

United We Stand: A United Community



Lobbying Campaign

Federated Farmers vs. Banks Peninsula District Council

Andrew Hunt
11 November 2004

United We Stand: A United Community

Executive Summary

Change is a natural process, and is a combination of a number of different mechanisms all working at once. However it is wrong to assume that change is imposed; people can influence a proposed change and even promote their own change. At this stage the art of Lobbying can be applied to achieve a result that is more acceptable and participate in a democratic consultation process.

Despite Lobbying being entrenched in our political, business and international environments, there is very little written or researched on the topic and it follows that lobbying is not fully acknowledged and perception not always positive. This project represents the events to the best of the resources and should not be used in any legal form; it is an interpretation of the events that happened.

The Banks Peninsula Federated Farmers vs. Banks Peninsula District Council lobbying campaign has been long and contentious, and being set in a statute system, were compelling reason to study this campaign. In a series of interviews and reading historical documents from Federated Farmers archives, an embodiment was formed to clearly detail a successful lobbying campaign.

This report defines lobbying and briefly views the historical significance in accordance with New Zealand legislation. A time line was compiled, detailing the frequencies, type and source of communication flows. This enabled the issue to emerge, and detailed how the campaign was started. After interviewing parties both side of the campaign, people involved became important, the roles that they played and how they exerted influence on the style of campaign.

A community united together by anger passion and determination was clearly evident and along with strong communication and some accurate record keeping, steered a course to achieving goals. However it was the method of protest that was of most interest, claiming that it was “set of the pants stuff” Federated Farmers’ non-violent protest is compared in a table and shows the thoroughness of their action through Direct Lobbying and Formal Statements.

Following the protest action a Taskforce was agreed to, by doing so they became one of fourteen stakeholders, diluting their influence on proceedings they were forced to Negotiate. The “Negotiating Golden Rules” was compiled and distributed around members. These rules unbeknown to the Farmers are written about in the theory of lobbying.

The final section covers Lessons Learnt, looking back at the costs associated with a poorly commissioned District Plan, infrastructure systems of recording and the Evaluation of the action taken. Trevor Mallard delivered a speech entitled “Lobbying and the Government”; in it he details some ethical guidelines for lobbyists.

United We Stand: A United Community

1. INTRODUCTION	4
2. BACKGROUND	7
3. THE ISSUE	10
3.1 CLOSED PUBLIC CONSULTATION BUT FEDS SNEAKS A LOOK	10
3.2 AWARENESS	11
4 THE CAMPAIGN STARTS	12
4.1 ROLES DIFFERENT PEOPLE PLAY	13
4.1.1 <i>Artillery</i>	13
4.1.2 <i>“Media Man”</i>	14
4.1.3 <i>HQ Command Post</i>	14
4.1.4 <i>Military Adviser</i>	14
5 WHAT WAS DONE WELL	16
5.1 UNITY	16
5.2 STRONG COMMUNICATION	16
5.3 ACCURATE RECORDS	17
5.4 KEY PEOPLE INVOLVED WITH THE CAMPAIGN	17
5.5 STRENGTH OF FEDS	18
5.6 METHODS OF PROTEST	18
5.6.1 <i>Methods of Protest and Persuasion</i>	19
5.7 MEMBER MOBILIZATION	20
5.8 NEW INITIATIVE- CHALLENGE TEAM	21
5.9 NEGOTIATION	21
5.9.1 <i>Focus On The Issue</i>	21
5.9.2 <i>Environmental Development Services</i>	22
5.9.3 <i>Task Force</i>	22
5.9.4 <i>Forest & Bird Pull Out</i>	22
6 LESSONS LEARNT	23
6.1 COST	23
6.2 SYSTEMS IN PLACE	24
6.3 EVALUATION	25
6.4 ETHICS	25
7 SUMMARY	27
7.1 THE ISSUE	27
7.2 PEOPLE	27
7.3 SYSTEMS	28
7.4 ACTION	29
APPENDIX 1 – TIMELINE OF EVENTS	30

United We Stand: A United Community

1. Introduction

Lobbying is a topic that often makes headlines but is sometimes misunderstood, cynically blamed as an underhand way of addressing problems.

