further information on a community ‘feeling’ for the topic, I contacted some people residing and operating close to the area under enquiry. This was done as informal discussions in person and by telephone. It is recorded in the research purely as anecdotal discussions. Inclusion of this here is only to provide some comparative opinion to that developed through the case study. Much of the information extracted this way came from casual conversations amongst people in the community, of which I am part. When this occurred, I would detail my intent and explain what I was doing. Frequently, these discussions happened spontaneously. This, too, reflects people’s concern over the legislation and subsequent policies developed by implementing authorities. When these conversations arose, as with the Lancaster interviews, signpost issues were used as a focus. Meanwhile, the line of enquiry was allowed to flow from the responses of the other parties. Where further questions arose, telephone contact was made and specific questions asked. This method allowed the respondents to take charge of the conversation, which, I believe, then allows them to ‘own’ the problem.89 Through this method of enquiry, I felt they gave their version as a Truth and were open in their comments. How people ‘hear’ what is said may differ. Epistemologies create standpoints and when communication takes place, set the foundations of understanding. While there may be diversity in interpretation, the listener in research needs to develop an empathy of where the other people are situated. In this regard, I would have liked to compare the Lancasters’ interpretation with the other parties in the court case.

89 This is consistent with the concept of a community/individual view to owning a problem (O’Connor, 1993:141-142).
However, deconstructing the judicial case has proven difficult. This is mainly due to the fact that the Christchurch District Court destroys case tapes, unless an appeal is lodged within a month of the decision (pers. com. Environmental Court Clerk\textsuperscript{90}, Christchurch, 1997). As access to factual evidence through either original tapes or transcript was unavailable, there was no way of proving/disproving remembered statements of participants. This meant my interpretation of whoever was questioned on any particular issue had to be taken as their version of ‘truth’. Lack of formal records did not allow an opportunity for other analysis. Access to a transcript probably would have allowed me to offer a different view to some issues. This could then be discussed further with the parties. Non-retention of court evidence raises concerns as to what happens if there is a future need, for any reason, to research this material. It also displays a relative contempt for the perceived importance of the status of citizens within the institutional framework. Is it that society attaches no status to individuals outside the realms of info-media or public curiosity? The fact that the result of this case was a criminal conviction means the issue is in the public interest. Destruction of testimony from these cases loses historical data for future social analysis. There is no evidence of what went on. The only tangible document coming out of this (and other) case is the judge’s summary (Appendix C). Such institutional disregard becomes ethically questionable regarding personal status within the national community.

5.4 Synopsis of judicial case

On 27 February 1995, Mr Murray Lancaster attended the Christchurch District Court having been summoned over a prosecution for effluent disposal brought by the CRC. The formal charge was that he had committed “an offence against sections 15(1)(a) and 338(1)(a) of the Resource Management Act 1991 in that he did discharge contiminate namely dairy shed effluent into water when the discharge was not expressly allowed by a rule in a regional plan or proposed regional plan, a resource consent or regulations”.

The prosecution arose over a sequence of events arising from the regional council’s “Pollution Hotline”. Complaints were made by a neighbour. While Mr Lancaster

\textsuperscript{90} In 1997 the Planning Tribunal changed its name to Environmental Court. Reason why this case was heard in the District Court is explained in the case notes, Chapter 5. My enquiry about transcripts began with the District Court and the answer was provided by the Clerk at the Environment Court. I understand procedure is the same at both Courts.
endeavoured to meet the criteria required by the regional council to ameliorate effluent discharge problems, he appears to have become inextricably entangled in the uncertainties of a new system of environmental monitoring and policy implementation. How much of this entanglement is the fault of the system, individuals on both sides, or deficiencies within the law is still to be decided. The available documentation of this case suggests a number of anomalies exist which specifically affected it. However, aspects of the case reflect upon the entire processes of public consultation, policy making, decision making and implementation. The documentation reveals that the case is unique because of its individually assigned activity, but it is also important in the wider local and regional community context.

In order to place all the facts and anecdotal data in proper context, I asked the Lancasters for any documents they held in relation to this issue. They provided copies of all documents in their possession which related to the court case. The underlying reason why the case reached the courts appears to hinge on the letter CRC say they sent dated 12 October 1993. The Lancasters claim they never received it (I obtained my copy from the solicitor.) This letter outlines the demands CRC made to the Lancasters over the need for a consent (Appendix E). There is a dearth of written material in relation to this case, so there appear to be gaps in the sequence of events. This begs the question of how communication was undertaken. Enquiries reveal much communication was verbal. There is no problem with that provided it can be backed up by file notes or diary entries which can be photocopied and supplied to support any later queries. Yet this did not happen, as no-one can tell me if these notes were provided in court. As there is no record kept of the court case, I can neither prove nor disprove this. Legal counsel’s letter states there was a meeting between the Lancasters and the regional council some twelve months later on 13 October 1994. I am told this occurred at the Lancaster property and they believe no notes were taken of those proceedings.

Photo: J Craw

Winter water-logging on normally drier land close to research area.
Case notes

Sequence of events

undated (c.1/4/69)*
6 September 1985*
1988
12 October 1993*
November 1993
April 1994
1 May 1994*
22 September 1994
26 September 1994
13 October 1994
7 February 1995*
15 February 1995*
22 February 1995*
24 February 1995
27 February 1995
27 March 1995*
27 October 1995*
1 November 1995*
1 December 1995*
12 December 1995*
10 January 1996*
16 January 1996*
6 June 1996*
16 August 1996*

- Original water right summary sheet
- Water right NCCB transfer request
- settling pond system installed
- Letter CRC to M Lancaster re complaint
- sumps emptied
- complaint to CRC
- Account received for emptying sumps
- complaint to CRC
- investigation of complaint and Lancasters given 48 hours to comply
- meeting between CRC and Lancasters at Lancaster property
- Quotation received for installing new disposal system
- Federated Farmers write to CRC on Lancasters’ behalf
- Lancasters’ solicitor writes to CRC
- spray irrigation system installed
- Case brought before the District Court, Christchurch
- Judge produces sentencing notes
- CRC letter to solicitor re Consent M780792
- Letter from solicitor to Lancasters re discharge consent
- Letter from solicitor to CRC re consent M780792
- follow up letter to 1 November
- Letter CRC to solicitor re Consent M780792
- Letter solicitor to Lancaster re Consent M780792
- form for “Permitted Activity Animal Effluent” - completed but never sent
- CRC letter to Lancasters re surrender Resource Consent NCY780792

(* documents reproduced in Appendix E)

There is far more correspondence over the status of the consent subsequent to the judgement. This also covers the monitoring procedures CRC use. The documentation relative to the existing permit, and apparently non-existent consent, begins in 1969 with a water right taken out by Murray’s91 father. This was later transferred to Judith Ann and Murray in 1985. There is no evidence at that time of any requirement to upgrade the permit to cover increased stock numbers on the farm. I asked about effects of cow number changes and Murray’s

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91 In keeping with the narrative style of this thesis, throughout the case study chapter formal and informal naming is used in the context of that particular piece of discussion.
response was, “Not at the time. Pilbrow said keep eye on drain (with) going up in cow numbers.” This was at the time when they upgraded the existing milking shed. At that time (approximately seven years prior), the North Canterbury Catchment Board advised the Lancasters to install a settling pond system. This was at a time when New Zealand farmers were being urged by producer boards and government to increase production. To the best of my knowledge, there was no question of the status of existing water rights (which include discharge rights). The commonly held belief was that if you had a permit, you were acting legally. If there is any shortcoming in communication of what was/was not permissible, it begins at this point.

It may be that the situation simply arose as an oversight which would only come to the fore with the introduction of the RMA. However, even if this is the case, surely those who put together the policies on discharge consents replacing permits should have foreseen, through their expertise and administrative knowledge, that there would be many instances involving increased herd numbers. At that time, few farms could afford to remain numerically static due to the heavy fluctuations in fiscal matters which affected prices received and the buying power of the dollar. Thus, on most dairy farms existing permits would not have been readily transferable to consents due to increase in herd size. The question remains as to how individual enterprises were expected to know this if they were not directly contacted by the regional council. Because each permit was registered, it seems logical that at least postal contact should have been made with each permit holder. I see no evidence of this in the documentation, nor do I recollect it happening within my own experience.

This documentation is somewhat confusing, especially in consideration of the CRC letter of 27 October 1995. There is no additional correspondence to the 12 October 1993 letter the Lancasters say was not received. I find nothing to explain at what point the existing ‘permit’ no longer covered the discharges from the Lancaster dairy operation. From this omission in the documentation, I interpret that the Council firmly places responsibility of knowledge acquisition with the farmer. Federated Farmers state in their letter of 15 February 1995:

Although, once one investigates, it is clear that the Council now prefers land disposal, which is a permitted activity, over discharge to water (non-complying activity) individual farmers are not necessarily aware of this change as there has been no formal consultation with the community, such as would occur in the preparation of a Regional Management Plan under the Resource Management Act. In addition, the Council no longer operates on the basis that if you construct an approved system (eg oxidation ponds) then you are more than likely to get a consent. Instead applicants are faced with having to demonstrate that they will not cause adverse effects on the environment. It is taking time for farmers to understand these new directions.
The Lancasters believed the former "Permit" ought to have automatically become a "Consent". My interpretation of the documentation supports this contention. There is an administrative gap in the legal status of their permit and the physical activity of discharging effluent. I asked about the judge's comments that "...the effluent in this case was not of a sufficient strength to be toxic to fish or aquatic invertebrates, and there is really no evidence of any permanent pollution damage." There is no documentation supporting this water quality status. The Lancasters say samples were taken from the system approximately two weeks prior to receipt of the summons (February 1995). The documentation shows an account for emptying the cow and pig sumps in May 1994. It also shows a quotation dated 7 February 1995 for installation of a spray irrigation system. This is supported with their legal counsel's letter stating the system would be operational by 24 February 1995. To this point, the Lancasters could show proof of attempting to comply with the requirements of the regional council. Legal counsel for the Lancasters argued that:

\[(\text{the council}) \ldots \text{has a discretion as to whether to prosecute in the first place, and likewise a discretion to determine that a prosecution should be discontinued...a major consideration is whether, given that an evidential basis for the prosecution exists, the public interest requires the prosecution to proceed.}\]

Given that the Lancasters firstly, believed they held a legitimate consent, and secondly were installing an alternative advised and approved system, this line of argument for discontinuing with the prosecution is valid.

I attempted to obtain further material from their legal representative to follow this argument through. Initially, telephone contact was made with him, but this was not pursued as I believed it would serve no useful purpose. From telephone conversations prior to receipt of the case notes, I felt he was not prepared to be drawn into further discussion. This was confirmed by the Lancasters when they reported his displeasure at them wishing to pursue matters. On the one hand, his reticence could be related to uncertainty with the law in regard to privacy. However, conversations with the Lancasters confirmed he wanted nothing more to do with the case. At this time, they were seriously considering taking the CRC back to court. They felt neither the justice system nor the actions of the CRC treated them fairly.

Federated Farmers was interested in their plight and met with them over the possibility of further action. However, possibly due to some misunderstanding on both sides in respect of judicial technicalities, the matter was laid to rest. The presumed cost of further action, voiced at somewhere in the vicinity of $20,000, was too great a burden for the Lancasters.
Reluctance to pursue this through the judicial system does not indicate acceptance of the outcome, only acceptance that the ‘system won’. There was also a post-court meeting between the Lancasters, Federated Farmers and the regional council which was called to try to solve the problem. However, according to the Lancasters it was a fruitless exercise. In fact, they believe the regional council representative was hostile in that he asked why they bothered to call the meeting. The response was that it was the council who had called it. Apparently, this brought silence. I am told nothing of any substance or assistance to the Lancasters was achieved in this meeting.

Evidence shows this prosecution issue was not clearly represented to the Lancasters. They believed the issue was being handled through the Planning Tribunal. Only recent enquiry has shown otherwise. The sentencing notes reveal the case was heard in the District Court at Christchurch. My enquiries of the Court Clerk (pers. comm. 1997) provided the information that all prosecutions, as opposed to consent hearings, are administered by the District Court. However, the Environment Court (formerly the Planning Tribunal) provides the judges. Both Murray and Judith Ann were amazed and disappointed to find the result was a criminal conviction for Murray. Enquiry to the Ministry for the Environment has confirmed this (letter in Appendix F). If their actions were remiss, the Lancasters believe it to be something in the manner of a misdemeanour based on misunderstanding. Throughout my discussions with them, they have been adamant in believing their system, as operated, was a permitted activity until the year 2001. Apparently this is the date the regional council told them. Again, this was a verbal communication, and there is no written corroboration of it.

That the matter was not heard before the Planning Tribunal also surprised Federated Farmers. That is why there was a post-case meeting between them and the Lancasters to see what further steps could be taken. As I was not privy to this meeting, I can only rely on relayed information and interpretations. The legal status of the issue was inadequately explained throughout. However, given the difficulties I have encountered in obtaining official clarification of matters arising in this case, I can see why this occurred. Because of the changes occurring in the mechanics of environmental case law, such as name changes, confusion does arise. But this should not impede the process of law or the issue of fair justice.
A further question in relation to the court case is that the family has never been able to find out why, when their business runs as a husband/wife partnership, only Murray was prosecuted. When it comes to matters of importance, they believe each has an equal say in the management of their farm. This was shown in their questionnaire responses to home and farm decision-making responsibility. The assumption could be made that the regional council, reflective of gendered role playing, presumed the farm management function belonged to Murray. As the RMA enforcement powers in s 340(2) allow for separate criminal liability for company directors and managers of corporations subject to proof of lack of due diligence (cited in Machinery Movers Ltd v Auckland Regional Council), perhaps this is the relevant clause which instigated prosecution of only Mr Lancaster.

The Lancasters also feel their legal representative did not adequately represent their situation. I asked them why Murray pleaded guilty, especially as they understood they held the required permit for an approved method of effluent disposal. The response was that they were advised to do so. Given the arguments presented in the 22 February 1995 letter, it is hard to understand any grounds for this advice. Presentation of events and actions, both to the regional council and later in court, provides factual data in support of the Lancaster’s situation. This was endorsed by Federated Farmers who wrote in support of their actions.92

There seems to be a missing link which questions why this case ever reached the courts. This was also referred to in the Federated Farmers’ letter of 15 February 1997 which states, “...I consider that there were actions, other than court proceedings, that the Council could have taken to achieve a long term solution to problems of effluent disposal on this farm.”

While assumptions could be made as to why the case went to court, there is no evidence or proof to support any such conjecture. There is a valid assumption that this case provided sufficient local interest to be used as a test case. There is a handwritten note in the margin of page 4 of legal counsel’s letter stating “Gives law argument to make test case of Lancasters!” When questioned as to who wrote this, the Lancasters think it was their legal representative. The letter text reads:

"...In the circumstances we consider that the consequence of any resulting conviction will be unduly harsh and oppressive. In that regard we also wish to emphasise the obvious and clear fact that other farmers in the area are discharging into these various drains but apparently are not being prosecuted. Our clients have been punished, as it were, both through the considerable stress which they have been subjected to and the financial burden which they will now be meeting through their increased borrowings.

92 Refer to letter 15 February 1995 in Appendix E.

96
It is confusing to see this set out in a letter which argued for the prosecution to be set aside. While it is recognised that the Lancaster’s personal circumstances needed to be explained, this hardly seems the right context for it. The argument was over how the situation reached this stage and not to plead against a possible sentence. Explanation of how the issue escalated was needed. Some possible reasons include personal conflict, lack of knowledge on both sides of procedures, or mere misunderstanding. As Mr Lancaster suffers from dyslexia, this in itself could have contributed to any midunderstandings that arose. In court, the Lancaster’s legal representative addressed the problem as “Mr Lancaster cannot read”. This seems a blase discounting of the difficulties this condition presents to its sufferers. The condition of dyslexia could have a direct bearing on how Murray may interpret the written word. Any misunderstandings which may have arisen in contact between him and the CRC could be a direct result of this. No offer of mediation occurred to overcome what had, by now, become a situation of poor communication.

At the time, apart from the support of Federated Farmers and their legal counsel, the Lancasters fought this battle alone. It was not until after the actual court appearance that people in the district became aware of it. For some, this awareness only came about through my research. This occurred with the face-to-face contact at the time of delivery of the survey document. It also reflects the very real effects of community breakdown. While some issues can draw people together, lack of knowledge and trust leaves them isolated. This community appears to be one which falls into the latter category. This is an assumed conclusion drawn from the survey.

5.5 Survey

This particular rural community is small, so I undertook a physical count of households. Where personal contact was made during survey delivery, I was able to ascertain how many potential participants lived in each residence. For households in the mailbox drop, resident numbers were estimated. The purpose of this section of the survey was to build a demographic profile of the community. Twenty households did not answer the survey. Three responded, but declined to participate. I was able to include nil responses in the profile using
my own knowledge of the area. I also used information received from the Selwyn District Council. Map 4, along with Figures 1, 2, 4 and 5, show the extrapolated area profile.

### 5.5.1 Statistics of main survey

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of households</td>
<td>= 25 (includes Lancaster family)</td>
</tr>
<tr>
<td>Survey forms distributed</td>
<td>= 74 (16 in the mailbox drop)</td>
</tr>
<tr>
<td>Households responding</td>
<td>= 8 (including 3 refusals)</td>
</tr>
<tr>
<td>Households answering questions</td>
<td>= 5</td>
</tr>
<tr>
<td>Individuals responding</td>
<td>= 7</td>
</tr>
<tr>
<td>Gender of respondents (completed)</td>
<td>- female = 4</td>
</tr>
<tr>
<td></td>
<td>- male = 3 (all were adults)</td>
</tr>
<tr>
<td>Percentage household responses</td>
<td>= 32%</td>
</tr>
<tr>
<td>Percentage households answering</td>
<td>= 20%</td>
</tr>
<tr>
<td>Percentage individuals answering</td>
<td>= 10.9%</td>
</tr>
<tr>
<td>Percentage female (of total respondents)</td>
<td>= 57%</td>
</tr>
<tr>
<td>Percentage male</td>
<td>= 43%</td>
</tr>
<tr>
<td>Gender of household member responding as ‘no’</td>
<td>= male in all cases</td>
</tr>
</tbody>
</table>

**Figure 1:** Survey distribution and response

![Survey distribution and response](image1)

**Map 4:**

Selwyn District Council Population Distribution

Source: Selwyn District Council
Figure 2: Farm/respondent information

There was insufficient response to accurately assess some of the questions. This was especially so with the demographic questions. While secondary sources could be used to develop the statistical profile, it was impractical to attempt to interpret community values based on responses received. Because it was optional to answer questions, many issues were unanswered. In some instances, this was because the respondents were no longer directly involved in operating the farm. It also indicated they were confident to answer only those questions they (possibly) saw as less provocative. Because of the low response rate, I do not believe it serves any purpose to statistically analyse them. What I have done is use replies, where appropriate, to support/deny contentions raised within the research. I have used this silence to develop my own assumptions where I believe a relationship to the research exists.

A second survey was sent to all households failing to respond to the main one. The reason for this was that I believed it would either extract tardy responses or provide reasons for non-response. I developed this as a short one-page questionnaire (see Appendix B). This was a total contrast in format to the main survey. The questions were purposely designed to allow a negative response to this method of data extraction. I felt this offered an opportunity for prospective respondents to feel comfortable about criticising the technique. With a response
rate of approximately 64%, I believe the method succeeded, especially considering the tone of the replies as shown in Figure 3.

5.5.2 Follow-up survey

<table>
<thead>
<tr>
<th>Question 1 - confidentiality</th>
<th>= 2 persons were concerned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Question 2 - topic - not interested</td>
<td>= 2</td>
</tr>
<tr>
<td>- other</td>
<td>= 3 (2 thought it was for farmers only, 1 thought personal questions did not relate to the topic.)</td>
</tr>
<tr>
<td>Question 3 - General surveys -</td>
<td>don’t like them = 2</td>
</tr>
<tr>
<td>usually fill them out = 2</td>
<td></td>
</tr>
<tr>
<td>Question 4 - This survey - too long</td>
<td>= 3 (plus 1 in comments)</td>
</tr>
<tr>
<td>do not want to be involved = 1</td>
<td></td>
</tr>
<tr>
<td>meant to do it and forgot = 2</td>
<td></td>
</tr>
<tr>
<td>“ “ didn’t have time = 1</td>
<td></td>
</tr>
<tr>
<td>dog ate it = 2</td>
<td></td>
</tr>
</tbody>
</table>

Figure 3: Statistical results of follow-up survey

None of these people had responded to the main survey. The response rate here is significantly better. Two responses informed me that the property was under new ownership and left the questionnaire otherwise blank. Two other responses were for people who rent, stating no interest in farming; they did not see the picture of resource management affecting everyone. One response was very concerned about the personal questions and did not make the connection with my intent to build a community profile. I pondered if such a survey needs to be more explicit about the intent of its questions. The answer is a probable ‘yes’. This problem had been foreseen and that is why I intended to deliver surveys in person. This
could not always be effected and that bears on each individual's interpretation of the questions. As explained, face-to-face discussion on the survey situation was undertaken where practicable. It provided respondents with the opportunity to ask questions. In this way, both the research topic and its purpose were open to immediate discussion and clarification.