The Collins English Dictionary describe Lobbying as “a group of persons who attempt to influence legislators on behalf of a particular interest” This definition is derived historically from how legislators would gather in the lobby outside the debating chamber before voting on a piece of legislation before parliament. People representing interested parties outside the debating chamber would use a range of tactics to sway or influence the legislator’s vote.

Some have described it as a healthy democratic process to engage consultation and debate while others viewed it as moneyed people exerting undue influences on the political process. But it is unquestionably the most important activity in a healthy democratic society, and every citizen has the right to try to influence the political process.¹

The objective of this project is to demystify lobbying by studying a lobbying campaign and finding some key principles to apply to other campaigns. How is a campaign started? What are the key elements to a lobbying campaign?. There must be some interesting people who have enough passion and energy to put their head above the pulpit. I have chosen to study the Banks Peninsula Federated Farmers versus the Banks Peninsula District Council.

While Lobbying is often associated with political agendas, other organisations and companies often engage lobbyists to change or influence public views. These special interest groups make a stand such as Fish and Games’ “Dirty Dairying Campaign”, where the issue was the degradation of the lowland streams by the intensification of dairy farming.

Race based lobbying action was first seen in New Zealand in 1975 where Dame Whina Cooper brought Maori grievances to the front pages and news bulletins, with the land marches from Northland to Parliament. It was repeated in May of this year with a hikoi protesting against legislation that will vest ownership of foreshore and seabed in the Crown. Six months has passed and the Clark lead government has announced that, with the support of a minority coalition party New Zealand First, the Foreshore and Seabed Bill will be voted on in parliament next week, under urgency.

Historically lobbying can be traced in New Zealand politics back to the suffrage movement and women getting the vote in 1893. The debate lasted for years; finally there was enough of a shift in thinking to take it to a vote in the Legislative Council. In the days leading up to the vote in the Legislative Council, the suffrage movement sent a white camellia to supporters in the

¹ (Annabel Young “The Good Lobbyist’s Guide” Chapter 1 pg9)

United We Stand: A United Community

council to display in their buttonholes. Telegrams were sent to members whose vote was uncertain.

The final vote was passed with just a majority of two votes.

Banks Peninsula Federated Farmers Vs Banks Peninsula District Council

This issue started in 1992, when Hugh Wilson produced a survey study, which unbeknown to the public was a proposed basis for Natural Protected Areas (NPAs). In 1993 Banks Peninsula District Council (BPDC) releases a document called "Issues and Options" This document had "little substance and was short on proposed structure."² and contained no reference to the creation of NPAs.

With some limited consultation with DoC and the local Rununga regarding conservation sites and natural and historical significant sites, the BPDC planners consult with Wilson regarding an expanded NPA, to include Coastal Protection Areas (CPA) and Recommended Areas for Protection (RAP). His recommendation was consultation with affected stakeholders in particular, farmer.

In the August of 1996 after requesting for some months, Ali Undorf-lay a Senior Policy Analyst in Federated Farmers (Feds) and Pam Richardson Banks Peninsula Federated Farmer (BPFeds) finally received a copy of the proposed District Plan (DP). However they reluctantly agree to keep the information on a confidential basis.

When the Proposed DP was notified and open for all stakeholders' consultation on the 29th January 1997, BPFeds immediately could see the effect of the protected areas and unjustness of the Rural Section.

BPFeds meeting minutes, action plans, BPDC meeting minutes, submission documents, letters from lawyers outlining legal opinions, Challenge Committee minutes, letters to the editor, communication from Feds to the Ministry of the Environment, Rural Task Force proceedings were all compiled into a time line of the campaign, which lasted from 1996 to 2004.

In interviews with Pam Richardson, the former President of North Canterbury Federated Farmers and the chairman of the BPFeds and Richard Holloway, another Feds member, it was uncovered how time consuming the consultation process for a district plan really was. The character of a lobbyist is highlighted by Richardson's determination and leadership skills throughout the 7-year struggle. The farmers were supported by the Fed's Senior Policy Analyst Alison Undorf-lay, who is a veteran lobbyist and ex Green Peace activist. Together the farmers put up a strong defence.

² A.Undorf-Lay

United We Stand: A United Community

Noeleen Alan, former Mayor of Banks Peninsula, described what it was like to be on the other side and Stuart Miller, Deputy Mayor and chairperson of the Rural Task Force, talked of his role.