Confidentiality had been strongly expressed both verbally and in the written document. Apparently, some people still felt uneasy with it. This could also be a reason for some of the outstanding replies. Of the two not interested, one was from tenants who believed the issue did not concern them. Of the two 'don't like surveys', one was also a 'not interested'. This response ticked all the most negative boxes, i.e., first box. This may also be a feature of order in questionnaire structure. However, I believe any question order, even random, can influence responses. Such a tendency in responding could reflect apathy towards the topic or a lack of understanding. Yet if prospective respondents were apathetic, then they are less likely to bother to respond. Such discussion is beyond the purpose of this thesis, but is included here to show recognition of the issue.

Map 3:
Community profile:
Residences and land use

Key:
hs - Homestead, dairy farm
D - Dairy farm
H - Horticulture
K - Kennels
L - Lifestyle
O - Other activity
R - Rented house
... - Drain

Scale: 3 inches: mile
5.5.3 **Demographic data**

Survey statistics, plus demographic data supplied by Selwyn District Council\(^ {93} \) and personal knowledge, contribute to the following profile of the locality. The data shown in Figure 4 is to be used in conjunction with Figure 1 and Map 3, community profile. Together, they illustrate physical changes occurring in the district in relation to both property size and use as well as social statistics.

| Number of separate ownership properties | = 21 |
| Residences | = 28 (+ one under construction) |
| Long term tenancy | = 9 households (ie 15 years or longer) |
| Long term ownership | = 10 (15 years or longer) |
| Dairy farms | = 7 |
| Long term ownership dairy farms | = 6 (one farm operates with a share-milker and residency is short term, farm ownership is long term) |

[Three dairy farm units have residences outside area of study (including the sharemilker)]

| Lifestyle blocks | = 11 |
| Long term residence lifestyle blocks | = 2 (10 or more years) |
| Horticulture | = 1 (transient tenancy of household) |
| Kennels | = 1 (short term residence) |
| Other | = 2 (one unit long term residence) |
| Tennants | = 5 |
| Changed ownership/subdivided since survey | = 3 |

**Figure 4: Residency and landholding**

\(^ {93} \) Pers.comm Selwyn District Council, 1997
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent population</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Households</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ratio permanent residents:households</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2.89</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.39</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.412</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Figure 5: Area of Selwyn District Council data breakdown (see SDC defined area map 4)**

Based on these figures, the estimated household numbers for 1996, using each of the ratios, would be 88, 89 or 104. Given that the ratio has been steadily falling, and considering the amount of subdivision happening in the area, the latter figure appears most realistic. Without a total response to the whole population survey, it is impossible to have an exact population figure at this stage. An estimated population is 81. I assume two possible reasons exist for the falling population per household. With long term residents, their adult families have dispersed. This trend indicates a decline in family inheritance of farms. Further, with lifestyle blocks, it is assumed residents are of the 40+ age group. These people represent those who retain an urban income and social ties while enjoying the benefits of rural living. Thus, there appears to be a predominantly middle-aged (30-55) population. For the most part, this corresponds with my knowledge of the area.

With regard to land characteristics, four of the dairy farms also access land outside the area, either adjacent or as wintering blocks elsewhere. One farm is an amalgamation of several smaller neighbouring dairy units. At one time or another, according to my memory, all the properties have been dairy farms. As shown on Map 3, those on Sargents Road have been amalgamated into one existing dairy unit, while the lifestyle blocks on Goodericks Road are subdivisions of three former dairy farms. These subdivisions have taken place over many years.

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94 Please note the spelling. In recent times both official documentation and the AA road sign are spelt ‘Sergeants Road’. This is not correct.
years. The greatest number of recent subdivisions occur in the cluster to the south-west sector. This data relates to location of residences. Where the farm residence is located outside the area of enquiry, but adjacent to it, the demographic data for that portion of land is not included.

The phenomena of subdivision and population growth, plus simultaneous amalgamation, reflects national trends since the mid 1980s (Moran, 1997). Moran says average farm size in similarly located areas has decreased twenty percent (1997:7). But the research locality contradicts Moran’s findings in that this is predominantly dairy land and that does not fit his analysis. However, land type and proximity to Lincoln University, the various research institutes in Lincoln, and Christchurch city could be significant local considerations which make subdivision in this area different to the norm. While it is outside the scope of this study, there are contributing factors of land acquisition and utilisation which fit with patterns of institutional affiliation within a locale. That is, proximity to educational or research organisations tends to increase land values and subdivision of former farm land. This particular area is affected by its direct association with such organisations. When coupled with urban fringe subdivision, this creates further complexity in the ‘lifestyle block’ scenario. However, contrary to this, there is an interspersion of larger dairy units within a cluster of subdivision. This also conforms to the national pattern (Moran, 1997:9). In a situation such as this, it can be assumed that much of the lifestyle population is transient. As institutional careers have a mobility factor, so will the residency status of the people involved. Rather than create larger stable communities, all these factors add to complex and fragmented relationships. This was reflected in the response from the Lancasters.

5.5.4 Lancaster survey analysis

The structure and size of the survey was an issue with the Lancasters. They said it was only my involvement as researcher which influenced them to participate. Their cooperation was frank and freely given in all aspects of the enquiry. While there is little substantive content for analysis contained within some answers, subtle things do show their willingness to cooperate. For instance, when asked for age, Judith Ann responded including a ‘smiley face’. For Murray, he enlisted the help of his daughter which would have overcome any difficulty a
written response might provide. Other subtle indicators were evident later where the questioning changed to perceptions of local authorities. Responses showed the writing style and wording significantly changed as both Judith Ann and Murray become hurt and angry. This was reflected by some answers written in bold capital letters with exclamation marks. The language was stronger and eloquently descriptive. For example, Question 72 "Describe how you feel about district and regional rules and compliance arguments being ultimately resolved through the court system". Judith Ann’s response was, “BLOODY DISGUSTING!!!!!!!” At this point, the writing was also heavily pressed in the paper. Similarly, their daughter’s feelings reflected the stress of her parents. When writing her father’s response to Question 77, “Is adequate information and explanation of the requirements for effluent disposal/pollution control, in your opinion, freely available? Explain your answers,” her writing style showed this. There was an emphatic “NO!!!! because they tell us to do one thing then get taken to court because they weren’t write (sic)...” Question 142 asks, “Do you think the Canterbury Regional Council gives value for money in its fee structure for consents and monitoring?” The response here is also an emphatic “NO!!!” The visual signs in the writing of both respondents leaves no doubt as to the hurt they felt at that time.

A feeling for attitudes came through in the environmental behaviour section where, in Question 131, “Do you believe in and practice recycling? Explain,” Judith Ann responded with “No burn everything (Naughty eh?)” When taken in conjunction with Question 132 regarding recycling outlets, it becomes apparent they would not do this if adequate public facilities for alternative disposal methods existed.

The survey caused the Lancasters to feel the stress of the whole situation again. However, it did not deter them from continuing and completing what was a very long and arduous task. Although much of the survey content was discussed with the family at various times during the research, I felt this written set of questions enabled them to provide responses free of my presence. It became an outlet to voice their frustrations. For instance, Judith Ann wrote at the foot of page 10, “I’m bitter - because of what happened to us.” I developed a feeling throughout the research that this family experienced great loneliness in their ordeal. This could be partly attributable to the breakdown of community ties and local friendships.
Acceptance in the community is an issue for Judith Ann, having arrived from the city as a young bride. Attachment to community is not an issue for Murray as he was born in the district. Judith Ann feels “...it takes 30 years to be accepted.” They said the children “...feel there are no people under 30 in the district - they see it as no-one to play with, the domain is miles away.” This contention was supported by the statistical data from SDC and the extrapolated results. It may be assumed this is, in part, due to subdivision. Both Judith Ann and Murray felt lifestyle blocks were responsible for physical and social changes in the community. They believe subdivision wastes good farmland. They also believe many new urban residents are not prepared to mix with the existing, or remaining, farming community. They expressed opinion of an emerging divided social class structure of lifestylers, university people and farmers. Judith Ann’s opinion was that through subdivision, “We don’t have the happy, contented farming community we used to have...I feel very disappointed with the community spirit there isn’t one.” Yet both expressed an opinion of former residents retaining ties with their community. This indicates a strength of unity that gives a personal attachment to the people and locality which lives beyond the physical dimension of residency within an area. Murray expressed this by saying, “Yes, talking to an 84 yr old resident those who have left always ask what’s going on.”

These opinions support the assumption that some lifestyle block residents do not readily build local community ties. Counter to that is the affiliation which older generations display towards the area long after they have left for retirement. From my own associations with people in this category, I know many who always ask what is happening in the district. The sense of community which they knew is more reflective of the stereotypical view most people have of rural New Zealand. On the one hand, it can be gossipy where everyone knows everyone else’s business. Yet, on the other hand, it is not malicious and prying. Rather, there is a sense of caring through attachment to the place and to each other. This is the community spirit the research showed as being eroded. It is certainly the feeling I once associated with the area. With the loss of that attachment comes a loss of social structure. This can, in part, be blamed on the influence of urban residents who use the area as a dormitory or status symbol. It can also be partially blamed on the attitudes and actions of people trying to extract a livable income out of a rapidly regressing rural economy. In both situations, people tend to become more selfish in outlook. On the one hand, it becomes a matter of material wealth and
standing, while on the other it is a matter of survival in a highly competitive business world.\textsuperscript{95} I assume this was the barrier I encountered in expanding the person-to-person basis of the research.

5.5.5 Interviews

Apart from unstructured interviews with the Lancaster family, no other residents were able to be drawn into this form of research. However, casual conversations did bring forth some information. This was predominantly with the women. It is significant to note that had it been up to the women, responses to the survey would have been significantly higher. Bartlett (1995:15) comments on differences in interpretation between the sexes. While his argument lies in the arena of professional policy analysis, with consultation and public participation purported to be a major part of the new regime of decision-making, these arguments become no less applicable to local level involvement. He contends:

\begin{quote}
...understanding how a mechanistic worldview sanctioned the exploitation of nature and created a socio-economic order that subjugated women in the West (Merchant, 1980) could pave the way for a more egalitarian international environmental policy design (ibid).
\end{quote}

Bartlett continues, "indeed, women's participation as policy analysts and in the decision-making process can shape in distinct ways the policy process (Kathlene, 1989, 1990)." But if women's opinion is suppressed, even voluntarily, as has been indicated by the research, then how are women ever going to get the opportunity to make these inputs at the community level? Women's inputs as stakeholders are as vital to the process as the involvement of women professionals as policy designers or analysts.

Women were, in most instances, the initial contact in survey despatch. I imagined providing survey forms for each family member would allow for individual responses. Generally, most women agreed to do it. However, when the husband/partner became involved, his decision not to participate applied to all household members. One respondent, when asked by telephone if they were going to complete it, said she had started hers. Later, she reported that when her husband read her responses he said that was not what he would have said. In the end, this household chose not to participate. Even in instances where participation occurred,

\textsuperscript{95} Once more, these are issues far too complex for this research, but it is recognised that they contribute to the social dimension of this discussion.
written comment was different from verbal comment. One woman told me, “Men are gutless when dealing with these sorts of (public) issues. They work hard at what they do, and are knowledgeable, yet they let councils and the like run all over them.” Another female contact was eager to participate, but when it came time to uplift the surveys she said it was of no real concern to them. This too contradicts her earlier discussion with me. She was quite passionate about some local issues. Is this indicative of a fear about being outspoken on public issues? Or, does it mirror traditional gendered roles?

One conclusion I draw from this is that much of the difference in male/female reaction relates to how rural households share responsibility. In such a situation, it can be readily seen that where one partner is reticent, the other will bow to that wish. It is part of the solidarity and loyalty which has traditionally been part of rural life. Farming families know that joint responsibility and endeavour build the enterprise and keep it alive. The fact that it seems to be the male wish that wins out can be attributed to Western patriarchal dominance which has been as much upheld by women in the past as the men. Where people have been socialised this way, they are not going to readily challenge it, particularly if their lifestyle is comfortable. While I can provide no real proof from my research, I have developed the feeling that rural women are less likely to challenge male dominance on the public front than their urban counterparts. From my own experiences and observations, this may be because most women have an equal input into the farm management on the private side of their lives. It seems to be that the male is given the role of spokesperson, which has an implicit decision-making aspect to it. Whereas women seem to elect consensus on a family/farm issue, the menfolk tend to make decisions unilaterally.

This was illustrated in the case study where Question 46 asked, In your household, who is responsible for attending to the following activities?... and then listed a number of farm and household functions. Most traditionally assumed male-oriented roles were weighted in favour of the male partner, while likewise the distaff functions were the realm of the female. Farm bookkeeping was generally a 50/50 affair or primarily female. On the other hand, expenditure, especially non-household, was dominated by male decisions. Workload was shared with weighting on gender roles, but each assisting and supporting the other’s role.

Thus, discussion with residents at the time of survey distribution was with the women. The women’s roles mean they are most likely to be in or around the home during the daytime.
For farming families this means it is the women who are the intermediaries between the private and business aspects of farm life. They attend to callers and run errands. Frequently, they are also the ones who bring off-farm issues to the attention of their partner. This includes such things as drawing attention to management issues arising outside the farm enterprise parameters.

5.6 Case study discussion

I asserted earlier that the CRC seems to place responsibility for 'knowing' regulated obligations directly with farmers. While this may be legally acceptable, and that could be contested, I believe such an attitude is socially and morally irresponsible. In this instance, it could be assumed that the Council needed a case to thrust home to the public the seriousness of non-compliance. The Lancasters, unfortunately through the Hotline complaint, provided that platform.

From my own observations in the years since the RMA’s introduction, reinforced by anecdotal opinion, the manner in which enforcing authorities obtain information against the farming community creates distrust. This mostly arises through the method of tell-tale reporting of real or imagined incidents ‘alleged’ to contravene district/regional rules, and the anonymity provided to those persons. The Pollution Hotline and the submission process are the vehicles for this. Bardon (Ralston, 1994:114) argues:

...farmers are genuinely very concerned at the attitudes expressed by many who are ill-informed on the issues. The opportunity for people to object is greater now with the RMA than it has ever been before because people do not have to show they have status in some way.

This corresponds to the previous argument about expert and local knowledge systems. There is a fundamental weakness in resource management because the consent process permits pollution. Ill-informed reports and public monitoring operate in tandem with the submission process of public involvement. Unfortunately, where the legislated intent is to protect legitimate enterprise along with environmental protection, there is no protection for farmers against misapplication of the rights to object or complain. Where a consent is held and pollution still occurs, what then of the Hotline complaint? Yet, genuine attempts by stakeholders to ameliorate the effects of pollutant activity do not meet with CRC approval.
Some comments were critical of the options, or lack thereof, provided by the regional council’s demands. This was emphasised by one verbal response which was highly critical of the unilateral policymaking decision on what disposal methods farmers should be made to install. One farmer said:

You could say I’ve lost ten acres of good land because the effluent can only be pumped to one area. I can’t afford to lose this much ground (Anon, pers. comm. 1996)

Again, this is indicative of officialdom ignoring local knowledge. There is a lack of synthesised expert knowledge. In addition, the CRC failed to allow options in alternative but environmentally favourable disposal methods. As mentioned earlier, studies are still being undertaken on groundwater and soil quality effects of different effluent disposal methods. As this anecdotal evidence highlights, lack of stakeholder consultation in policy formulation and information exchange reflects disregard for their opinion and authority. Thus, the CRC, intentionally or not, is seen as authoritative and unbending, and possibly also unapproachable. This perception widens the void between officialdom, stakeholders and community. Such a stand-off does nothing to enhance sustainable land use. It adds to the frustration of a fragmented community.

It is also interesting to note that the Council signatory to letters in the Lancaster case is also the author of a 1986 North Canterbury Catchment Board Information Booklet on effluent discharges in the Ellesmere District. This booklet promotes one and two-stage treatment lagoons as suitable wetland disposal methods by stating, “factory supply/town supply herds of all sizes on properties where land disposal during wet weather is difficult” (Fietje, 1986:5). When installing capital works, farmers look to long term operation and do not expect to have an authority given and within a short time rescinded. The documentation provides sufficient evidence to support the Lancaster’s contention that they were endeavouring to comply with requested changes to their system. If their knowledge of procedures was lacking, to whom falls the responsibility for filling this void? There is no evidence in the documentation of assistance coming from the CRC, but the RMA devolves this responsibility to them. Dissemination of ‘expert’ knowledge does not only apply to physical implementation, but also applies to procedural processes. These shortcomings suggest there is no institutional concept of a fair society, as previously discussed in Chapter 4. While we have seen that Palmer wished the “see you in court” attitude removed from our system, there are those who benefit from the gaps and deficiencies the legislation created. A whole new industry of
consultants has arisen in tandem with implementation of consent policy. Rather than people fulfilling roles as mediators and conciliators, resource management consultancy and litigation has become an entrepreneurial growth industry which is costly, both economically and socially.

For example, Mr Lancaster’s condition of being dyslexic could have occasioned a presiding judge to suggest mediation rather than bring in a judgement for a criminal conviction, as occurred. Under the circumstances, the presiding judge may have considered Mr Lancaster was merely obstinate. In this instance, mediation could have resolved most, if not all, the questions and shortcomings of the consent status. MfE (1996:39) state in reference to conduct of hearings:

Section 268 of the RMA provides for Court assisted dispute resolution (or “additional dispute resolution”). This means that the process of resolving conflict takes place under the auspices of the Environment Court. This type of conflict resolution (usually mediation) is frequently used and has generally been well received by participants.

For some unknown reason, this process appears to be readily applied to new consents for development projects, but overlooked as a remediation tool by implementing authorities in relation to existing and formerly legal operations by individual stakeholders. Again, the status of small or individual operations, vitally important contributors to the national economy and social network of New Zealand, is diminished. It seems the wellbeing of these stakeholders has become lost in the process of including public opinion in project development. There is a recognised and important role to be played by public consultation and involvement in potentially degrading resource extraction/alteration processes on the large industrial scale. However, the legislation does not seem to have differentiated between these future activities or extensions of existing industrial activities, and legitimate land-based agricultural production. Rather than educate for pollution control, non-industrial stakeholders have been categorised with industry. In addition, there is no time-frame for transition from existing sub-standard methods to new approved ones. As the public becomes watchdogs over industrial-scale activity, this has also affected existing legal farm operations.

I believe the case study provided minimal, but nonetheless real, evidence of how this community feels regarding intrusion upon their rights to operate legitimate farm businesses. I

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96 This hypothesis is offered as a possible means of effecting a resolution to the issue and setting aside for the moment the fact that Mr Lancaster, upon legal advice, pleaded guilty in court. In addition, it raises the issue of having to make a plea which seems to indicate right or wrong with no middle ground for discussion and mediation.
formed the opinion that when an already fragile community sees itself challenged by inconsistent governance, there is insufficient trust to develop a united front. People prefer to meet their challenges alone rather than risk further betrayal. The Lancasters put their trust in the hands of Federated Farmers and their legal representative. They believed justice would be served through the court system. However, this formal, and maybe antiquated, precedent-setting institution failed to recognise stakeholder standpoints. It assumes public awareness of a complex system. Thus, the question could be asked if this system of enforcement is just. Why is there no effort by CRC to set up mediation meetings between themselves, legal opinion, Federated Farmers, complainants and operators? The RMA suggests mediation. This has already been discussed in Ch 3.3 where Palmer suggested informal pre-hearings should take precedence over court proceedings (NZPD, 1989:14167). Such mediation would prove beneficial to all parties through education and co-operation, with each gaining some understanding of the other’s perspective. Yet subdivision for lifestyle living brings to a district people unfamiliar with the history of that physical area and the values of its community. This mode of living where urban attachments remain, create an unintended division within these areas. Often by accidental coincidence, the social power of these people overrides the inherent values of the pre-existing community. As already mentioned, with a number of urban migrants adhering to the new environmentalist paradigm, pressure for rural activity change is increased. This has the support of regional plans and rules, but ignores or disregards individual stakeholder rights and capacity to accommodate change. Without mediation, inappropriate enforcement measures do not enhance efforts for sustainable land management.

5.7 Interpretation of case study

Today, there is a call, especially from the environmental lobby, to return land to its natural state. The reality is that once intervention has taken place, this cannot happen. However, adoption of integrated policies on pollution control and sustainable land management practices could incorporate replacement landscapes, for example, constructed wetlands for effluent discharges which incorporate indigenous plant species. Consumer society adds further constraints to unrealistic environmentalist visions. As already explained, consumer demands invoke environmentally unfavourable farming practices. Intensive monoculture
farming does not complement the environment, but invades it (Taylor, 1990:411-425). Thus, contemporary farmers are charged with providing for consumers and earning a living, while retaining original landscapes or remedying the effects of previous development. They live in a time of quandary. Farmers do not generally seek to destroy or purposely pollute. They operate within the constraints of their respective (mostly) monoculture industry to provide for the material demands of the metropolis. When the dominant social paradigm changes its focus, rural reaction often lags behind. While farmers plan ahead for future production in an industry frequently beset by stochastic events, they seldom plan for risks outside their familiar realm. New Zealand farmers are urged to take on new technologies to increase per unit or per hectare output to meet production demands. At the same time, they are expected to adapt instantly to new public policies and regulations at all levels. This places stresses and strains on their physical, economic and emotional capacities. They, therefore, struggle with seemingly contradictory mandates. This struggle endures further strains because farmers are relatively powerless partners in a fluctuating global economy. This is not a new discovery (Cant and O’Connor, 1977). However, the situation has been frustrated by the instrumental weaknesses of the RMA.

As discussed earlier, recent social and political reforms have left New Zealanders in situations for which they were ill-prepared. Regulated change adds to such pressures, not the least of which are conflicts of personal values and beliefs, plus financial stresses. A recent response to this is, “change may be difficult to effect unless it is crisis driven or mandated. Growers are risk adverse and rightly so. New procedures are frequently more expensive and difficult to implement” (NZPI, 1994:4). Failure to rapidly implement change does not necessarily mean people are against the initiative: rather, their capacity, in one form or another, cannot at that time, fully accommodate it. This is where I offer a challenge to implementation procedures with regard to the RMA, and thereby use this case study to highlight some factors involved in change and conflict.97

Because New Zealand farming is sufficiently resilient to pressures, seldom do single factor changes result in insurmountable conflict. However, multiple changes create confusion and distortions which together contribute to potential conflict situations. As comments within the

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97 It is to be remembered, not all regional or district authorities adopt inflexible stances on implementation procedures. Reference has already been made to Taranaki in Chapter 4.
case study showed, community structural change might be a catalyst for this. Evidence arose where a recent high rate of demographic change provided an assumed cause of community breakdown. There is a direct relationship between this and local authority policy as rural subdivision is allowed by the framework of the RMA. This is contrary to the old Town and Country Planning Act policy where areas were designated for certain purposes, e.g., rural for productive farming and not lifestyle living (O’Neill, 1994:51-52). An added complication appears to be that those who can financially afford to acquire lifestyle blocks are also those who tend to support the environmentalist lobby (Bührs & Bartlett, 1993). Thus, the structure of the traditional community breaks down.98

Within the survey responses it became evident there was a perceived conflict of, imagined or not, ‘landed’ wealth versus ‘salaried’ wealth. Each has an unsubstantiated concept of the other’s position and status. Each has a possible erroneous concept of how ‘easy’ the other earns their income. There is a concept among long term residents of a, frequently, intergenerational attachment to the land, whereas newcomers are not vested with this. But often it is the newcomers who postulate the new wave of environmental awareness, ignorant of community values and how farm operations work. It is this void in knowledges which causes concern. While the effects and daily activities of farming are frequently visible, efforts to mitigate or ameliorate them may never be known by onlookers. Farmers, therefore, believe that opinion and adverse reaction from lifestylers is an intrusion upon their rights to operate what was formerly a legitimate and respected activity. This ‘struggle over ideas’ (Stone; 1988) questions their status and challenges their autonomy.

5.8 Conclusion

The case study provides some disturbing points of law and social justice in relation to the implementation process of environmental law. It highlights the gaps and deficiencies in developing policies over private activities which have public effects. Dairy shed effluent disposal has been the focus of this research, but the implications of the events and outcomes are significant to many other forms of private and public activity.

98 There are immense social implications to this which are outside the scope of this thesis.
As discussed earlier, a number of commentators contend the RMA is anthropocentric. This research provides evidence of strong political influences which promote the agendas of some social sectors which act to shift the balance and, thus, create a bias for the natural environment. For some lobbyists this is the morally right direction. For others, it is an accident of promoting their personal interests, for example marketing of 'green' products. From a rural stakeholder perspective, the main thrust of this intrusion and challenge comes from community change brought about by subdivision and lifestyle block holding. The roots of this were discussed in Chapter 2.

Some ruralists observe and experience city elites with privileged positions and idealistic dreams demanding change in another's territory. The stark reality asks how can stakeholders meet such demands in the complex situations of tradition and needs. Social and consumer demands, along with economic viability for individual operations, together exert stresses upon farmers which are in addition to the efforts of daily toil. The new elitism where the powerful few rule the many suggests personal agendas with seemingly altruistic but unreal ends. This reflects the Westminster parliamentary system of debate, a babble of voices where the loudest and strongest gets heard. Today, where people are more politically aware, but often nonetheless non-participant, this is a foreign force intruding upon the traditions of rural communities. It is also contrary to new policy objectives of open discussion which leads to consensus.

In the past, rural life has enjoyed relative autonomy, quietude and rewards from productivity. Through technological change, the boundaries of urban and rural have become less clearly defined. The physical aspects of rustic underdevelopment have given way to sealed roads, rubbish collection and mechanical technologies. Along with political change social boundaries have disappeared, and the rural voice is subsumed within the power corridors of politics and corporate enterprise. Their interests are represented by bankers, politicians, bureaucrats, academics and selected sector agents.

Without discussion, there is no mediation. Instead, contrary to the aims of the RMA, it is the court system which becomes the proving ground. Its antiquated system based on precedent setting favours the strong and powerful. Without sufficient knowledge and financial backing

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99 Buhrs & Bartlett (1994) consider politics is about the wider influences of social interaction and not institutionally based.
to challenge that system, lone citizens and stakeholders have little chance of obtaining real
justice. Thus, their wellbeing is eroded. The method is neither socially nor environmentally
sustainable. I repeat, the legally correct consent process does not reduce pollution - it makes
it a permitted activity. Technology needs to override ideology by providing realistic methods
to remedy the pollutant effects of consumer-driven farm-based activity. The technology is
there, but the regulatory authorities need to include it in their planning and decision-making
processes. Thus, the onus is on them to bridge the gaps between knowledge, ideology,
activities and effects. Stakeholders need co-operative guidance and information exchange so
that they do not become frustrated and distrustful to a point where community stability
suffers. Without joint agreement and exchange of ideas, sustainable land management
remains a dream, not because of deliberate action, but because of fear from outside
interference.

Recent test procedures for soil capacity to handle persistent effluent discharges, support this
criticism (see Straight Furrow 19/9/94). Industry-instituted technology misuse is another
related factor. Non-agricultural industry support agendas which preclude national policy
endorsement through political lobby/pressure techniques, e.g., biogas production from special
crops, or utilisation of farm waste. Experimental programmes have been dropped in
apparent haste, arguably due to a lack of funding, and speculatively, due to a strong
economic/political lobby. Studies have been undertaken to evaluate on site utilisation of
effluent (or any other farm wastes) to produce energy or fertiliser (or both) (DAWN, 1988).
Utilising waste, rather than relocating it, seems to fit sustainable management. Alternatively,
other forms of pollution control which fit local knowledge of land capacity are viable options,
e.g., constructed wetlands or biogas production. The then Ministry of Works showed this
could be an economically viable proposition. However, there are no government incentives
for installing such systems. Principles of “least-cost” policy tools, such as deferred loans or
economic instruments, are suggested by MfE (1994c) as viable options for effluent disposal
and could be seen as preferable to consents to discharge. The mis-application of consents to
discharge is a focus of the case study, and a central argument to this research.

100 This is outside the immediate sphere of this research, but it is a contributing factor in assessing how farm waste could be
managed, especially in the quantities of effluent handled in many dairy farm situations. Reference is drawn to various
issues of “Dawn” for further reading.
CHAPTER SIX

ANALYSIS

RELATIONSHIP OF THEORY TO CASE STUDY

"The isolations of scholars in various fields concerned with resources problems continues to be a principal impediment to progress...Resources problems are so complex that traditional lines of approach prove inadequate...Rarely do we find the work of the lawyer and the non-lawyer appearing side by side."

From the forward of Volume 1 No 1 Natural Resources Journal 1961

6.1 Introduction

This chapter synthesises my findings from the case study and theoretical discussion on sustainable land management in the context of the research. The research began by investigating shortcomings stakeholders experience in the implementation strategies of local authorities in resource management. The effects of such shortcomings on people's wellbeing is the central element of the analysis.

As discussed, New Zealand society is at a crossroads, uncertain of its future direction in social policy. Much of this uncertainty has occurred through multiple and major restructuring of its institutional framework. The second significant impact was the introduction of the multi-dimensional RMA legislation which affects the desires and behaviours of people in relation to their total environment, but with special emphasis on natural systems.

With recent social and commercial restructuring activity, do the theories of state and academia show a tangible relationship to individual enterprise and behaviour? Remembering that the issue is to achieve future sustainable management as per the RMA, this research has identified some of the institutional frameworks developed to take New Zealand into the second millenium and beyond. The case study identifies how State ideals and regional governance relative to land management impact upon people at stakeholder level.

My research briefly shows the history of urban and rural community development in New Zealand. I also discuss traditionally based concepts of stewardship and intergenerational
changes to rural values. Special emphasis is placed on the post-WWII era where much of New Zealand became politically casual. Politics to them was a triennial affair of candidates and the dominant two party electoral round soliciting their vote. Thus, political decision making and public policy was left to the 'experts'. People with little desire for public life were comfortable to allow salaried and elected representatives to wear the mantle of authority for decision making and policy development. In the hazy days of government interventionist policies in the commercial and primary production sectors, along with full employment and the welfare state, many people, through security and protection, were indifferent to public politics. At the same time, agriculture and industry, while going their separate ways, were greatly influenced by the technological advances and interventionist policies promoted by government agencies, for example, mechanisation in most facets of agricultural production. The results were high cost inputs, increased production outputs and employed labour decline. New Zealand mirrors the American example where interventionist policies post-WWII industrialised farming to where it

...became less a way of life and more a highly competitive business for which the agricultural colleges trained specialists as engineers, chemists, economist to aid fewer and fewer farmers to produce more market goods, to widen their incomes against the rising cost of labor (sic), taxes and capital needs. (Sauer, 1977:15)

Declining rural labour meant people migrated to the cities and lost their ties with the land. Over four to five decades multiple changes occurred in national and international politics which affected the productivity base of the entire nation. By the mid-1980s, government implemented social changes at a rapid pace.

Social restructuring hurt or shocked most people out of the former state of complacency. It motivated them into taking an interest in how decision makers and policy analysts represented their wishes. They called for accountability. Introduction of the RMA, while focusing on human interaction with the natural environment, also demands accountability, both from its implementing institutions and people. Over recent years and throughout the era of restructuring, private activity became accountable to public scrutiny. Politics came out of the institutions into the public arena. The design was for a two-way system that created avenues for public input into the decision making process. Through the structure of the RMA legislation, responsibility for developing policy plans was devolved to the regions. Whether or not these high ideals would be reflected in feasible social policy was unknown, and
probably unconsidered by regional policymakers. Their mandate was to develop policies to protect New Zealand’s natural resources for the use of present and future generations. For most authorities, this meant prioritising the elements of land, sea, air and water. But the cornerstone of any policies, especially those developed for sustainable land management, would be social risk. In order for new regulation to be effectively implemented, people and communities need time and knowledge to progress through the transition stages. Tangible effects of change may be something that is only seen in the long term. Thus, there is a need for short term personal benefits to offset losses incurred in change. Theory cannot be divorced from reality.

6.2 Theorising for social and environmental change

Throughout this research references are made to a diverse range of literature theorizing on social and ecological environments in relation to natural resource management. Seldom does commentary reveal a real awareness of the problems stakeholders experience in creating a balance in this modern era between social wellbeing and reparation of the effects arising from generations of natural resource depletion and degradation. However, there is a core of Australian based research (such as that produced by Gray, Lowe, Marsden, Whatmore and Lawrence, et al) which recognises these problems. As Australian and New Zealand agricultural mores have similar British roots, this research could provide valuable assistance in analysing New Zealand’s experiences in environmental law changes. New Zealand based social analysis, for the most part, tends to suggest a view detached from stakeholder concerns. It thus falls into the category of ‘othering’ and exists in tandem with agency representation in consultation and participation processes. Between these two branches of social commentary the people most affected by events and policies are objects of detached study.

In an institutional framework of analysis, the problems they face are theoretically assumed to be solved through rational science, much as technical science assumes to solve environmental issues. I have challenged this analycentric method by saying it is too narrow in focus and omits the complexity of contributing issues to any environmental problematique. Meta-policy analysis, involving holistic problem solving approaches which are reflexive in application, enhances policy and decision making mechanisms which undergo continuous
adjustment to suit dynamic situations. While this process is slower, in the long term and correctly applied, it should achieve results which meet the needs for sustainable land management. Thus, future generations will benefit from change initiated now, while present stakeholders also reap benefits from changes they implement. But there has to be an institutional move away from the habitual analycentric methods of problem solving. This may involve major changes in knowledge bases and power structures of bureaux.

6.3 Political processes of institutions and establishment

The local/regional authority-stakeholder interface is the most vulnerable point of interactive governance. While the RMA is propounded as legislatively enabling, conflicting interpretations make it constraining on many activities. A 300+ page amendment is evidence that the original legislation was fraught with shortcomings and/or oversights. Extensive public submissions on district plans, as in the recent instance of Selwyn District Council, indicate a generalised public view of unacceptable planning proposals for a wide variety of resource use issues. In this instance, the indication is that inadequate initial public consultation was undertaken prior to publishing the draft plans. It also indicates the plans promote constraints on activities which may be relevant to some areas but not in others. There is a fundamental flaw in the legislation which brings draft plans into operation at the time they are produced. However, when the plan is rejected, the situation reverts to that which previously operated. In the meantime, people and activities have been legally bound to adhere to the directives of the proposed plan. Parallel to this is the situation where plans are passed into effect, but at some later date found to be unworkable or unfair, and in some way are revised. In the interim, people and activities are again adversely affected.

It is assumed such constraining planning results from haste or misinformation on an authority’s part in order to meet the demands of the RMA, that is as in Section IV [30, 31] and Section V [59-86]. In retaining analycentric planning methods, this tendency to unilaterally identify a problem and propose a single direction solution will continue. Yet the RMA was designed to incorporate multiple perspectives and thus enable people and communities to advance the aims of environmental reparation. Conjoined desires of bureaux to meet their own legislated and ideological needs tend to exclude stakeholder concerns. The
focus is on a common good which reflects a multitude of desires exerting pressure on the activities of a few in the production centre. While in an industrial sense this can be advantageous, in the rural sector it becomes constraining, both in economic viability and physical application. "There can be no question that institutional arrangements which take the form of collective restraints on atomistic behaviour do just that, they intentionally constrain" (Baines, 1989:2). Institutional conflicts over implementation methods mean the RMA has not always been effectively enabling legislation.

Introduction of the RMA heralded New Zealand’s commitment to right the environmental wrongs of post-industrialist capitalism. But it has been undertaken in an era of escalating globalisation in all human endeavours. This means that concurrent with a new collective environmental conscience, capitalist concepts remain a driving force in the economies of all nations. It is an enigmatic situation, especially for small nations which rely on external trade. They are caught between the political and economic pressures exacted by trading and governing nations. The same political forces which push for action in one direction contradict those demands through trading constraints applied to domestic activities. This is most evident in environmental initiatives and economic interaction. How does a small nation like New Zealand meet these dichotomous demands? In short, they do so by being seen in world eyes to actively promote global and local environmental agendas whereby they retain their trading image. New Zealand promotes its ‘clean-green’ image in agriculture and tourism through the visible effects of implementation of the RMA. It is a cosmetic facade with very real effects upon New Zealand farmers.

The RMA and subsidy removal, are the main political implements of this imagery. What is not seen are the social stresses and invisible chemical ills which accompany these policies. Rural New Zealand is a puppet of multinational trade, both in private organisations and international politics. By the 1980s, a green image was seen as a trading plus for New Zealand’s fumbling economy. It provided an instant and visible avenue for a small nation to retain, or regain, a position in world trading circles. Bührs & Bartlett (1993:24) encapsulate this enigma by saying:

...policies are seldom if ever executed by a single autonomous organization, or in a static environment, but are implemented by multiple actors in a constantly changing system, actors who are dependent on the assent and active cooperation of each other and various other individuals, interest groups and bureaux. The complexity, therefore, was the complexity of joint action in a dynamic context, which required understanding of interorganizational relations and policy networks.
Environmental policy discussion generally excludes the economic dimension. But it was never intended that such things as the ‘polluter pays principle’ or economic instruments were to be incorporated in regional plans as penal policies. Yet without guidelines for national standards, the regions have set their own policies with penalties for non-compliance. It is a politically devised action to support bureaucratic land management in practice. Its fallability is in the fact that there are no quantified environmental standards underpinning those policies. Adherence to such policy processes enhances the clean-green imagery of New Zealand on the world stage.

Analycentric policy analysis, with its roots in management science and operations research, was always explicitly focused on the effectiveness and efficiency of policy execution. But the political dimension of implementation had not been subjected to much systematic study (Bührs & Bartlett, 1993:24).

Thus, it is evident implementing authorities are concerned with the perceived view of their own performance above the real effects of attempting to reduce pollution. Self-monitoring of effectiveness in the political dimension of implementation thus overrules the social and environmental factors involved in the total process of change brought about by the RMA.

6.4 Policy and decision making

From the outset, the legislation and its overarching Ministry (MfE) espoused setting and attaining environmental bottom lines (EBLs). There is a need to question why the regional authority has not identified these in their planning process and why they also do not have an in-built capacity in that process to allow disposal methods best suited to individual situations, such as best practical options (BPOs). If the argument is that EBLs on a national scale have not been set, then why not, in the interim, apply the limits known from existing local knowledge and research. Hassanein and Kloppenburg (1995:723) note:

Indeed, some analysts of sustainable agriculture...have recognized farmers as producers of knowledge as well as of agricultural commodities...(as having) an intuitive understanding of relationships among multiple variables, their confidence in their own observations, and the apparent success of practical solutions produce experiential knowledge that may have more immediate utility than scientific knowledge.

Such limits would encourage flexible criteria to reduce pollution arising from effluent disposal in a manner that is best suited to local conditions.

The present consent system and mandatory demand for spray irrigation is not consistent with best environmental outcomes. It is commonly known that nutrient overload causes decreased
vegetative production (see figure 6). It is yet to be discovered how much of this nutrient overload will eventually leach into groundwater systems, thereby creating another scenario for the regional authority to reactively demand further expensive changes in disposal methods (Adams, 1983:119).

![Diagram of nutrient consumption and production yield](image)

**Figure 6: Production yield comparative to nutrient supply**

(Adapted from: McLaren and Cameron, 1996:180)

Such eventualities are evidence of analycentric policy analysis methods which attend to one problem at a time. As Bührs & Bartlett (1993:24) state:

Underlying analycentric policy analysis is a commitment to instrumental rationality - the most efficient achievement of a single goal or plurality of goals...efficiency as a principle of order may be inapplicable to whole realms of policy making. Moreover, such a conception of rationality is applicable only to means and not to ends: ultimate ends cannot be judged in terms of efficiency.

Under the former Local Government legislation, regional authorities were required to produce regional plans (Tilling, 1983:271). Many did not do so. At the same time there is ample evidence of ongoing investigation of water and soil degradation and methods of conservation of these resources (Adams, 1983). How is it that with the introduction of the RMA much of this was immediately forgotten by some authorities and they have begun anew? Why is all this happening? I believe ambiguity within the legislation creates confusion which allows distortion to occur. Within their Draft Policy Statement, CRC does not have set rules or guidelines for dairy farm effluent disposal. At first glance this appears to promote the notion of adaptable criteria for 'avoiding, remedying or mitigating adverse effects' of disposal...
methods. In effect, this does not happen. The case study shows farmers are not generally against requirements for changing their practices in effluent disposal methods. Changeable and uncertain implementation information and procedures create confusion which causes farmers to hesitate in outlaying substantial finances to set up new disposal methods. The CRC does not appear to heed the needs and capacity of individual farm/farmer situations to comply with their demands. Capital outlay is substantial in effecting change, and farmers need certainty in terms of timeline and effectiveness when installing new treatment works. Their own knowledge also needs to be given status relative to the physical state of their own operation and any viable options they see which fit into both their own management system, beliefs and the aims of the RMA. Again, the example arises where this council is not amenable to constructed wetlands, yet this would seem an obvious option for land which was once a natural swamp. It is a proposition supported by NIWA (Water & Wastes in New Zealand: September 1997). Such land would easily readapt to its former state under a managed system with natural plant and fauna species encouraged to reinhabit sites set aside in this manner. Policies which truly upheld the environmental objectives of the RMA would allow for options. Zimmerman (1995:161) states that, “Wetland plants, often acting as filters, remove excess nitrogen and phosphorus from water and keep nearby lakes free of extensive and deadly algal blooms... (this natural process) helps restock... dwindling supplies of drinking water”.

It is to be remembered that this dogmatic implementation practice began when the authorities themselves were adapting to legislative and boundary changes affecting their own operation. Through the RMA legislation there is a mechanism for idealism and lobbying which overshadows reality and effectiveness of anti-pollution action. As already mentioned, service delivery and self evaluation by bureaux support the former because it shows measurable achievement. Perhaps this measurability concept is why meta-policy analysis does not figure in the policy process.

...meta-policy analysis only confronts the rich complexity of the institutional and conceptual frameworks of policy: it does not (and cannot) master them. It does not assume that outcomes can be measured, that causality can be attributed, that knowledge is reliable, or that policy should always be instrumentally rational... (Bührs & Bartlett, 1993:24).

Enumerating consent applications gives a quantitative analysis of implementation and is balanced against projected outcomes of effectiveness. It is questionable whether this method
of policy evaluation has any real effect on reducing pollution. Legal discharges are not remedial action. Furthermore, pollution reduction does not necessarily reflect changed activity due to influences of other factors such as extreme events of stormwater or drought. What present evaluation does not show is community and social breakdown resulting from confusion and uncertainty. It merely enhances the standing of local/regional authorities in their ability to meet goals. The achievement is not effects based. An effects based policy would be one that actually reduces pollution and maybe turns the pollutant into a useful commodity such as biogas. Discharge permits and spray irrigation methods are ultimately wasteful and still polluting. Thus, such a narrow solution to one problem creates another. As Majone (1989) states, "...a meta-policy perspective provides...a level of understanding and appreciation that is more than the sum of separate diverse analyses" (Bührs & Bartlett, 1993:24).

Analycentric performance evaluation ignores knowledge and standpoints of individuals and local communities. When present policies are found not to reach performance criteria outlined in Annual Plans, further reactionary policies are likely to be implemented. This is evident in the case study where the former discharge permit and pond systems did not translate well to the consent process. Rather than evaluate their own involvement in the process, the CRC chose to change the criteria for discharge method. In effect, this meant most farmers were obliged to apply for consents to install and operate the recommended system. The result was a significant increase in the numbers of consents applied for and granted. In a statistical analysis, it was a success. But the physical activity of effluent disposal remains wasteful and polluting. It meets neither the environmental aims of the RMA or BPOs. All it has achieved is to divert the pollution from downstreaming into Lake Waihora to the groundwater system. It is also potentially degrading on soil quality. In social and effects based analysis, this change does not achieve quality standards and is not sustainable land management. Thus, the policy making process lacks adequately trained staff to undertake risk analysis of proposed procedures.

John Roberts (Professor of Public Administration, Victoria University of Wellington) commented in 1980 at the Land Use Advisory Council seminar on the lack of adequately trained regional planners (Cant and O’Neill (eds), 1980:31). Considering this was ten years prior to the RMA’s introduction, it indicates shortsightedness in training planners. This may,
of course, reflect upon our system of government where inter-departmental co-operation is lacking due to the persistence of analycentric policy analysis. Regional government created resource management plans bereft of sufficient trained staff able to develop and implement this nation's most important survival legislation.

With insightful staff, and new problem solving methods, land management policies could be developed within a localised region, reflecting both national requirements and local policies. Holistic evaluation of remedial effects begun at this early stage would herald the new legislation. The public could have been better prepared for the impacts of the legislation and involvement in the process. Personal and community conflict need not reach the courts. Where areas of conflict still arose, with skilled facilitation, parties could establish areas of common concern and derive a consensus view to attaining specific land management policies. These need to be resolved on a win-win situation and not one where any party is required to compromise. Compromise means to “attain agreement by mutual concession” (Oxford Dictionary), or to modify. It could be seen as a negative outcome offering only a ‘middle ground’ solution to a problem. Compromise is not consensus. Consensus is where, through discussion, people consider various perspectives and policy measures evolve from agreed options (Mansbridge, 1983:32). Thus, to reach consensus people must consult, which is a positive sharing of ideas and experiences. It can aid in closing the void between power and powerlessness. Currently, New Zealand institutions tend to have the attitude over consultation requirements where “we will tell you what we intend, but we do not have to take on board what you say in response”. Consultation and stakeholder inclusion would create interactive local knowledge systems.

If the governing body cannot provide a clear indication of EBLs, and open consultation does not occur, policy formulation by district/regional authorities is under-informed. When authorities analyse their own performances in the Annual Plans, what standards of effect are used? Resource management institutions, therefore, need access to personnel well versed in contemporary integrated environmental policy planning and procedures. These procedures ought to have mechanisms built into them that encourage rural communities to be fully involved in the policy making process. Ongoing analysis of policies and activities is

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1 A case in point is the Health Department and its regional authorities (pers obs on deinstitutionalization culminating in course paper J Craw, S Young, A Brown “Assessment and Review of the Public Consultation Phase of the Deinstitutionalization of Templeton Hospital Residents” [1995]).
essential. It is not sufficient for authorities, having devised initial plans, to solely set their sights on the next five or ten years without adequate redress to the effects of the present changes from all perspectives, human and environmental.

6.5 Reflexivity

On a national level, attempts are being made at analysing performance and effects of implementing the RMA. In 1995 the Local Government Association did just this by publishing a working party report which evaluated the preceding four years. It is not an independent audit. Rather, this working party comprised nine members, all of whom came from local authorities or the New Zealand Local Government Association (1995:1). The objectives outlined for the working party were to:

- Identify the main problems, issues and opportunities for local authorities and communities in undertaking their responsibilities under the RMA.
- Suggest initiatives to deal with the problems and issues and to maximise opportunities, and to define the principal objectives for them.

In carrying out its brief, the Working Party was expected to:

- Explore the perceptions and actions of other sectors and groups in relation to the RMA.
- Comment on the responsibilities and means for addressing the problems, issues and opportunities.
- Assess the nature and source of any resources necessary to do so.

...the working party circulated a questionnaire to all local authorities with a request that it be completed by both elected representatives and staff. (LGA; 1995:1-2).

The resulting document is an analycentric policy appraisal of recent government reforms and RMA legislation. In social application, it is short-sighted. Emphasis is on enhancing our overseas image and trade through promotion of a national paradigm shift in environmental awareness and regulatory control. It has taken four years to set EBLs and much longer for some authorities to propose land management strategies which involve stakeholders, e.g. Selwyn Landcare Group. Even then, this is on an experimental basis and involves only a sample.

Without positive direction from its governing body, MfE, it is no wonder regional authorities are struggling to come to grips with the legislation. While some, such as Taranaki, are doing their best to develop fair and workable policies, others are not. The CRC, along with other
bureaux, seems to have adjusted little from the regulatory stance of town and country planning (Palmer, 1995:170). The exception is in its desire to be seen to be active in its regulatory duty and pass the cost and responsibility for remedying pollution to the less powerful sectors of society.

It has taken almost six years for the public to become sufficiently knowledgeable of their rights and the process to effectively add to it. In that time much has happened which results directly from the legislation and which adversely affected the wellbeing of some individuals and their activities.

6.6 Private enterprise and rural communities

With New Zealand experiencing multiple changes post-1984 in the political sphere of private enterprise, the structure of small business and rural activity was radically altered. Policies were implemented by faceless institutions which irrevocably forced change on the social structure of New Zealanders. This was especially applicable to rural living and enterprise with amalgamation or closure of public services. The changes were initiated by a desire for free market mechanisms and the demands of globalisation and world trade.

The global economy is dominated by transnational capital and it is the large, transnational agribusiness firms which are controlling biotechnological development in agriculture. Farming will exist, in its present form, only for as long as it can conform to the profit-making needs of firms supplying agricultural inputs and of firms involved in the food processing industry - those firms using either the direct products from farming or farming products converted for use for industrially produced “biomass” (Lawrence, Vanclay & Furze, 1992:46-47).

Induced change to traditional activity often leaves farmers faced with choices that conflict with their values. The pressure of financial viability often overrules these values for the basic reason of survival within the industry.

While there is evidence that Australian farmers believe strongly in stewardship of the land - considering it is essential to take care of farmlands so as to benefit future generations - it is the structural conditions under which farming takes place which limit the opportunities for farmers to undertake environmentally sound practices (Lawrence, Vanclay & Furze, 1992:53).

The regions have the power to develop policies so that the RMA is truly enabling legislation. To do so, their means of effecting change would not penalise stakeholders, except in circumstances of blatant non-compliance. Rather, it appears most authorities prefer to adopt penal principles which coerce stakeholders into making changes they either do not entirely
understand or which are at variance to stakeholders' perceptions of best practicable option. The method is supported by the policy production process which initially excluded stakeholders through ignorance of their rights in the decision making process. Lia Bryant (in Lawrence, Vanclay & Furze, 1992:163) says:

Poverty, however, extends further than financial resources to include social power and, in particular, 'equality of access to the bases of power'. For farm families the basis of social power includes access to information and assistance, the ability to enjoy good health and education and political and social representation.

In order to achieve sustainable land management, stakeholders need empowerment through legitimacy in their own enterprise and economic stability. Bryant (1992:169) continues by saying:

Land degradation does not merely occur as a result of an individual farmer's action but is tied to the economic and social organisation of society...Placing land use within a social, political and economic framework does not render land degradation as an excusable phenomenon. It does, however, attempt to bridge the conceptual gap between individual, environment and society and holds promise for the evolution of public policies which will treat land degradation in a more sociologically sophisticated manner.

But in order to develop and operate these policies, there is a need for stability in rural communities.

As discussed throughout, rural communities are in a state of fragmentation and frailty. Traditional social mores have been challenged by changes from urban and global environments which themselves are influenced by economic and natural resource usage policies.

Our society does not exist on a concept of subsistence existence. One way or another we are expected, or expect, to reap a profit from our endeavours as individuals or members of a family or micro-community. Most of our society does not exist on old concepts of barter; rather, we use symbols of trade, namely money. To ensure safeguards for having sufficient monetary reserves to provide a tradeable base for times of non-work, such as unemployment, holiday or retirement, profits are accumulated as liquid or property assets. To make profit in the primary sector means suppliers must produce not only an excess to their own consumption needs, but also excess to provide payment for other consumables and cash reserves. This is a simple notion of modern survival frequently overlooked in the primary production process. However, it is the cornerstone of the origins of pollution because when production exceeds personal needs it also affects the manner in which pollutants can be naturally absorbed by that farming system. Over time, increased production and its pollutant
effects have been incrementally handled in a manner considered best for that individual enterprise. Frequently, side-effects of handling systems have been under-researched or disregarded. As environmental awareness has grown, so too have the knowledge systems. But often this knowledge has not been disseminated to where it would be most effective, that is to stakeholders. Introduction of the RMA has wrought immediate change to this sector, but the knowledge to explain the reasons for change is not always provided.

However, what has occurred is that the blame for the cumulative effects of generations of consumerism has been laid squarely at the feet of producers. This challenge to their value systems has not been accepted kindly, especially when the impetus for increased production has come from either direct consumer demands or politically driven pressure to increase exportable products for national benefit. Stakeholders see a conflict in behaviour of consumers as environmentalists who frequently fail to see their own demands and activities indirectly affecting the behaviour and practices of those in the production centres. Zimmerman (1995:9) notes the example that, "we live in a bizarre society when people apply massive amounts of chemicals to their lawns and worry about a drop of dog urine". Conflicting behaviours of both the urban sector as a power force for induced change, and the rural sector as that fighting for economic survival, do nothing to enhance sustainable land management practices.

6.7 Environmentalism, consumerism and sustainable land management

So, is current regulated land management sustaining environmental quality and human needs? Are regulatory policies conducive to remedying adverse effects of production while meeting the needs of present and future generations? Both academic enquiry and the case study tend to indicate serious doubts about these questions. There is argument that the key to the RMA's integrated framework hinges on the word 'while' (Fisher, 1991). In practice, it seems this is not so. Words such as 'while' and 'or' are used frequently within the legislation and tend to imply a non-hierarchical application of the various regulatory phrases of the Act. However, MfE and ministerial supportive documentation (Upton, 1997:5) tend to suggest an element of prioritising within implementation directives (MfE, 1996). Thus, there is wide
divergence on interpretation of the Act. The legislation tends to suggest the courts will be the only means of finding the real meaning of issues covered by the Act. Again, I feel the idea of resolving ‘issues’ is tainted by the concept of project development as discussed earlier. However, for sustainable land management at stakeholder level the idea of the courts is a foreign and frightening prospect. The research shows stakeholders are not at ease with regulatory authorities and policy implementation. This is causing social unrest. It therefore indicates the RMA, rather than being enabling legislation which encourages sustainable land management practices, is used to design and apply constraints to private enterprise. While this may be seen by some as sound ecological policy in controlling some forms of industry, farming is another matter.

Most farming operations can adapt to less polluting methods of operation including biological pest control, organic fertilisers, rotational crop sequences to avoid soil degradation, plus water conservation and discharge amelioration practices. However, for alternative practices to be viable in the present economic climate, real dollar returns need to be higher to offset lower yields and/or higher labour inputs. Until recently, little substantive initiative has been forthcoming in encouraging alternative land management practices such as organic farming. I also suggest multi-national business houses involved in agricultural production do not favour reduced use of artificial fertilisers, chemicals or energy. Frequently it is salaried staff from such organisations who demand change at the farmgate level. They support their own stances with pseudo-technical propaganda which has the primary purpose of shifting blame to the product users. Thus, it takes the focus off agri-chemical production and distribution and puts it on dairy and pig effluent. Dairy farmers in particular are inextricably entwined in this web of international trade while being held accountable for environmental effects of their activity at the local level. As previously mentioned, milk producers are compelled to using high impact cleansers, many of which are not biodegradable. Dairy farmers are also induced to produce higher yields per hectare because they operate in an industry of diminishing returns. Thus, these two elements mean milk collection takes place in a specialised area, the farm dairyshed, which in turn means

102 This situation is changing. For example, Watties is developing substantial markets for organic produce such as peas, beans, carrots, corn, etc. See in-house newsletter for fuller industry commentary.


104 For further details on the topic of chemical pollutants, readers should refer to specialist texts.
there is a nutrient and pollutant transfer to that area. It is, then, the method of disposal which requires specific management practices. Off-farm demands on how or who develops the management strategy is where stakeholders see confusion and constraints applied to their individual enterprise.

Much has been said of EBLs and minimum water quality standards, but what are these? Most people are unaware of these standards, if they exist. They may also not know if their own activity meets desirable quality standards. In the case study, the Lancasters met this requirement, but their downfall was ignorance of procedure. Regulatory bodies must be instructed from government initiatives to mediate in such matters and encourage correct procedures rather than take the adversarial stance CRC is becoming reknowned for. They must also be receptive to suggested alternatives as to how a site specific activity might be developed taking an holistic view of all aspects of that operation. For example, an organically run farm discharging effluent to a constructed wetland is not permitted by CRC. A similar non-organic operation, using chemicals or phosphate fertiliser, with an approved consent to pollute, is permitted to discharge treated effluent to waterways. Not only are the effects ecologically unsustainable, but the social effects are unfair.

6.8 Real activity - the case study

Fairness is a concept which does not feature in our legal system as practised. It is called a justice system, but the winners are not always those whose views represent the facts as Truth. It becomes a powerplay between those with the knowledges the court system recognises and independent stakeholders. This is especially so in business and environmental law.

Law is...a matter of social construction. With regard to common and court law... (an) approach distinguishes between the law on paper and the law in action, the latter including enforcement in general and prosecutorial discretion in particular (with selective allusions to the former). (Samuels, 1994:6)

Justice is a system of power of advocacy and persuasion. Samuels (1994:5) says, "law is a political phenomenon, by “political” meaning having to do with power and choice". By adhering to a system which empowers judges to decide arguments of interpretation the

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105 This concept was raised in my own situation with the CRC who verbally denied permission to do so. They demanded installation of an irrigation system. This was not feasible for the unit size, soil type and management system. The end result was to cease milking cows in order to comply.
system is open to bias and manipulation. With all good intentions, no judge can know the real truth of a situation where differing standpoints are in conflict. It may be that there is no right or wrong-doing, merely a divergence of interpretation of rules and policies within a given context. In our system these views are usually represented by a legal advocate, who has in turn interpreted the issue from within their knowledge system. In addition, the courts have their own system of constraints through antiquated and formal procedures. In assessing environmental issues this format supports the power structures of status and systems knowledge.

...Contrary to the belief that judges declare what is already the law, judges legislate no less than the legislature itself....As a process, law is a system of social control, collective decision making, and power play, for working out solutions to problems, notably of conflicting interests. (Samuels 1994:5)

Palmer (1995:147) made a similar observation in his criticism of some sectors of the judiciary in that they failed to accommodate change by adhering to the old regimes of Town and Country Planning. What Palmer’s criticism says in reality is that there are multiple interpretations in action at the one time. This occurs even in the antiquated precedent setting legal system currently operating. It highlights two shortcomings, as perceived from a lay level, of that system. One is, without adequate guidelines or precedents, judges weight in favour of their own, albeit ‘learned’, view. Secondly, if precedents are used, as with the Lancaster case, that case may have little relationship to that being adjudicated upon. Environment Court judges need to be specialists within that field, or have the ability to call upon expert knowledge. Such expert knowledge needs to be applicable to local conditions. Thus, a case heard in Auckland may be totally out of context in Canterbury, even though the charge is broadly the same. This argument highlights the challenge that environmental conflicts should be solved at the community level. This is because through group discussion involving stakeholders and other interests, problems are aired in an atmosphere of less formality than the court system offers. It allows these people to ‘own’ the problem and take responsibility for mitigating any adverse effects of local activity. The court system has a place in this but, I believe, should only be used in instances where solutions cannot be found at the local level.
While his personal standpoint may have an environmental bias, Palmer (1995:170) observed,

In hindsight I regret that Parliament did not abolish the Planning Tribunal when the new legislation was framed. The Tribunal is a hangover from the old prescriptive town and country planning approach. It would have been better to substitute a new Environmental Court.

His criticism is aimed at the bias the Planning Tribunal apparently has towards allowing land development for industry or subdivision, with only cursory regard for the natural environment. The people involved in operating the Planning Tribunal inherited those positions from the old regime. Palmer is insinuating that very little has changed with regard to the aims and ideals of the RMA. His proposition is that if the Planning Tribunal had been replaced, not only in concept, but in name, by an Environment Court\(^\text{106}\), it would have had a more effective bearing on attitudes towards implementation from a governance perspective.

“There is room for tension here between the anthropocentrists...and the eco-centred advocates...The Act suggests both are important. The facts of each particular case have to be run against the tests and a balance reached.” (Palmer, 1995:171)

In practice, what seems to have happened is that opposing standpoints, rather than reaching those balances through discussion, take rigid bi-polar stances as issues and outcomes flounder through bureaucracies and the court system. The real effects of such a stand-off are not conducive to good land management practices. Stakeholders feel a very real threat to their property rights. Samuels (1994:9) says, “Property, such as exists at any place and point of time, is part of a larger “problem of order”, comprising the need (and ways) of resolving three sets of conflicts: between freedom and control, continuity and change, and hierarchy and equality”.

Such a perceived threat is very real. My own experience illustrates how a formerly legal operation can be affected. Loss of economic viability is one outcome if compliance costs outweigh operating benefits. Alternatively, the only legally acceptable option may be to withdraw from that activity. This means loss of income, career and/or personal status. Such effects have been seen by analysts. It was noted in the New Zealand Law Society Seminar 1993:

It can certainly be argued that an application by an individual to continue an activity tends to be determined in accordance with the wider balances process in Section 5 without express regard to the effects on the applicant if consent is denied...A short survey of the Act reveals that none of the values in Part II expressly recognise or provide for the property interests or prior investments of existing resource users...Those using resources such as water, or who are currently discharging onto land or into the air, are given no such protection, subject to the very limited allowances in Section 20.

\(^{106}\) Discussion arose in Chapter 5 over the name change to Environment Court.
Other arguments of existing rights were evident in the case study. The example here was the status of existing permits. It was noted that nowhere did the CRC indicate change in cow numbers would affect the existing rights to discharge effluent. It may seem common sense to some that an increase in output ultimately will affect the status of the original permit. However, often increases are incremental over long periods of time. They are typical examples of Hardin’s “Tragedy of the Commons” or “just one more”. Stakeholders need to be informed of the effects of increase and to be told at what levels change to present operating systems may be necessary. “The provisions allowing for the review of conditions on existing consents by a consent authority in s.128-s.132 of the Act allow only limited consideration of the effects on a consent holder (NZLS, 1993:53).”

The Act does provide for review of consents, but this was not a factor in the CRC’s action against the Lancasters. In this instance, it was an argument over the status of ‘consent’. The case illustrates that some bureaux offer no buffer zone to accommodate transitional phases of implementing new policies. Webber and Rivers (1991:v) note, “Public policies, both economic and social, should aim to support and encourage...changes and the adjustments they require.”

Yet there is acknowledgement that change has personal and social effects. MfE discusses the social costs associated with adopting environmental policies (1994). However, again it seems people in the rural production sector are forgotten. Principle 7 of their Environment 2010 Strategy identifies some of the social costs which are likely to occur, especially in the transitional phase to attaining sustainability. But there is no clear explanation of who or what is most disadvantaged. For example, they identify tax on leaded petrol disadvantaging the poor who are seen as owners of older cars. They then follow with the clause:

- some people will suffer loss of employment, and/or loss of property rights and wealth, as unsustainable activities, such as clear felling of indigenous forests, are phased out (1994:15).

They later suggest amelioration of such disadvantage could be offset by allowing time for adjustment. But they offer no substantive commentary on social costs, nor analysis of effects. Their attitude becomes a clear case of ‘othering’ where the problem is ‘theirs, not ours’.

Throughout, stakeholders in sustainable land management have been left behind in information exchange. Neither in the lead-up to the RMA’s introduction, nor subsequent to it, have there been concentrated efforts to diffuse important data to stakeholders and the
general public. Local/regional authorities have assumed these people will acquire knowledge relative to regulation and desired outcomes. Perhaps this is a bequest of central government’s failure to adequately invite and encourage public participation. Small notices in the local press inviting submissions on proposed legislation is not adequate. With such demands as requiring 20 copies be submitted, the process is outmoded and pedantic.

It seems there has been an ongoing problem with both public participation and information exchange. As far back as 1981, Helen Hughes107 (Bishop (ed), 1981:68) noted that:

...for effective public participation it must be recognised that the public needs access to information and it does not always have it...there is a lack of cross-sectoral policies in this country...one sector derives policy in isolation from another and that an integrating mechanism is definitely needed.

During the same discussion Danna Glendining, while challenging the debated question said in reference to elitist and selective representation:

The system is designed for you and by you. I come back to the unrepresented nature of rural local government. In my view this lends itself to those who are presently able to participate in the system. They are there to protect basically their own vested interests. They are not genuinely interested in changing their way to allow others to participate on their terms and in their way (in Bishop (ed), 1981:69).

In analysing the case study, I have commented on the shortcomings of the consent procedure in relation to mitigating pollution and enhancing social wellbeing. While such analysis may seem extreme, it does highlight an area of fundamental weakness in the RMA which allows individual authorities to pursue their own agendas. If authorities such as Taranaki can incorporate methods which are socially acceptable, as well as tangibly reducing or eliminating pollution, then so can others.

A cynic might ask why these clauses (mitigating pollution effects and enhancing social wellbeing) appear in the proposed plans. I suggest two possible answers. One, that they are there in good faith and the intent is to achieve sustainable land management which enhances the wellbeing of people while promoting environmental sustainability. The second could be that while extolling all the aims of the RMA, cursory inclusion of social issues occurs to reduce submissions their exclusion would attract. Thus, the plans meet the demands of the legislation without the necessity for real action. If the intent is to ignore social outcomes, this method eliminates a category of challenge in the submission process. A possibility as to why some aspects of the RMA are not working is that while the intent is in good faith, insufficient

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107 In attendance at Land Use Advisory Council forum as a Delegate from the (then) DSIR.
human resources at the local authority level are available to implement all facets of
management, and so the social aspect is easiest overlooked.

In assessing the social impacts of any policy, independent sector needs should be attended to. Again, reluctance to do this has resulted in the rural sector being lumped in with urban based priorities. When speaking on the national productivity drive of the time, Peter Elworthy voiced the sentiments:

Other sectors of New Zealand life have denied the men and women down on the land whether they own the land or whether they work the land... (their) quality of life... (which) has been very seriously affected by a massive increase in production per man and massive increase in stress upon the farm families who work that land (in Bishop, ed, 1981:47).

Apparently, the multitude of working party reports, discussion sessions and workshops involving selected local body, government and public representatives elected to overlook this vital aspect. My suggestion is that the oversight was not intentionally directed at the rural sector, but all of society was placed under the one umbrella. As Glendining said the system works for the (self-selected) elites of our society.

Upton (1997:5) said recently:

I'm increasingly of the opinion that central government was heroically ambitious when it devolved almost all natural resource management responsibilities to local government... I have to question whether... we have the human skills to operate a statute as sophisticated as the Resource Management Act (RMA), in such a devolved way. Certainly, our skill base must be improved if we are to achieve sustainable management.

So, six years on we have a senior member of our elected government casting doubts over the expertise of bureaux in implementing legislation designed to ensure a sustainable future for our natural and social environments. It is little wonder, then, that Federated Farmers has taken the initiative and in June 1997 announced they had set up a “Farmers’ Fighting Fund” (Straight Furrow, Vol. 49:15, pp23-24). Editorial comment says, “The fund is about nothing less than the survival of New Zealand’s rural communities.” While the RMA and implementing bureaux are the main focus of this fund, other issues which affect the livelihood and situation of New Zealand farmers and rural communities will be supported by it.

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108 In his role as Federated Farmers’ Delegate to the Land Use forum, 1981.
6.9 Conclusion

This analysis has shown that there is a social contract between the city and the rural sector (Ross, 1994). However, that contract has failed in recent times through the manner in which farm produce is handled in local and international marketing systems. Ross (1994: abstract) says:

There is extensive evidence that time and time again farmers lose out by growing food for the cities...it is a global social crisis...(which) can only be revitalised by changing the economic and social infrastructure that handles our food.

Further implications of this abdication of responsibility from the city is that rural societies are blamed for any ill effects monoculture production contributes to the overall environmental problematique. McFarlane (1994: abstract) says:

...the need is to achieve the necessary societal change so society as a whole accepts adequate responsibility for the care of the land. The most cost effective and efficient way of doing this is to adequately pay the farmer for farm produce. In return, the farmer produces high quality produce, and uses sustainable farming practices.

These sentiments, taken in conjunction with the incidents in the case study, show that present monitoring and implementation policies only serve to exacerbate an already complicated social and trading system. There is evidence of a need for strengthening communities and inter-community relationships so that everyone can productively act in support of each others’ needs and standpoints.

The irony is that implementation strategies employed by some authorities are partly responsible for widening the gap between rural and urban. The gap between institutions and stakeholders is even wider. This is such that in June 1997 Federated Farmers set up a “Fighting Fund” to assist stakeholders and communities in issues of conflict. These conflicts not only relate to environmental management issues but also to social aspects of change such as retrenchment of rural school, hospital and social services.
CHAPTER SEVEN

RECOMMENDATIONS AND CONCLUSION

"Farming can be a lonely business. Now is the time for the farming industry to become the farming community." "Farmers Weekly" Vol.126 No 10.

7.1 Recommendations

Several crucial issues were identified in this research and upon which I make recommendations. I focus on those with the closest relationship to the themes of the thesis. That is, concepts of community and ruralism, policy implementation and enforcement, environmentalism and globalisation, public involvement and decision making. These themes are not isolated, but have relationships with each other. I also report on the personal recommendation of the Lancaster family. Notwithstanding this selection of topics, there are other issues which lend themselves to future research.

The following recommendations are made by taking into account concepts of standpoints, difference, social cost, political and regulatory processes/analysis, and public representation and agency. I argued earlier that resource management is a social concept involving people and their behaviours within an integrated ecological environment. The relationship between production, trade and consumption was discussed as being a social contract between sectors of society. Human wellbeing is one of the equally weighted characteristics of resource management contained within the RMA. The void between regulatory processes and social cost is an instrumental weakness of the Act. It arises through the varied regional interpretations bureaux give to their obligations under the Act. Better community involvement developed through open communication and political processes could close this void. People need to feel they have the power to participate as well as knowing that participation is valued. The legislation gives them that power, but frequently people do not know it exists. Only verbal and written communication which reaches people is useful to
them. It is knowing the existence of those words which enables them to take hold of their rightful powers. Which images those words imprint in the minds of people are the true meaning of that communication. Locke (1690:405,408) stated, “words, in their primary or immediate signification, stand for nothing but the ideas in the mind of him that uses them...unless a man’s words excite the same idea in the hearer which he makes them stand for in speaking, he does not speak intelligibly”. It was highlighted earlier that much information, both on political processes and technical data, either never reaches the people it most affects, or is ambiguous.

Such ambiguity is reflected not only in communication but in action. The social contract between production and consumption is often confused by the multiple objectives of bureaux, politics and trading organisations. Our society is not harmonious because it has lost its integrity over issues involving personal desires and public needs. At the national level, New Zealand holds tightly to the facade of a ‘clean-green’ trading image. If, as a people, we were truly honest, we would have an environmental conscience at all levels of activity, urban and rural, production and consumption. At the personal level we are ‘The Tragedy of the Commons’, yet we blame others. We cannot burden the environment with the effects of our own activity without acknowledging the cumulative effects of others acting in the same way. People have lost their sense of belonging and community and thus they act as atomised individuals for personal comfort. They have lost the power to enable them attachment to their own communities. Involvement in public issues can regain this, and I urge people to take an active interest in the politics which affect their own and community wellbeing.

Farmers and stakeholders also need to learn to drive their own destinies by becoming involved in local community matters. If they see community structure breaking down, they need to take the initiative to remedy that. They need to rebuild the pride and traditions which once went with rural lifestyles. Farmers and stakeholders need to learn to work with advisory services, industry groups such as Federated Farmers and local bureaux. No longer can they subscribe to the ‘go-it-alone’ philosophy which arose out of the colonising era. The world has changed, and attitudes must change in accordance with the needs of our total environment. At the same time, people need to develop faith in their own value to the communities they are involved in. Through this, they will become involved in policy and

109 Exclusive language retained.
decision making. As it is a two-way process, other organisations will grow to understand the standpoints of stakeholders. Together, concentrated efforts to interact and reach consensual decisions will aid in attaining the goals of a sustainable future.

As discussed, communities are made up of people with values and interests in common. An individual may be attached to several communities. At this level of interaction, environmental conflicts may arise between individuals (or small group/family units) and social groups or institutions. In the case study, the conflict which arose involved dairy shed effluent disposal. Through the system of community monitoring which Canterbury Regional Council has in place, a complaint by one individual was made against another. What transpired was not so much that there was an offence in deliberate disposal of effluent into waterways, but that the farmer (Mr Murray Lancaster) had not correctly attended to the paperwork regarding permits and consents. As the research shows, this farming family was operating a legal system of disposal. Unfortunately for them, they had increased their herd size and also updated the milking shed. This then meant the old permit to dispose of effluent no longer covered their operation. However, nobody in authority bothered to explicitly inform them of this. Subsequently, when the complaint was made regarding overflows which occurred at times of winter rains, it was found that no current consent was held for the number of cows being milked. However, the CRC are not transparent in their actions and advice. They were fully involved in the process of installing the original disposal system. They were also involved when Mr Lancaster built the new dairy. He was also in the process of changing the effluent disposal system to the new requirements of the CRC when they elected to charge him with non-compliance. Given the level of co-operation the Lancasters offered and all other considerations relative to their case, this family informed me they would like to see the case pardoned or reduced to an infringement. The implications of a criminal conviction on Murray could have far reaching consequences within the legal system of this country and overseas. It puts in place impediments to his rights and freedom as an otherwise law-abiding citizen. This recommendation is made even in the light of the fact that Murray pleaded guilty. He was badly advised, and there is no way of knowing why that happened.

There is a further legal weakness which needs discussion. That is the practice of the Courts not retaining evidence unless an appeal is made. This degrades the value of citizens as not having sufficient importance to retain what is in effect human social history. There is
technology available which can store such data in various ways which are neither cumbersome in size nor effort. The practice certainly stopped this research from adequately assessing the various interpretations of what really happened.

The Lancaster family would also like an apology from the CRC over the entire issue and for the undue stresses each one of them has, and still is, suffering. I believe their request is valid as the RMA allows for discretion in how authorities may deal with specific situations. I also believe that MfE needs to be better involved in any proceedings by being accessible to stakeholders or their individually selected representatives in order to arrange mediation meetings as applicable. One possible solution would be for MfE to have available a panel of trained mediators who could offer advice and guidance to anyone concerned over specific issues. Mostly, these individual issues are quite different from conflicts which arise over corporate development plans or industrial activity. The scale of effect on the environment, while nonetheless excusable for defiance, should have some bearing. Maybe these weaknesses arise because the legislation initially kept the old Planning Tribunal rather than, as Palmer suggested, replacing it with an Environment Court with its own restructured brief.

MfE also needs to set EBLs and actively encourage the regions to establish their own levels using national standards as a guide. Localised environmental limits would be able to accommodate variances particular to regions and sub-regions to suit the various conditions of weather and land types. Again, local inputs of experiential knowledge as well as scientific research would add to this bank of knowledge. There is an implicit assumption in Western societies that information dissemination occurs through published data. Little extension work is undertaken, especially in the politically influenced institutional sphere of activity. There is also a tendency for a top-down instructional approach rather than multi-level interactive discussion.

Central government and the regions recognise there is a need to allow time for changes to occur. However, in practice it seems this concept of transitional phases is permitted only in the activity of creating regulatory criteria. Stakeholders also need to be allowed time to implement changes. Frequently, adapting from one operating system to another involves high capital outlay in addition to other factors such as suitability of those changes for the local environment. People also need to learn about new systems and outcomes. These things all take time which has to be fitted into already busy, and sometimes stressful, schedules.
Merely accessing capital to be able to comply with regulatory requirements is a strain on the physical and emotional resources of some stakeholders. Implementing authorities need to be mindful of the strains compliance costs have upon the financial capacity of farm operations. Therefore, they need to understand that some stakeholders will require longer transition times to effect change than others. Change which incurs both personal and financial costs is an individual problem as opposed to the cumulative effects of pollution which is a public issue.

Thus, district/regional authorities need to employ and train staff to meet the demands of the RMA in order to cope with the integrated framework it supports. The CRC has a mission statement which upholds this theme, yet they do not appear to adhere to its social and multicultural dimensions. Local areas could set up networks of expertise from all sectors of society. Information and advice networks could be set up which would be accessible to both stakeholders and bureaux. In this country there is a wealth of knowledge which frequently lies untapped within those persons labelled 'retired'. Utilising this knowledge and expertise adds value to the social/cultural wellbeing of these people while retaining access to historical and experiential knowledge systems. It may well strengthen ties between people and ultimately strengthen community relationships and attachments. It becomes an area of marriage between history and the present.

The historical aspect of New Zealand farmers adhering to antiquated market systems is another area desperately in need of restructuring. Ultimately, New Zealand farmers need to play a major role in their own economic destiny. Current sales systems of co-operatives and the auction agencies gives producers little say in setting prices. Even when this free market system enjoys good export returns, there are too many other factors which affect the ultimate farm gate net return. New Zealand’s floating exchange rate is one of these factors. The scale of our export trade is another. While world price structures, trade restraints and other factors demand a united trading front for product-specific exports, farmers need to develop greater levels of input into the local aspect of marketing their produce. They also need to have some checks and balances on the costs associated with production. To this end, they may need to retain the co-operative structure in order to become joint purchasers and thereby demand favourable terms in bulk buying. Two examples are fuel and electricity. At the present time, individual farmers can negotiate rebated fuel prices. However, they have no such advantage in purchasing electricity. As an industry, farming is a major consumer of these goods and
services, without benefiting from discounts. Such discounts on major cost inputs in their production would offset much of the low farmgate returns. But need New Zealand farming rely on artificially produced and environmentally degrading electricity and fuel?\footnote{\textsuperscript{110}} Pollution is merely waste energy. We should be converting all wastes (industrial, farm and domestic) to energy. If there are inadequate waste disposal/conversion technologies (which I doubt), then the government has to be proactive in encouraging new innovations. High pollution output farm industries ought to be, at least, self-sufficient in energy production, and at best a source of alternative fuels. Cost effectiveness would be offset either in reducing artificial energy inputs or by balancing the social and environmental costs associated with food production.

As a price-taking industry, under the present economic system, farming is constantly at the whim of other sectors which can affect net returns. Unstable incomes do not enhance sustainable land management, rather they work against it. When export prices plummet, neither the wage nor retail sector costs go down to offset these losses. In effect, salaried staff in co-operatives make demands on the very people who own shares in the companies they work for, yet set their own income levels and also dictate the returns to the shareholders on produce supplied. The farmer shareholders take all the risk and suffer the consequences of failure in markets over which they have no control. Since subsidy removal, there have been little periods of return with market buoyancy. Frequently, higher returns have been offset by high costs or financial deficit repayment incurred in leaner years. Thus, most farm enterprises plan capital expenditure on constrained budgets. Sustainable land management incurs costs and farmers need to see immediate benefits to offset those costs. While it may not be ideal, it is survival. It may be too much to ask to suggest that the entire economic structure hinging on profit motive be amended. The social costs of high margin profit induced activity are the real impediments to sustainable practices. People are forced to use artificial substitutes rather than recycled goods because the financial cost is less. The social costs are the personal conflicts of being placed in this position, a loss of personal value and prestige, compromising principles and disempowerment. When people struggle to survive financially, they struggle socially and become more individualistic and isolated.

\footnote{\textsuperscript{110} In depth discussion is outside the scope of this research. It is, however, a potentially important and necessary aspect of ameliorating the effects of pollution.}
My final recommendation is that social researchers look at the politically driven effects of change and the needs which arise in rural communities. From the study of rural situations, findings may be applicable to urban and peri-urban communities also. The plea, however, is for specifically rural issues to be researched, not from the perspective of a disassociated bystander, but from understanding the standpoints of those affected. This thesis discussed the effects on people and communities of institutional activity. There is ample scope for researchers to identify future research topics which relate to these issues. Implementation of the RMA and institutional (in)activity are major ones. It is necessary to understand how implementation strategies affect rural residents. This is not as a statistical analysis of institutional achievements and objectives, but what effects the achievement of those objectives has on rural communities. The objective of changing effluent disposal methods has been one of those issues. Further research could show how different regions have dealt with the problems of both effecting change and the effects of change.

Mediation facilities for resolving issues arising from conflicting standpoints over specific issues is another topic for research. Questions will be asked if mediation/conciliation should come from MfE or the regional/district councils. Investigative research of stakeholders could provide answers. This thesis showed one instance at the regional level. Here, the quantum leap from personal disagreement/misunderstanding to court action proved not to be conducive to good community relations or sustainable land management practices. It was definitely not enabling for the persons (and their families/friends) so charged. The court system, both in terms of legal process and the mindset of the Environment Court, are other areas for study. The previously mentioned practice of evidence disposal offers the question of where will material be for future social study and analysis. Also in the court issue is that of the Planning Tribunal versus Environment Court. Researchers may argue this has been merely a cosmetic name change. Legislators and bureaux may argue differently.

Researchers of the effects of political activity on rural communities need to subscribe to the modern concept of social understanding. Rural sociology needs studying in its own right. It is no longer to be subsumed under the umbrella of generalisation within a topic region. This thesis showed there are multiple differences between the various sectors of New Zealand society. Rural New Zealand in itself has several sub-cultures and regional differences. All these factors have a bearing on how people act and react. Clinical analysis of impersonal
data and statistics does not reflect true standpoints. Through the inherited constraints of old traditions, academics and professionals tend to become cocooned within the narrowed perspectives of their disciplines. Infusion of experiential knowledge relative to research issues needs to be ongoing to overcome this. New Zealand tends to adhere to the same attitudes of farmers that farmers themselves attach to and that is the ‘go-it-alone’ syndrome. This does not measure up to modern needs for stable communities and a harmonious society. As I said earlier, New Zealand has come of age.

7.2 Conclusion

This work has illustrated to some degree just how complex and complicated the topic of sustainability is, especially in issues of land management and individual enterprise. It has shown the multiple perspectives and interpretations people and societies apply to the term and its accompanying phraseology. Most of all it has shown how the global village of today must address change, not as an abstract nonentity, but as individual players in an increasingly complex and contracted world of natural resources and diverse societies. Just how that issue can be addressed in terms of globalised world trade and economics is an enigmatic proposition. Some nations are addressing the issue at the local level. New Zealand’s Resource Management Act is foremost in this. However, it is people and communities who are at the cutting edge of sustainable land and resource management. They are also the people whose lives and livelihoods are dominated by the politics and demands of multinational organisations, be they corporations or political bureaux.

This research has shown one small instance of how political change, itself poorly adapted to other changes, impinges on the activities and structures of communities. I believe that in order to achieve sustainable land management practices, it is necessary to first of all have solid and sustainable local communities. When people have security, a sense of place, pride and commitment within their local and national communities, they will adapt to other changes. While there is substantial argument that this is an anthropocentric approach to achieving a sustainable future, there is no other way. Humankind has made the mess the natural environment is in. It is up to humankind to remedy it. The world can survive, albeit environmentally unbalanced and degraded, without humans. Humans cannot survive without
a balanced natural environment. But in order to begin the restoration process, humankind has to rekindle its spiritual association with the total natural environment. Thus, it is up to individuals at the local level to begin this process. The bigger problem occurs with large corporate extraction and production industries which change forever those parts of the environment with which their industry is associated. This does not mean that we all have to revert to subsistence living. It means we should endeavour to produce for need, not greed. This philosophy applies to all citizens and not just those associated with land or resource use.

The bottom line is that we have to develop greater social understanding of our place within the total environment as well as our place in human society. The standpoints of others do matter.

“Hutia te rito o te Harakeke
Kei hea to komako a ko?
Ki mai he aha te mea nui o te ao?
Maku e ki a tu
He tangata, he tangata, he tangata, E!”

If you remove the central stem of the flax
Where will the bellbird sing?
Who is central to this world?
It is people, people, people!

* Waiata,
New Zealand Delegation,
Biodiversity Convention, Rio
Sharing
and
caring ...

Now ...

and in

the future ...
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June 13, 1996

Dear Resident,

I am writing a thesis for my Master of Resource Studies degree at Lincoln University. The topic of my research relates to the social effects of implementation of the Resource Management Act 1991. The particular focus is on dairy effluent disposal. It involves research into community effects of implementation and public participation processes in regard to district and regional plans and rules. In order to achieve this particular focus I selected the community in which you reside for in-depth study.

It is explained within the introduction to the attached questionnaire that your responses are important to this research. While the questionnaire is quite long, your indulgence is sought in providing answers to all the questions if possible, briefly explaining your responses where necessary.

This research takes an innovative approach in that it seeks responses from all individuals rather than a single representative of selected households. Thus it acknowledges that differences of outlook, experience and opinion are contained within family/household units. It is only necessary for one household member to complete the property details part of the questionnaire. Other household members need only to complete the remainder of the questionnaire.

Respondents' confidentiality will be honoured. Participants in this survey will not be identified explicitly by name and/or status in any ensuing report, paper, article or thesis resulting from this project. The locality will be identified.

If you have any enquiries or problems in completing this questionnaire, please ring me at 325 2373 or 325 2811 extension 8633, anytime.

Thank you for your co-operation. I will return in approximately three days to uplift the completed questionnaire, or it may be posted to me at the above address.

Yours truly,

Jean Craw
Map of locality:

What soil type/s are represented on your property?

What rate of irrigation is applied on this property?
What is the irrigation source (creek, pond, well, etc)?
Approximately how many days per year is the irrigation operating?
During what month/s is the irrigation at its highest?
How much run-off water do you estimate occurs through irrigation?
Where does it go?

Please draw the boundaries of your property on the map as accurately as possible. Mark buildings with a X and label. Show any major ditches (public or private and mark accordingly), streams or water sources (wells, springs, etc). Show septic tanks, sewage sites, effluent ponds, offal pits, waste tips, silage pits, etc and approximate dates of installation (where known). Indicate direction of water flow in relation to any of the foregoing. Show any significant physical features such as swamp, ponds, natural vegetation, shelter belts, formed internal roads or races, etc.

Indicate direction of prevailing winds and label.
SURVEY OF ATTITUDES IN RELATION TO RESEARCH PROJECT ON IMPLEMENTATION OF DISTRICT AND REGIONAL PLANS AND RULES REGARDING EFFLUENT DISPOSAL

This questionnaire is quite long. However, the questions are important and I have tried to include a wide range of material on issues relevant to the research topic. There will be some issues individuals feel important that are not covered. There is a section at the end of this questionnaire where you can outline any issues you feel are important.

There are two main purposes of this questionnaire. One is to seek some answers as to what people in landbased industries feel about regional and district council plans and rules. The second is to discover how people feel and act about the community they live in. The recent court case involving the Lancaster property has been selected as a focus for this research because it reflects the reality of what can happen and involves a small localised community.

Please answer those questions you feel apply to your property situation. If a question is considered unsuitable, or too personal, you are free to reject it. However, your responses are important and full answers are preferred. You will not be specifically identified in the analysis of these questions. The locality will be identified. Most of the questions need your replies to be more than a straight 'yes' or 'no', therefore, feel free to offer as much explanation as you think fit for the questions concerned.

If you do not own, lease or rent property, please ignore the first section of the questionnaire relating to property use.

Thank you for your time and effort in completing this questionnaire. You will be informed of the results at a later date. If you have any questions or need clarification on any points please ring me at 325 2373 or 325 2811 extension 8633.

Name

Age Male/Female occupation

Number of persons in household occupation/s

Number working on property fulltime/ part time hours

Number working off farm fulltime/part time hours

1 How long have you lived on this property in this community in a rural setting

2 How many hectares is your property?

3 How long has this property been this size? When did it change?
4 What is the government valuation?
5 What percentage equity do you hold on the property?
6 What is the main use of the land?
7 How long has this land, to your knowledge, been used this way?
8 Are there any subsidiary uses? Describe.
9 For dairying: are you producing for factory or town supply?
10 How many head of productive livestock are on this property?
   adult
   young stock
11 The productive livestock on your property is comprised of: (tick appropriate
categories and indicate how many of each)
   dairy cattle
   fat cattle
   horses
   sheep
   pigs
   poultry
   other (describe)
12 Do you breed your own livestock?
13 Do you buy replacement stock? From where?
14 Do you run stud or grade stock?
15 What are the prime objectives in your breeding programme
   to provide replacement stock
   to breed better production
   to breed for improved type
   to breed saleable replacements
   other (describe)
   (tick as many categories as necessary and rate numerically in importance to your enterprise)
16 What is the gross annual production yield from this land? List produce and
   approximate quantities per annum.
17 What is the gross annual value of that yield?
18 What was your property used for before you acquired it?
19 Do you think lifestylers and city people understand the difference between factory and town supply in the dairy industry?

20 Do you think lifestylers and city people understand the differences between dairying and other types of farming?

21 What is your opinion of how you see non-farming society views farmers in general
dairy farmers
cropping farmers
other livestock farmers
horticulture
lifestyle blocks

22 How many hours per week do you spend working?

23 How many hours per week do you spend on recreation?

24 Do you take an annual holiday?
   For how long?

25 How do you spend that time?

26 Do you believe you get enough non-work quality time for yourself?

27 Do you believe you get enough non-work quality time to spend with family
   friends
   community
   other

28 Do you believe the net return from wages/profits as adequate reward for hours worked and the social value of the job you do?
29 How do you describe a comparison of your net income to other sectors
town business owners
professional workers
trades people
small business owners
factory workers
shopkeepers

30 How do you compare your work effort to those listed in the previous question?

31 How would you describe farm incomes (in general) compared with city business? You may care to consider such issues as work effort, financial investment, profitability, etc. Do not consider unrealised land/business values, but annual production returns.

32 Do you believe there are any major factors which influenced your previous answer? (e.g. market systems, social values, investment outlay, political controls, regulations, isolation, private ownership, etc)

33 What is your educational background? (tick as appropriate and indicate number of years attended)
Primary    Secondary    Polytech    University    Other
(public or private)

34 What educational qualifications did you attain?

35 Were any, none, or all of the educational institutions you attended rural? (indicate as appropriate)

36 How did you travel to school? Primary/secondary.

37 What was your parents' educational background?
mother
father

38 Have any of your brothers or sisters had a different education to yourself? Explain.

39 Have (or would) you encourage your children to seek a higher education?
40 How suitable do you consider your parents’ education was for farm life?

41 How suitable do you consider your own education has been for farm life?

42 What do you consider a suitable education for your children to take up farm life?

43 Over the years, in your experience, do you think there has been a change in the type of education needed to go into farming? Explain.

44 Would you encourage your children to go into farming? Explain.

45 What do you consider the greatest pressures for farmers and farm families to be?

46 In your household, who is responsible for attending to the following activities? (Where responsibility is shared, please indicate as a ratio, e.g. 50/50 & who; 40/60 & who, etc. Where tradespeople or professional services are employed please indicate.) (Household means all non-farm related activities.)
- farm accounts
- household accounts
- GST returns
- farm operating decisions
- household/family decisions
- farm work
- off-farm income
- vehicle maintenance
- machinery maintenance
- everyday farm purchases
- major farm purchases (eg capital stock, equipment, etc)
- other purchases
- household work
- household maintenance

Comments:

47 Do you share and discuss personal matters with (tick and rate in order of preference)

spouse/partner
children
parents
neighbours
professional advisors
close friends
others
48 Do you share and discuss business/job matters with (tick and rate in order of preference)

spouse/partner
children
parents
neighbours
professional advisors
close friends
others

49 Do you use a farm advisory service?

50 If so, how much, and how much notice do you take of their opinion?

51 Do you agree with farm subdivision for lifestyle blocks?
Always/Sometimes/Never/Some localities/some circumstances. Explain.

52 Do you agree with farm subdivision for intensive horticulture/agriculture?
Always/Sometimes/Never/Some localities/Some circumstances. Explain.

53 Do you think your community has changed since you have lived/farmed/worked here?
Explain.

54 In your opinion, how do people interact within your community: (describe examples)

Socially?

By helping each other?

In sports/private activities?

Other?

55 Do you consider you have a sense of belonging to this community? Describe how you feel. (e.g. pride, attachment, outsider, nothing, closeness, etc)
How do you describe the community to which you feel you belong
Wakaipa
Springston South
Springston
Lincoln
Ellesmere
Selwyn
Other

Would you apply this description in all situations?

Does one description have meaning of a closer tie and is therefore more special in some circumstances (eg sporting events, social occasions, business contact, etc)?

Do you think people you know who have left this community after many years residence retain old ties and feelings about it?

Do you believe you would feel the same about this community five years from now if you left and lived elsewhere? Explain.

Do you think the feeling you have for this community is the same or different to other family members
spouse/partner
parents
children

In your opinion, are there any reasons for why there are/are not differing community feelings between members of your family?

Are you actively involved with your local community in any contact other than farming?
Previously
Now
Will in future
Please describe and explain.

Are you similarly involved with adjacent communities? Please describe.

Do you belong to any organisations
of a rural nature
of a community nature
associated with farming
other
(Please state under the categories of previously, now, in the future. Include organisations to which you belong but take no active part as well as any small informal groups which you feel contribute to a community atmosphere. Explain your relationship to these groups and how you see any overall benefits of them.)
66 How do you describe any feeling (or not) of responsibility to look after the land you own/live/work on because of this community feeling?

67 Would you feel or act differently in some other locality?

68 Have you lived in another locality? If yes, where and for how long?

69 What differences have you noticed between communities you have lived in?

70 What is your perception of 'improving' the land you own/live/work on?

71 Do you consider there is a relationship between your feelings of attachment/non-attachment to the land and the growing national perceptions of environmental awareness. Explain your response.

72 Describe how you feel about district and regional rules and compliance arguments being ultimately resolved through the court system.

73 Do you think there are any other ways such matters could be resolved? Describe

74 What is your opinion on a system of payment of a deposit to a territorial authority for improvements to operating systems and resource permits then releasing that money back in instalments once improvements were begun. Similar to the bond on relocatable houses.

75 Have you any suggestions for any other system?

76 Have you voiced your opinions to council staff or at public meetings? Describe.

77 Is adequate information and explanation of the requirements for effluent disposal/pollution control, in your opinion, freely available? Explain your answers.

78 Explain how you feel about pollution
- in its broadest context
- in general agriculture
- in dairying
- in your operation

79 Explain any differences between your personal beliefs and how you act in a business sense with regard to environmental issues? e.g. considering economic pressures, regulations, physical state of land.
80 Do you feel you act the same or differently to
- neighbouring dairy farmers
- neighbouring general farmers
- lifestyle blocks
- townspeople
- others (describe)

81 What is your opinion regarding obtaining resource consents for effluent and other pollutant discharges?

82 Do you believe these resource consents effectively reduce pollution? Explain.

83 Have you any suggestions for alternative systems of managing effluent?

84 Where do you rate dairy effluent on the pollution scale (number 1 as highest pollutant)
dairy effluent
pig effluent
other animal effluent
chemical residues
human wastes
offal pits
car emissions
smoke
smog
manufactured fertilisers
natural fertilisers
aerial sprays
farm waste
garden sprays
household waste - urban
- rural
road pollutants (eg oil, lead)
horticulture/orchard spraydrift
other (describe)

Comments:

85 Describe in general terms how you see your business relationship with

other farmers

farm-related business

rural township located business

lifestylers
86 How would you describe your relationship with these same sectors in a social setting?

87 Which written publications do you buy or read (please name) (include recreational publications)?
- daily newspaper
- local newspaper/s
- monthly publication/s
- quarterly publication/s
- business house publication/s
- farm business publication/s
- non-farm publication/s
- special interest publication/s
- other

88 Which of the above give you the best information on issues relevant to your business/farm situation? List in order of preference.

89 Which of the above inform you best on other issues of interest to you? State interest/s and list publications in order of best service.

90 Has your property been subject to any type of consent since the introduction of the Resource Management Act in 1991? Please explain giving details of what, when, cost, restrictions, etc.

91 Do you have a resource consent for effluent disposal? What are the terms?

92 Do you believe your property discharges more/less effluent than before you obtained a consent? Explain.

93 From where did you get your initial information on the RMA legislation
- regional and district rules

94 Do you think this was the right way to learn about these issues?

95 Was the information sufficient to explain all you needed to know about the RMA and regional/district plans/rules, etc?

96 Where do you get updated information on environmental standards and requirements from?
97 Do you consciously keep yourself informed, that is, do you make a point of reading articles on these matters? Explain your response.

98 What contact do you think there should be between councils/authorities and individual home/property owners? How?

99 Explain your opinion about how authorities inform people over environmental issues.

100 How do people in your community discuss resource management issues amongst themselves?

101 What part do you take part in these discussions?

102 Do you think these discussions help you in your own decision making on your own property? Explain.

103 Do you consider you are currently fully aware and knowledgeable about all your regulated obligations under the district/regional plans/rules? Why/why not?

104 Have you read the district or regional plans and rules?

105 Do you fully understand the district and regional plans and rules?

106 How do you find the language used in district and regional plans and rules? (e.g. clear, confusing, technical, official, explanatory, etc.)

107 Describe how you feel about implementation processes with relation to dairy effluent disposal?

108 Is time a factor in coming to terms with new requirements?

109 Is finance a factor in coming to terms with new requirements?

110 Are there any other factors which you believe could hinder someone’s ability to implement changes? Explain.

111 Do you believe authorities should/should not treat everyone equally? Explain.
112  Given that all farm situations are different, how would you suggest resource management issues could be handled in the following groups:

Dairy farms

Intensive farm types (eg pigs, poultry, feedlots, etc)

Cropping or horticulture

Sheep, deer or dry stock grazing

Other operations (describe) (rural or urban)

113  Do you believe different localities have different needs in resource management? (eg should similar types of operation on different land types be regulated in the same fashion on every issue). Explain your response.

114  Should authorities know and understand these differences in formulating implementation requirements? Explain

115  If you saw a neighbour polluting, would you report it to Canterbury Regional Council? speak with your neighbour? do nothing? speak amongst other neighbours?

Explain your answers describing the type of activity you believe serious enough to be of concern to you. (You may have different responses for what you believe are different levels of polluting. Please explain.)

116  Would your response be the same for all your neighbours?

117  Would your response be the same for people in other localities?

118  Do you use chemicals/artificial fertilisers in your farming/business operation? in your home in your flower/vegetable garden

List what you use and why, stating if by choice or regulation.
119 Do you consider chemical/fertiliser use necessary to your operation? If you had free choice, would you consider using alternative methods? Explain.

120 Do you consider the regulations for hygiene or quality control in milk production are adequate inadequate too low too high
Explain your response

121 Do you spray near drains?


123 How do you dispose of domestic wastes? Explain.

124 What do you believe are responsible ways of disposing of used chemical/fertiliser containers?

125 Are there adequate outlets in your locality to dispose of these items?

126 Who should be responsible for providing disposal facilities for such items?

127 Who should bear the costs of disposal?

128 What is your opinion on recycling chemical/fertiliser containers back through the selling merchants/manufacturers?

129 Do you believe there should be an inbuilt charge, refundable or fixed, to cover disposal costs?

130 How would you recommend this be implemented? (e.g. added to cost of product, imposed on retailer/manufacturer, refunds provided by disposal agents, etc)

131 Do you believe in and practice recycling? Explain.

132 In your opinion, are there enough outlets for recycling waste? Give examples.
farm domestic

If not, what would you like to see?
133 Do you use safety clothing for spraying?
Always/Never/Sometimes/Mostly
Why?

134 Do you use a face-mask?
Always/Never/Sometimes/Mostly

135 Do you consider weather conditions when spraying?

136 Do you consider the consequences of spraydrift or run-off?

137 Do you consider the consequences of artificial fertiliser run-off?

138 Explain your personal feelings on the effects or possible effects of spraydrift and artificial fertiliser run-off?

139 Do you think councils have enough/too much/not enough control over community issues?

140 Are there any factors councils should/should not be involved in within your community? Explain.

141 Do you think councils give value for money in the rating system? Explain

142 Do you think the Canterbury Regional Council gives value for money in its fee structure for consents and monitoring?

143 What do you like most about farm life?

144 What do you dislike most about farm life?

145 What do you like most about living in a rural community?

146 What do you dislike most about living in a rural community?
Are any of your answers to the last four questions different to what you think you would have answered five years ago? Please explain.

If you have more than one answer to the above five questions, list all and in order of preference.

If you have opinions that are not covered by the above questions please include them here.
APPENDIX B
Dear Resident

During mid-1996 a survey relating to Resource Management issues and dairy effluent was delivered to your household. To date you have not responded and I would be interested to know why. There is a growing acknowledgement in research circles that the opinions of individuals within any community are important. Without the inputs of the people most affected by issues involving them, policy and decision-makers have only a partial picture of events and effects upon which to make decisions. This can lead to errors in assessment in developing public policies which are best suited to the needs of the people concerned. To remedy this it is necessary to develop an understanding of why people hesitate in putting forward their opinions. Thus, you are invited to reconsider your decision about completing all or part of the original survey as well as the attached form. Your opinion is valuable.

I enclose a self addressed envelope for return of the survey or your response to this letter. For future reference, if you have specific reasons for not completing all or part of the survey, I would be grateful if you could inform me of those reasons. The attached page outlines some areas which may assist you in completing this response.

As you can see, there are no identifying marks on the response form and your answers will be totally anonymous unless you choose otherwise. If you have any questions please phone me at either 325 2373 or 325 2811 extension 8633.

I would be grateful if these forms could be returned by 24 February 1997. Thank you for your time and effort.

Yours truly

Jean Craw
RESOURCE MANAGEMENT ACT (1991) IMPLEMENTATION SURVEY

BY JEAN CRAW FOR MASTER OF RESOURCE STUDIES RESEARCH

NON-RESPONSE FORM

I did not respond to your survey because (Please tick boxes you feel are appropriate and add comments as required):

1 ☐ Confidentiality - although indicated on the survey confidentiality would not be breached, I had strong doubts.
Comments:

2 The topic
☐ Not interested
☐ Do not understand
☐ Want no involvement
☐ Other - please specify
Comments:

3 General surveys (your opinion on any survey)
☐ Do not like them
☐ Usually fill them out
☐ Surveys are a waste of time
☐ Do not believe people take notice of my opinion
☐ Other - please specify
Comments:

4 This survey
☐ Too long
☐ Topic and/or questions unclear
☐ Do not want to be involved
☐ Meant to do it and forgot
☐ Meant to do it but did not have time
☐ Dog ate it, (lost it)
☐ Other - please specify
Comments
The defendant appears today for sentence on one charge of discharging dairy shed effluent without a resource consent, and without that discharge being allowed either by a rule in a regional Plan, a proposed regional Plan or by any Regulations. He pleaded guilty to this charge on 27 February last, and was due to be sentenced on 3 March but unfortunately I was unavailable that day.

The defendant has been operating a dairy shed for many years now, and the system of disposing of the effluent was one that was originally suggested to him by the former Catchment Board, namely establishing holding ditches which were intended to enable the effluent to be at least primarily treated, with a view to eventual discharge through a farm drain into Goodericks Road drain which itself flows into the LII river system, and thence into Lake Ellesmere. For reasons that I find difficult to understand, the Catchment Board did not seem to be concerned at that time about the potential of discharge into the drains leading to the river...
system, but I suppose it was thought that the holding ditches or pond system would itself adequately deal with the effluent. In any event, that is the way the effluent was dealt with for a number of years.

As a result of a complaint in mid-October 1993, it was found that the system was not working satisfactorily. The ponds had overflowed, and the defendant was spoken to by officers of the Canterbury Regional Council. Steps were taken by the defendant in November to remedy the situation by clearing the ponds. The dairy season ended the following May and there was no milking until August of 1994. In the meantime there was heavy rain and when the new season began the ponds, as I understand it, were somewhat full and the end result of that was that they overflowed again causing effluent to be discharged into the system, and that has brought about the present charge.

At the time of the October 1993 incident, the defendant was written to by the Regional Council and it was pointed out to him that if he was going to continue using the system he had been using for some years he would require a resource consent. Alternatively, he could investigate disposing of the effluent by spray irrigation and he was provided with some information about that. His counsel says today that neither the defendant nor his wife can recall receiving that letter, but there must have been some information given to them because the defendant took the steps that he did to try to remedy the situation, and after the latest incident anyway he did pursue the matter of spray irrigation and has now installed a system that appears to be working satisfactorily.

It is acknowledged by the prosecution that the effluent in this case was not of a sufficient strength to be toxic to fish or aquatic invertebrates, and there is really no evidence of any permanent pollution damage. The defendant's counsel has placed before me details of his financial circumstances, which show that he is improving the gross income position but his net income position is not very strong due to heavy debt commitments and the loss of a lease of some land. He has the responsibility of a family including five children, all of whom are still at school. He and his wife are drawing approximately $2,000.00 per month from the dairy farm at the present time. He has no previous convictions.

Mr Venning has referred me to several cases of recent origin concerning discharges of dairy shed effluent where the fines have ranged from $2,000.00 to $18,000.00, and he has also referred me to the sentencing principles to be applied
under the Resource Management Act 1991 as enunciated by the Full Court of the
High Court in *Machinery Movers Limited* v *Auckland Regional Council*
[1993] 2 NZRMA 661. I am mindful of those principles, and I am mindful of the
cases to which Mr Venning referred me. He also mentioned a case in which I was
the sentencing Judge involving a company known as Waituna Farms Limited in
Southland where I imposed a fine of $10,000.00 for an unlawful discharge of dairy
shed effluent.

The facts surrounding this case lead me to conclude that I should deal with it
somewhat more leniently than I was disposed to deal with the case of Waituna
Farms Limited. I accept Mr Venning's submission that I am to deal with it under
the Resource Management Act, and the weight to be given to past events under
earlier legislation is to be lessened accordingly, but I still think it is an important
factor in this case that the defendant did operate a system approved by the former
Catchment Board and I propose to take that into account in fixing the penalty.

This, of course, is not a case calling for imprisonment but I remind myself and the
defendant, and anybody else who cares to consider cases such as this, that as the
Full Court pointed out in *Machinery Movers Limited* the maximum penalty for
offences under this Act is now two years imprisonment. The maximum fine is
$200,000.00. The Legislature intends these matters to be dealt with seriously.

In this case the defendant will be convicted and fined $2,000.00 and ordered to pay
the prosecution's costs of investigation and analysis, namely $306.65 and $274.50
respectively. He is also ordered to pay solicitors costs for two half-days, a total of
$226.00, and Court costs of $95.00. In accordance with section 342 of the
Resource Management Act 1991 the fine less 10% is to be paid to the Canterbury
Regional Council. The defendant will have until 26 May 1995 to pay the fine and
costs in full.

\[Signature\]

P.R. Skelton
District Court Judge and
Planning Judge
INTERVIEW RECORD

PROJECT: THESIS

NAME: Murray Judith Ann Lancaster

ADDRESS: No. 4 R.D.
CHRISTCHURCH

Phone/fax/e-mail:

AGREEMENT

I hereby agree that the notes/recording of my interview may be used by the interviewer in her personal research programme and thesis.

I agree/do not agree that any verbatim quotations used in any report, paper or article resulting from this project will identify me explicitly by name and/or by status.

I do/do not require to see a copy of any paper or article which incorporates material obtained from my interview, prior to publication.

I do/do not require a copy of the tape/interview notes/transcription.

I agree that the notes and/or tape and transcript will be kept by Jean Craw until the completion of the project. At that point preliminary notes will be destroyed and I agree/do not agree that the tape/transcript/interview notes will then be offered to Lincoln University Library, for the use, as reference material only, of bona fide staff and research students.

Signature of interviewee

Signature of interviewer

Date 19/11/97

Notes
## Water Right Summary Sheet

**Right To:** Include purpose of right

- discharge dairy waste to

**Type Of Right:** Enter one of:

- dam
- divert
take/use
- discharge

**Authority/Right:** Copy for your information

<table>
<thead>
<tr>
<th>Name of Applicant:</th>
<th>Lancaster</th>
</tr>
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<tbody>
<tr>
<td>Address: Springer No 4 R.D.</td>
<td></td>
</tr>
<tr>
<td>Occupation: Dairy Farmer</td>
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**Date of Standard Conditions:**

<table>
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<tr>
<th>Special Conditions</th>
<th>N (if yes complete below)</th>
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<tr>
<td>(Enter Y. or N.)</td>
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</table>

<table>
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<th>Special Conditions:</th>
<th>Quality Requirements:</th>
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<tr>
<td></td>
<td>N (if yes complete below)</td>
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**Dates:**

<table>
<thead>
<tr>
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<th>Notification:</th>
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<tbody>
<tr>
<td>Application:</td>
<td>01/04/64</td>
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<tr>
<td>Granted:</td>
<td></td>
</tr>
<tr>
<td>Transferred:</td>
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**Examined: No: 1**

**Entity Allowed:**

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<th>Daily Value:</th>
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</table>

**Maximum Rate:**

<table>
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<th>Rate (cumecs):</th>
<th>0.00027</th>
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**Other Relevant Values:**

<table>
<thead>
<tr>
<th>Value:</th>
<th>Say 3 GPM</th>
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</table>

**Catchment Name:** Sargent's New Drain

**No.:** 679071

**Distance Upstream From The Mouth:**

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<th>14.5 Miles</th>
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**Map Reference:**

| Code: | 5083839385 |

**Authorisation:**

| No.: | 2.3 |

**Under Ground Source:**

- Enter code No.

**WATER USE:**

| Code: | 0.2 |

**Legal Description Of The Site:**

R.S. 9924 Block VIII Lot: Leeson

**Owner Of The Site:**

I. G. Lancaster

**Occuipier Of The Site:**

**Sources Of Data:**

<table>
<thead>
<tr>
<th>Sources:</th>
<th>Well NOS.</th>
<th>Gauging Site NOS.</th>
</tr>
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<tbody>
<tr>
<td>NOS.:</td>
<td>193 55</td>
<td>26 39</td>
</tr>
<tr>
<td>NOS.:</td>
<td>50 59</td>
<td>52 59</td>
</tr>
<tr>
<td>NOS.:</td>
<td>61 66</td>
<td>62 73</td>
</tr>
</tbody>
</table>

**Hydraulic Data Available Or Deduced For The Site:**

- Enter code No.
NOTICE OF EXISTING USE OF WATER

THIS FORM MUST BE FILLED IN BY THE WATER USER AND RETURNED BEFORE 1ST APRIL, 1969.

Full Name of Applicant: Isaac Gorden Lancaster

Address: Springfield Rd, B.C.

Occupation: Dairy Farmer

Source of supply/Point of discharge and legal description of land containing

- Well approx. 986 ft

for Domestic & Dairy stock

- Bore in field 97 ft for stock drinking

Legal description of land on which water is used: RS 9924

Block VIII, X1. Heston

Name of owner of land: I. G. Lancaster

Brief description of the use of water (e.g., Crops grown, acreage and method of irrigation etc.): 

Quantity of water used/discharged annually: 

Maximum rate of draw-off/discharge (show capacity of pump/outlet): 

A
North Canterbury Catchment Board,
P.O. Box 788,
CHRISTCHURCH.

Please indicate for each water right number your intention -

<table>
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<tr>
<th>Right No.</th>
<th>Request Transfer</th>
<th>Request Cancellation</th>
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<tbody>
<tr>
<td>NCY 750791</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>NC7 780792</td>
<td>✓</td>
<td></td>
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If the previous owners passed their copy of the water right(s) to you, and you wish to cancel the water rights, please return the copies with this letter.

Please complete the details below -

Full Name: M.G & J Lancaster
Address: Springstar No. 4 RD
         Christchurch.
Date: 22/8/85

The property we occupy is owned by us not M. I. G. Lancaster, the previous owner.
Does your water use affect the quality of water remaining at the source of supply or elsewhere?

Show any legal right under which water is taken/discharged (other than underground supply):

Plan: A plan showing source of supply and locality where the water is used to be attached to this notice.

Signature of Applicant or Authorised Agent

STATUTORY DECLARATION

I, Isaac Gordon Lancaster, Dairy Farmer

(Full Name and Occupation)

82, Springton Rd, Edenhall

(Address)

solemnly and sincerely declare that the above information is true and correct. And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Declared at Richeirs, this 1st day of April 1969 before me.

Justice of the Peace (or Solicitor or Postmaster or officer authorised to take statutory declarations)
REQUEST TO SURRENDER CONSENT FORM

TO: Canterbury Regional Council
PO Box 345
CHRISTCHURCH

ATTENTION: Consents Administration Staff

REQUEST TO SURRENDER RESOURCE CONSENT

I/we _

(Full name)

I/We no longer wish to retain resource consent CRC:

(Purpose of Application)

and hereby request that the Council formally surrender the Consent pursuant to Section 138(4) of the Resource Management Act 1991.

SIGNED:

DATE:

/ /
12 October 1993

Mr M G Lancaster
Springston
No 4 RD
Christchurch

Dear Sir,

Discharge of Dairy Effluent into Roadside Drain

On 5 October 1993, Mr R D Pilbrow, an Investigating Officer with the Canterbury Regional Council, received a complaint on the Water Pollution Hotline concerning the discharge of untreated dairy effluent entering the L II River.

As a result of his investigation, Mr Pilbrow found that untreated dairy effluent was discharging from your property into Goodericks Road drain, that leads to the L II River. Under Section 338 of the Resource Management Act 1991, it is an offence to discharge a contaminant into water without the necessary approval.

Mr Pilbrow spoke to you about the discharge, and informed you that a resource consent would be required if you intended to upgrade your long ditch dairy effluent treatment system, and continue to discharge to surface water. You indicated to Mr Pilbrow that you would block off the discharge to Goodericks Road drain, and install a spray irrigation system to spread the dairy shed effluent onto land.

You are required to block off the discharge of untreated dairy effluent to Goodericks Road drain immediately to prevent any further action from being taken, and install a suitable spray irrigation system to cover the required area to comply with a permitted activity. Please find enclosed a booklet outlining the requirements, and a form to help you supply the necessary information under condition 2 (b) of the General Authorisation.

You are advised that if any further complaints of this nature are received and verified, then appropriate legal action will be considered.

Under Section 314 of the Resource Management Act, this Council is able to apply to the Planning Tribunal for an enforcement order to require the recovery of costs associated with responding to the above incident. It is our policy to provide an opportunity for you to meet these costs and avoid the risk of incurring any additional costs involved in the Enforcement Order process. Please find our itemised invoice for our costs attached.

Yours faithfully

L Fietje
INVESTIGATIONS MANAGER (CONSENTS)
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Opening Balance</td>
<td>0.00</td>
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<tr>
<td>Empty cow and pig sumps</td>
<td>562.50</td>
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<tr>
<td>Invoice Total</td>
<td>562.50</td>
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<tr>
<td>Add GST</td>
<td>70.31</td>
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<td>Less Received During the Month</td>
<td>0.00</td>
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<td>TOTAL OWING</td>
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TAX INVOICE/STATEMENT FOR THE MONTH ENDING 31/05/94
### Quotation

**To: MR M G LANCASTER**

**Address:** RD 4

**Springston, Christchurch**

**Date:** 7 February 1995

**From:** PLUCK'S ENGINEERING LTD.

**Address:** AGRICULTURAL ENGINEERS

**Address:** Manufacturing and Repair Service

**No:** 5543

---

<table>
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<tr>
<td>Quotation to supply and install 350 metres of 65mm PVC mainline underground complete with 7 only take off hydrants</td>
<td>4156.24</td>
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<tr>
<td>100 metres of 50 LD polypipe (drag hose)</td>
<td>176.00</td>
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<tr>
<td>1 - 10h.p Yardmaster effluent pump</td>
<td>2500.00</td>
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<tr>
<td>1 - LP 35 Travelling rotary irrigator</td>
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<td><strong>Total</strong></td>
<td><strong>9832.24</strong></td>
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<td><strong>GST</strong></td>
<td><strong>1229.03</strong></td>
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<tr>
<td><strong>Total (including GST)</strong></td>
<td><strong>11,061.27</strong></td>
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---

This Quote does not include any electrical work or wooden box covers for take-off hydrants.

---

**Interest will be charged on overdue accounts.**

---

Please return with remittance, no receipt given unless requested.
15 February 1995

Chief Executive
Canterbury Regional Council
PO Box 345
Christchurch

Dear Sir,

RE: M & J Lancaster, Springston

I accept that discharging contaminants without a consent is illegal and that when complaints are received the Canterbury Regional Council must take action. However, in the case of M & J Lancaster, I consider that there were actions, other than court proceedings, that the Council could have taken to achieve a long term solution to problems of effluent disposal on this farm.

Firstly, I note that the Lancasters took the advice that they were offered by the then Catchment Board as to what would be an effective and acceptable system and had it built to high technical standards. I consider that they have been caught by changes they did not understand.

As dairy farmers throughout Canterbury are coming to realise, there have been substantial changes in the way the regulatory agency, now the Canterbury Regional Council, approaches resource use issues, such as disposal of dairy effluent. Although, once one investigates, it is clear that the Council now prefers land disposal, which is a permitted activity, over discharge to water (non-complying activity) individual farmers are not necessarily aware of this change as there has been no formal consultation with the community, such as would occur in the preparation of a Regional Management Plan under the Resource Management Act. In addition, the Council no longer operates on the basis that if you construct an approved system (eg oxidation ponds) then you are more than likely to get a consent. Instead applicants are faced with having to demonstrate that they will not cause adverse effects on the environment. It is taking time for farmers to understand these new directions.

I believe that it is most unfortunate that the Canterbury Regional Council did not come to Federated Farmers before the court action was initiated as I consider that the Lancasters are honest and hardworking and would have taken action to resolve the problems much sooner if a third party had been called in to assist. Both Federated Farmers staff and elected representatives are more than willing to assist in situations such as this, and I am disappointed that we were not approached.
I consider that taking the court action further is not appropriate, now that the Lancasters have arranged to implement a new system. I believe that their unauthorised discharge was not caused by an intentional disregard for the law. Any continuation of the proceedings will only serve to make an example of people who are genuinely concerned to operate environmentally sound systems, but have been caught out by changes they were not aware of.

Yours sincerely

Craig McIntosh
Chairman, Dairy Section, North Canterbury Federated Farmers
(home phone 03 313 8935)
22 February 1995

Canterbury Regional Council
P O Box 345
CHRISTCHURCH

"WITHOUT PREJUDICE"

Dear Sir

RE: PROSECUTION - M G LANCASTER - DATE OF HEARING 27 FEBRUARY 1995

A. Introduction

1. We act for Murray Gordon Lancaster who has been charged with an offence against sections 15(1)(a) and 338(1)(a) of the Resource Management Act 1991 in that he did discharge contaminate namely dairy shed effluent into water when the discharge was not expressly allowed by a rule in a regional plan or proposed regional plan, a resource consent or regulations.

B. The Background

1. Mr & Mrs Lancaster are dairy farmers, Mr Lancaster having carried on farming in the local area for over 30 years. Obviously, during that period, there have been vast changes in farm management and responsibility. Approximately 7 years ago, acting on the advice of the North Canterbury Catchment Board, our clients established a settling pond system for the disposal of effluent. The Board drew up plans for the system which comprised a series of 3 ponds interconnected by drains. The system operated so that effluent was gradually diluted before being discharged into an internal farm drain which itself discharges into the Goodericks Road drain.

2. This system took some years to become fully operational and it was not until approximately October 1993 that the third pond filled. Thereafter there was a short period when there was a discharge into the internal farm drain and out into the Goodericks Road drain. That discharge lasted for no more than 1 month, during which time it appears that the Council received a complaint and as a consequence wrote a letter dated 12 October 1993 to Mr Lancaster advising him of the situation. Mrs Lancaster, who deals with the correspondence for our clients, states that she never received that letter and notwithstanding the report of the enforcement officer suggesting Mr Lancaster acknowledged its receipt, his instructions are that he cannot recall having received that letter. In any event, the situation was remedied in November.
1993 when our client contracted Mr Murray Robson to empty the sumps. To the best of our clients knowledge the Council inspector did not reinspect the system to see if that work had been carried out. However we do note that our clients received no further correspondence from the Council in the period immediately following October 1993.

3. In April 1994 it appears that another complaint was laid. By that time the system had filled again and, as a consequence, on 1 May 1994 the sumps were sucked dry again. This was at a cost of $632.81 and we annex herewith an invoice for that work.

4. Milking stopped in 15 May 1994 and did not recommence until 1 August 1994. During that particular winter there was heavy rainfall and as a consequence over about a period of approximately 9 weeks the ponds refilled so that in mid-September, or slightly thereafter, the system discharged into the internal creek. A complaint appears to have been received by the Council on 22 September 1994 which was followed up by an investigation on 26 September 1994 and a meeting between the Council enforcement officers and Mr Lancaster on 13 October 1994. At that time it is alleged that evidence was obtained showing that the discharge contained contaminant namely dairy shed effluent. It is Mr Lancaster’s very firm instructions that the officer, Mr Bob Simpson extended to him, at that meeting of 13 October 1994, a 48 hour period in which he was to rectify the problem. However our clients heard nothing further until the commencement of this prosecution.

C. The current Position

1. Our clients have now taken advice and as a consequence they will have installed an irrigation system to dispose of the effluent by this Friday 24 February 1995 and this system can be inspected by the Council on that day. This is an expensive exercise and we enclose herewith copy invoice recording the cost which they have incurred of over $11,000. They are not wealthy. They have had to arrange an increase of their mortgage through the National Bank to finance this alternative system. They have been advised by the Council that they are not required to obtain either a resource management consent nor an authorisation to implement this system and accordingly it complies with the Resource Management Act.

2. We consider that in the circumstances it would be very appropriate for the Council to withdraw this prosecution. In support of that request we make the following submissions:--

2.1 It is well established that a prosecuting authority has a discretion as to whether to prosecute in the first place, and likewise a discretion to determine that a prosecution should be discontinued. The position of the Council is in that regard analogous to that of the Crown when making such decisions in the criminal context. Matters which the Crown will take into
account, and which we would submit are pertinent to the Council's decision, have been set out in the draft guidelines for the Crown prosecution service in the United Kingdom. These guidelines provide that generally, the more serious the charge and the stronger the evidence to support it, the less likely it will be that it can be properly disposed of other than by prosecution. A dominant factor is that ordinarily the public interest will not require a prosecution to proceed unless it is more likely than not that it will result in a conviction.

2.2 A major consideration is whether, given that an evidential basis for the prosecution exists, the public interest requires the prosecution to proceed. Factors which can lead to a decision not to prosecute or not to proceed with the prosecution will vary from case to case. However the public interest, the overriding consideration, requires a consideration of the seriousness or triviality of the alleged defence, the effect of a decision not to prosecute on public opinion, the degree of culpability of the alleged offender, whether the prosecution might be counter-productive (for example by enabling an accused to be seen as a "martyr"), the availability of any proper alternatives to prosecution, the prevalence of the alleged offence and the need for deterrence, whether the consequences of any resulting conviction would be unduly harsh and oppressive, the attitude of the victim of the alleged offence to a prosecution, the likely length and expense of a trial, and the likely sentence imposed in the event of conviction having regard to the sentencing options available to the Court.

2.3 On the present facts we would ask the Council to have regard to the following salient aspects namely:

2.3.1 The nature of the alleged offence.

2.3.2 The public interest.

2.3.3 The circumstances of the offender.

3. The nature of the alleged offence

3.1 We accept that the alleged offence is not necessarily trivial. We are unsure as to the potency of the alleged contaminant but understand that it has not resulted in any serious environmental damage and is therefore not of the most serious of this type of offence.

3.2 The original system was implemented after our clients had consulted with and taken advice from the Catchment Board who
had supplied appropriate plans. The system had been in place for many years but there has only been discharges on three occasions. These have occurred over brief periods. The offence is not truly a continuing offence on a day to day basis and indeed the charge itself only relates to one day. The letter of 1993 was complied with by our client. At the meeting in October 1994 our client was given a very short period in which to rectify the situation and he attended to that and there has been no further discharge since that day.

4. The Public Interest

4.1 The initiation of the prosecution has already achieved a considerable amount of public interest. Federated Farmers are now involved and clearly are very concerned. We enclose herewith a copy of a letter expressing their point of view and we suggest that this letter "cries out" for your careful attention. No doubt as a result of this prosecution their members will now be even more well advised as to the provisions of the Resource Management Act and its implications for farmers.

4.2 Just as importantly the public interest has been addressed in that the remedial work that has been required to be carried out is being effected immediately. This has come about at a considerable cost to our client and accordingly the prosecution has had a substantial and very positive effect.

4.3 Furthermore in relation to the public interest, we understand there has been no serious environmental consequence as a result of the discharge. Accordingly the important principle under the Resource Management Act of ensuring that the environment is protected has not been breached.

5. The circumstances of the offender

5.1 In relation to our clients personally, this prosecution has made it very clear that non-compliance with the Resource Management Act has serious consequences. Mr Lancaster is a hard working farmer and a person who would not ordinarily find himself in a position of facing trial upon an offence which carries penalties of this magnitude. It is noted in the report that he was co-operative with the officers. In the circumstances we consider that the consequence of any resulting conviction will be unduly harsh and oppressive. In that regard we also wish to emphasise the obvious and clear fact that other farmers in the area are discharging into these various drains but apparently are not being prosecuted. Our clients have been punished, as it were, both through the
considerable stress which they have been subjected to and the financial burden which they will now be meeting through their increased borrowings.

D. Conclusion

1. We are asking the Council to reconsider its position in light of the various significant changes which have occurred since the initial decision was made to prosecute and furthermore in light of the explanation given by our clients. Each case must of course depend on its own facts but we would submit that the Council has achieved all its goals under the Act and it is therefore an appropriate and responsible course for the Council to withdraw the prosecution at this stage. It would no doubt be a condition that our client would meet the Council's reasonable costs which could be discussed between counsel. Such a withdrawal will of course require the leave of the Judge but in light of the compelling considerations which we have outlined and the nature of the change in circumstances since the decision to prosecute was made, we consider that a withdrawal should be granted.

Yours faithfully
MACFARLANES

Per: [Signature]
K W Clay

CC Wynn Williams
27 October 1995

Macfarlanes
P O Box 185
CHRISTCHURCH
Attention: Mr K W Clay

Dear Sir

MR M G & MRS J A LANCASTER - CONSENT M780792

In reply to your letter dated 6 September 1995 and your telephone conversation with Mr R D Pilbrow, Team Leader of the Consents Monitoring Section.

Mr I G Lancaster, the father of Mr M G Lancaster, gave Notice of Existing Use of Water on 1 April 1969 to the North Canterbury Catchment Board. The notice was for the taking of water for domestic and stock drinking purposes and to discharge water from the dairy, into a council drain half a mile from the dairy. Please find a photocopy of this notification enclosed. Section 21(2) of the Water and Soil Conservation Act 1967 authorised such discharges to the extent that they had been lawfully happening at any time during the period of three years ending 9 September 1966 and where notice was given to the Regional Water Board prior to 1 April 1970. The taking of water was subsequently given the consent number NCY780791 and the discharge of dairy shed water NCY780792. Both these notifications were transferred to Mr M G and Mrs J A Lancaster on 23 August 1985. Please find a copy of the transfer enclosed.

Pursuant to section 386(1)(b) Resource Management Act 1991 authorisations of this type are deemed to be discharge permits. The activity covered by the permit is the activity to the extent it was lawfully happening prior to 1966 and was notified. We are aware in Mr Lancaster's case that his cow numbers have increased quite considerably since the notified use was lodged in 1969. Also a new dairy shed and yard have been built along with an upgraded dairy effluent disposal system. Mr Lancaster was informed by letter on 12 October 1993 that if he wished to continue discharging dairy effluent into the roadside drain from the new system a resource consent would be required. Please find a copy of this letter enclosed. As the deemed permit does not cover the discharges Mr Lancaster is carrying out and to avoid incurring any further monitoring costs, I would recommend that both the above deemed permits be surrendered. Please find enclosed the appropriate form for this to be done. If you require any further details concerning this matter, please contact me.

Yours faithfully

[Signature]

Leo Fietje
CONSENTS INVESTIGATIONS MANAGER
1 November 1995

Mr & Mrs M G Lancaster
Goodericks Road
R D 4
Springton
CHRISTCHURCH

Dear Mr & Mrs Lancaster

RE: DISCHARGE CONSENT

We enclose herewith copy letter we have received from the Canterbury Regional Council in response to our recent enquiry on your behalf. We suggest you read the letter carefully and then contact our offices to discuss what steps should be taken.

We look forward to hearing from you.

Yours faithfully
MACFARLANES

Per: K W Clay

K W Clay
14443.008
Dear Sir

Re: MR M G & MRS J A LANCASTER - CONSENT M 780792

We are somewhat alarmed to find that you appear to be charging monitoring costs for a permit which you maintain does not cover the discharges Mr Lancaster is carrying out due to the alterations in his activity. That is further exacerbated by the fact our client has been prosecuted for a failure to have the correct discharge period.

Please advise what costs have been paid by Mr & Mrs Lancaster for these monitoring costs since 1991 and, furthermore, the amount of the monitoring costs which are to be incurred.

We look forward to hearing from you.

Yours faithfully
MACFARLANES

Per:

K W Clay

14443.008
Mr & Mrs M G Lancaster
Goodericks Road
R D 4
Springston
CHRISTCHURCH

Dear Mr & Mrs Lancaster

RE: DISCHARGE PERMIT

We enclose herewith copy letter we wrote to the Canterbury Regional Counsel on 1 December 1995. We are currently awaiting a reply to that correspondence. We shall contact you as soon as we have received same.

Yours faithfully
MACFARLANES

Per:

K W Clay

14443.008
10 January 1996

Macfarlanes
P O Box 183
CHRISTCHURCH

Attention: Mr K W Clay

Dear Sir

RE: MR & MRS J A LANCASTER - CONSENT M780792

In reply to your letter dated 1 December 1995, I can confirm that Mr & Mrs Lancaster have only paid one consent monitoring charge on the above consent since 1991. This relates to an invoice dated 18 August 1995 for $27.34 including GST.

In our last letter dated 27 October 1995, it was recommended that Mr & Mrs Lancaster surrender any resource consents that were no longer required. Surrender forms were sent to you for this purpose. To date no forms have been returned. If the resource consent in question M780792 was to be surrendered, then we would be prepared to refund Mr & Mrs Lancaster the $27.34 monitoring charge.

Monitoring charges in the future will be in accordance with our user pays policy and the amount of monitoring required for each type of consent.

If you require any further details concerning this matter, please contact me.

Yours faithfully

R D Pilbrow
TEAM LEADER CONSENTS MONITORING
Dear Mr & Mrs Lancaster

RE: DISCHARGE PERMIT

Further to our letter 12 December 1995 we now enclose herewith copy response we have received from the Canterbury Regional Council. Please contact the writer so that we can advise you thereon and take your instructions.

We look forward to hearing from you.

Yours faithfully
MACFARLANES

K W Clay

14443.008
I wish to advise that I intend spreading pig/cow/laying hen effluent on my property or other properties and provide the following information to comply with condition 2(b) (refer to booklet) of the Canterbury Regional Council's rule on animal effluent disposal onto land (this rule was previously known as a General Authorisation).

1. Name of Owner: Murray Gordon & Judith Ann Lancaster  
   Location of Property (Roads etc): Eodericks Road Springfield South  
   Postal Address: Springfield South 480 Ch Ch  
   Phone Number: 03 3295641  
   Fax: 
   Legal Description of Own Property:  
   Lot: ______  
   DP ________  
   RS ________  
   Survey District ________  
   District/City Council Selwyn District Council

If other properties are used for spreading your effluent, list the owners name, property location and legal description on the back of this page.

2. Volume of Undiluted Effluent Produced

<table>
<thead>
<tr>
<th>NUMBER OF EACH STOCK TYPE</th>
<th>DAILY VOLUME PRODUCED PER ANIMAL (litres)</th>
<th>TOTAL VOLUME PRODUCED (litres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Pig Numbers Indoors Only)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry Sows and Gilts</td>
<td>4.2</td>
<td></td>
</tr>
<tr>
<td>Milking Sows</td>
<td>6.0</td>
<td></td>
</tr>
<tr>
<td>Boars</td>
<td>5.3</td>
<td></td>
</tr>
<tr>
<td>Weaners (5-10 wks)</td>
<td>1.1</td>
<td></td>
</tr>
<tr>
<td>Growers to Pork (10-17 wks)</td>
<td>2.5</td>
<td></td>
</tr>
<tr>
<td>Growers to Bacon (10-24 wks)</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td>Dairy Cows *</td>
<td>120</td>
<td>636</td>
</tr>
<tr>
<td>Laying Hens</td>
<td>0.1</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>120</td>
<td>636</td>
</tr>
</tbody>
</table>

* Only the effluent deposited in the dairy yard is included here. The usual design criterion is 10% of the total daily production.

The total volume produced shall not exceed 2000 litres per day as required by the Canterbury Regional Council rule.
3. 

**Nitrogen Content of Effluent**

(Spreading Guideline Maximum 200kg Nitrogen/Hectare/Year)

<table>
<thead>
<tr>
<th>NUMBER OF EACH STOCK TYPE</th>
<th>NITROGEN PRODUCED PER ANIMAL EACH YEAR (kg)</th>
<th>TOTAL NITROGEN PRODUCED (kg)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dry Sows and Gilts</td>
<td>11.3</td>
<td></td>
</tr>
<tr>
<td>Milking Sows</td>
<td>32.8</td>
<td></td>
</tr>
<tr>
<td>Boars</td>
<td>13.5</td>
<td></td>
</tr>
<tr>
<td>Weaners (5-10 wks)</td>
<td>2.9</td>
<td></td>
</tr>
<tr>
<td>Growers to Pork (10-17 wks)</td>
<td>6.8</td>
<td></td>
</tr>
<tr>
<td>Growers to Bacon (10-24 wks)</td>
<td>9.1</td>
<td></td>
</tr>
<tr>
<td>Factory Supply Cows (270 days)</td>
<td>6.5</td>
<td><strong>78</strong></td>
</tr>
<tr>
<td>Town Supply Cows (365 days)</td>
<td>8.8</td>
<td></td>
</tr>
<tr>
<td>Laying Hens</td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td><strong>120</strong></td>
<td><strong>78</strong></td>
</tr>
</tbody>
</table>

4.

Type of Effluent Collection & Storage System:

- A. Concrete Sump & Pump
- B. Channel Undergrating
- C. Deep Litter
- D. Large Storage Sump
- E. Pumped Into Storage Ponds
- F. Gravity Direct Onto Land
- G. Other System (state below)

Method Used to Spread Effluent onto Land:

- A. Travelling Irrigator
- B. Static Irrigator
- C. Open Pipe onto Land
- D. Border Dyke Irrigation
- E. Vacuum Tanker
- F. Removed by Contractor

(include name of contractor below)

5. 

a) Volume of washdown water used each day **5000** litres
b) Percentage of effluent that is spread on your property **100** %
c) Area of own property used for effluent disposal **10.5** hectares
d) Number of days per month that effluent is spread **270** days
e) Area on which effluent is spread per spreading day **1/4** hectares
f) Total volume discharged on average each spreading day 5,000 litres

g) If you have a domestic well on your property, how close do you spread effluent to it? [65 metres]
(Note that the conditions state a minimum 30m separation)

h) Do you have a neighbours domestic well within 30 metres of your boundary? Yes/No

i) Do you spread effluent within 20 metres of any waterway? Yes/No

6. Give a full description of how your effluent system operates, e.g. type of equipment used and how often you spread onto land etc..

Effluent is spread to pasture via a sump pump and travelling irrigator. There are several hydrants in paddocks. The travelling irrigator is a plucker. The sump pump is a Grundfos. Effluent spread onto land everyday during milking season 1st August to 31st May.

I certify that the information I have supplied is correct. I am the person responsible for ensuring that Canterbury Regional Council rules are complied with.

Signed: ___________________________ Date: 6/6/96

Designation (e.g. Owner, Manager, Partner etc.): Partner/Owner
16 August 1996

Mr M G & Mrs J A Lancaster
Goodericks Road
4 R.D.
CHRISTCHURCH

Dear Mr & Mrs Lancaster,

RE: SURRENDER OF YOUR RESOURCE CONSENT TO DISCHARGE DAIRY EFFLUENT ONTO LAND - NCY780792

Within the last six months, you have sent us details regarding the spreading of animal effluent generated on your property.

This activity is now covered by a "Permitted Activity" under the council's Transitional Regional Plan 1991. You currently have a resource consent NCY780792 for this disposal of animal effluent that can now be surrendered if you wish.

Please find enclosed a copy of your consent and a surrender form if you wish to take this option. It will save you paying monitoring costs in the future.

If you require any further details concerning this matter, please contact me.

Yours faithfully

R D Pilbrow
TEAM LEADER CONSENTS MONITORING

encl.

DP:CFW

We have not send details at all
It yellow form 9C217 5
Dear Sirs

I am nearing the completion of a Masters Thesis in Resource Management at Lincoln University and need a definition for the following problem. My research focuses on a case study which resulted in a prosecution in the Christchurch District Court. The defendant, a dairy farmer, was charged with an offence against Sections 15(1)(a) and 338(1)(a) of the RMA 1991 in that he did discharge contaminate namely dairy shed effluent into water when the discharge was not expressly allowed by a rule in a regional plan or proposed regional plan, a resource consent or regulation. He was found guilty.

In the judge’s sentencing notes and in finding precedent the Full Court of the High Court was cited in the case of Machinery Movers Limited vs Auckland Regional Council (1993) 2NZRMA661. In addition, reference was made to Waituna Farms Ltd in Southland. These cases were cited in relation to the setting of costs and imposition of fine.

The question that has arisen is if this conviction against the dairy farmer as an individual is in fact known as a criminal conviction. I have contacted the Environment Court here in Christchurch and they do not know, nor do the local MfE who advised I contact you. If it is not classified as a criminal conviction, could you please tell me what name it is given.

The notes I have regarding Machinery Movers as a precedent cite under Enforcement Orders s340(2) of the RMA for criminal liability for company directors and managers of corporations. However, I find no reference to scale of adverse effect and small individual operations such as in this case.

I would be grateful if you could assist me in classifying this offence with its correct nomenclature.

Yours faithfully

Jean Craw
Dear Ms Craw

RE: RESOURCE MANAGEMENT ACT QUERY


I am unsure exactly what the nature of your enquiry is. First you ask whether the case you refer to is known as a “criminal conviction”. You do not give the names of the parties to the case, but, from the information you have provided, it seems that a prosecution was taken and, if the defendant was found guilty (as you state), then that would certainly amount to a “criminal conviction”.

Your second question is for assistance in “classifying this offence with its correct nomenclature”. Based on the information you have provided, I would assume that the defendant was charged with an offence of “contravention of section 15(1)(a) of the Resource Management Act 1991”. Contravention of section 15 is specified as an offence in section 338(1)(a) of the Resource Management Act 1991. The offence is classified as a “summary” offence for the purposes of the Summary Proceedings Act 1957.

Finally, I note in passing that you sought some advice from the Environment Court. The Environment Court does not deal with criminal prosecutions under the Resource Management Act 1991. Criminal matters are dealt with in the District Court (although on most occasions if the offence relates to the Resource Management Act 1991 it is likely that an Environment Court Judge will preside over the matter).

I hope that the above information is of assistance to you. However, my assumptions about the exact nature of your query may be inaccurate. Accordingly, please feel free to telephone me for any further information. From next week (8 December) the Ministry will have a new telephone number. My direct line will be (04) 917 - 7479. If you call before 8 December my direct line is:
(04) 498 - 7479.

Yours faithfully

Sian M Smith
Senior Solicitor
SUSTAINABLE MANAGEMENT

Definition put forward by the Ministry for the Environment in Information Sheet Number 5, dated initially December 1991, then updated December 1994.

Sustainable management is not sustainable development

There is a difference between sustainable management (as defined in section 5 of the Act) and the generally used term sustainable development.

“Our Common Future”, the report of the World Commission on Environment and Development, defines sustainable development as comprising three main interrelated goals:

- To ensure that all society’s needs are met (needs as distinct from wants, and this refers to those essential inputs required to sustain human life).
- To ensure that all members of society have their needs met (in other words better equity in the use of resources).
- To ensure that all development is sustainable over time in a social, economic and environmental sense.

Sustainable management, as embodied in the Resource Management Act, seeks to achieve only one aspect of these elements; sustainable development in an “environmental” sense. Built into the definition is a recognition that people and communities must provide for their social, economic and cultural wellbeing and for their health and safety. However, many aspects of their needs are affected by the Resource Management Act and must be met within the context of sustainability of the environment.

Although consideration was given to using the Act as a vehicle for implementing the broader goals of sustainable development, the Resource Management Bill Review Group concluded:

“One disadvantage of adopting the term “sustainable development” is that the concept outlined in “Our Common Future” embraces a very wide scope of matter including social inequities and global redistribution of wealth. It is inappropriate for legislation of this kind to include such goals.”

The Government agreed with the Review Group’s thinking, and the emphasis on sustainable management remained. The Act’s purpose focuses on the sustainability of the natural and physical environment (air, water, land resources [including the built environment] and ecosystems). It does not attempt to cover the wider concerns of sustainable development.

In essence, sustainable management comprises two things. Firstly, it is about recognising more fully the environmental costs of activities and policies in order to protect our natural and physical resources (better environmental valuation). Secondly, it is about better consideration of the earth’s resources, with a view to conserving the potential of resources for future generations (better environmental stocktaking).
APPENDIX H
Principles for Integrating Environment and Economy

Principle 1: Sustainable management

The use of natural resources should be carried out in a manner which sustains the resources and services that society values.

This principle recognises that:

- The sustainable management of natural resources is best understood as a constraint applied to short-term economic use of resources, for the sake of ensuring continuance of longer term benefits from those resources.

- This constraint is based on ethical and cultural concerns. Society is concerned about the well-being of future generations and about certain intrinsic values of natural ecosystems. These sustainability constraints are sometimes specified as ‘environmental bottom lines’. Their evaluation requires scientific understanding of the impacts of activities on particular (primarily biophysical) resources in particular places, and consideration of this information together with community values.

- The Resource Management Act 1991 is the principal general legal framework through which this is carried out in New Zealand. However, a range of other legislative instruments including the Fisheries Act 1983, Forests Amendment Act 1993, Biosecurity Act 1993 and others provide for the performance of equivalent functions in the case of particular resources.

- In some cases, it is particular characteristics of a resource that need to be sustained (e.g. a forest of rimu), while in other cases it is sufficient to sustain the flow of services which society obtains from resources (e.g. energy services).

- In some cases the traditional use of the resource (e.g. medicines) may require the ability for Maori to utilise or harvest from the environment, provided sustainability is maintained.

Principle 2: Environmental bottom lines

Resource management should proceed by defining “environmental bottom lines” as rapidly and as clearly as possible, and the use of resources should not exceed them.

This principle recognises that:

- “Environmental bottom lines” are the thresholds below which there is an unacceptable risk that the resources and services that society values will not be sustained. Such thresholds may refer to damage to natural ecosystems, or to resource qualities desired for human use (e.g. waters of wimmable quality). They are defined in biophysical terms. They are important because they enable the principle of sustainable management to be given specific operational expression in real world situations.

- “Environmental bottom lines” are not always easy to determine accurately. Partly this is because of lack of knowledge of the relevant natural systems. Also, partly it is because scientific considerations will often indicate a range of impacts (or rates of change), rather than a particular level, as marking the boundary between acceptability and unacceptability. In defining an environmental bottom line within this range, principles such as the “precautionary principle” and the balancing of benefits and costs may be relevant, as are the value judgements of those affected.
Nonetheless it is highly desirable, from the point of view of defining sustainable property rights and ensuring certainty for investors and the community, that "environmental bottom lines" be defined with clarity and specificity. It is important also that they be defined for as many resources as possible, as rapidly as possible.

Principle 3: Internalisation of environmental costs

Resource management should ensure that the environmental costs of production and consumption are "internalised", that is they are fully assessed and consistently charged to users and consumers who benefit from them.

This principle recognises that:

- The external environmental costs of economic activity should be borne by those firms or consumers who benefit from the activity. This principle, known internationally as the 'internalisation principle' or 'polluter-pays principle', involves accounting for all the environmental costs of production and use and ensuring that they are charged to the producer and user in all cases. It is neither fair nor efficient for these costs to be borne by the community; nor for the costs to be borne differentially by different users of the same resource.

- Environmental costs have up to three components:

  - opportunity costs of use of publicly owned and scarce resources that precludes other uses, for example a mussel farm, a marina, use of air or water for waste discharge or water abstraction (charges for the use of such resources are called "resource rentals"); and

  - costs of avoiding or remediating environmental damage (e.g. extra costs of using sulphur-free fuel, or of scrubbing sulphur dioxide from emissions); and

  - costs of mitigating environmental damage by:

    - reducing residual impacts on the environment, after avoiding or remediating adverse effects (e.g. redesign of the manufacturing process to produce less sulphur dioxide): and/or

    - providing some compensating environmental benefits to the community (e.g. a replacement wetland for one reclaimed): and/or

    - providing financial compensation to those individuals who are adversely affected (e.g. through purchase of adjoining properties affected by noise, odour etc).

- Even when environmental damage is remedied or mitigated, some residual damage usually still occurs (e.g. some pollutants still enter the river). With a high level of overall economic activity in an area, such residual damage can be quite significant. It is important that this cost is not allowed to fall on the community, but is charged to those responsible for it.

- The policy mechanisms to achieve "internalisation" of environmental costs could be voluntary codes by industry, regulatory or economic instruments, such as user charges. The objective is to find the "least cost" (Principle 6), including transaction and compliance costs, mechanism to achieve this.

- The benefits of a resource management regime which identifies "environmental bottom lines" and consistently applies an internalisation policy are:

  - It translates environmental impacts into financial costs, something which businesses and other users take notice of and will strive to minimise, thus creating a direct financial incentive for improved environmental quality and economic efficiency;

  - It ensures that environmental costs are reflected in the prices of the goods and services, thereby giving a competitive advantage to cleaner producers; and
It ensures that existing industries and resource users are not given a privileged status compared to new entrants, which can often offer environmentally improved production technology or better land management. It is clearly important that the resource management system does not create barriers to renewal and improvement in any resource-using sector.
IMPEDIMENTS TO CHANGE


The RMA provides the statutory framework within which communities will develop integrated resource management policies.

The ability of individuals to make the necessary changes is limited. Impediments to change, which are largely economic and socially based, delay and limit the process of change.

Impediments to change include:

(a) **information**: while being aware of the need for change individuals are often unsure of the source of the necessary information and advice;

(b) **perception**: while being aware of specific land use problems within their districts, individuals frequently do not recognise the same problem occurring within their own properties;

(c) **social pressure**: in some cases individuals who perceive a need to change are constrained through the pressure to conform to the established norm;

(d) **economics and finance**: short term financial constraints may prevent farmers from investing in better risk management practices the benefits of which accrue in the longer term;

(e) **infrastructure**: individuals are often unable to proceed with management change due to the constraints of property size, and lack of support services appropriate to the proposed change;

(f) **institutional arrangements**: the conservative attitudes of financiers and legal advisors may impede change;

(g) **off site benefits**: a portion of benefits from increased preparedness fall beyond property boundaries. These spillover benefits (externalities) will not be considered in private land use decisions and as such may cause under investment in risk mitigating practices.

Central and local government have important roles in facilitating the removal of the above impediments and encouraging change.
APPENDIX J
Areas of Outstanding Landscape
Areas of Significant Natural Conservation Value
Coastal Hazard
Earthquake Fault Lines
District Boundary

53 LINCOLN
67 SPRINGSTON

Halswell / Ellesmere / Selwyn Flood Area
2.74m A.M.S.L.

Source: Selwyn District Council Draft Plan