What was strongly evident was the strength of belief that a core value was to be threatened. People have the right to use and benefit from the things that they own. It is also an example of influencing a proposed change and taking the lead and showing innovation by proposing change in a structure Resource Management Act statute

There had been little celebration at the success of the work Pam Richardson and her colleagues have collaborated on. This case study is an acknowledgement and tribute to the lobby campaign waged by farmers when they took on their District Council and hopes to inspire others to actively embrace change.

United We Stand: A United Community

2. Background

In 1991 the Resource Management Act (RMA) was introduced to New Zealand legislation replacing The Town and Country Act. Moving from Rules based legislation to Effect based legislation meant that all local body councils would have to draft new District Plans.

The RMA is the law that local and central government use to limit air, soil and water pollution, protect significant indigenous natural areas such as bush, lakes and rivers and safeguard the extinction of animals. It's about inclusive consultation with all stakeholders in the community, Maori, Landholders, ratepayer residences and council representatives finding ways to sustainably managing the environment. While the councils are responsible for producing their own District Plan they are liable to observe the RMA law and ultimately accountable to Parliament.

The RMA was designed to manage the impact of growth by enabling sustainable development, subject to environmental bottom lines. Being referred to as the "people statute" by Fish and Game, Feds said that it would continue to hold back a then depressed rural economy. It was contentious from the start.

Under the Statute system, the Local and Regional Councils are required to consult when forming a District and Regional Plan. In exercising their functions, powers and duties, local authorities are subject to the New Zealand Bill of Rights Act 1990 where their obligation to consult with the public is clearly defined. The nature of consultation had not been determined by the legislation however; it was discussed by the Court of Appeal in Wellington International Airport Limited case (26). At issue was the fixed charges being implemented after "consultation with the airlines that used the airport". The court identified certain principles such as; listening to what others have to say, sufficient time, information must be provided to enable parties adequately informed and the process must be genuine.

The special consultative procedure was introduced to the Local Government Act 1974 in 1989 as part of accountability reforms. These included setting out the purpose of local government, principles applying to the conduct of affairs, the annual plan and reporting. It imposed significant obligation for public participation, openness and accountability in local authority decision making.

Farmers in New Zealand had been struggling with the free market reforms that had been implemented in the 1980's. The abolishment of minimum fixed prices and fertiliser subsidies had forced them to readjust farming methods. Some struggling with poor returns, ewes worth in mid 1980's fetched \$20 per head and lambs, \$17 per head³. Fencing hadn't been maintained, basic fertiliser had only been applied, many had borrowed on their equity to keep farming until finally the banks would not lend any more. Some farmers walked

³ A. Harvey-PPCS Drafter

United We Stand: A United Community

off their land with nothing, with no equity, no dignity and broken spirits.

What evolved from these changes was a new breed of “Primary Resource Managers”⁴ who embraced innovation, had the ability to build relationships with key business partners and review decisions and results. These farmers view their land tenure as a custodial role for future generations. Farming has changed from “burn and develop pioneer” to measure and manage resources.

Farmers who survived the economic crisis had changed. They expected a level playing field with both teams playing the rules of the game with sportsmanship. The legislation had changed from the Town and Country Planning Act to the Resource Management Act but had the local authority historical approach of “we know best” altered? Forced to write their District Plans to promote sustainable management, it quickly became clear that higher expectations from conservation stakeholders would set the scene for some major battles.

The Banks Peninsula Proposed District Plan (DP) was one of the last to be released in a relatively new process of preparing, drafting and endorsing RMA plans. And this was the irony; both neighbouring Selwyn and Hurunui District Plans had been withdrawn because they were so contentious. So why did the Banks Peninsula Council persist with its proposed District Plan?

When the Proposed District Plan was publicly notified on the 29/1/97, its impact was seen immediately. Landowners quickly became aware how the plan would adversely affect their business by increasing compliance cost, imposing all sorts of zones and regulations on them and take away their development rights. All this, added to an already difficult business environment, meaning that the farmers were in a desperate situation. The plan threatened their property rights by reducing their right to develop and benefit from their land resource. Despite the Banks Peninsula farmers having to take the challenge of fighting these zones and rules by themselves, as the DP was particular to them, they showed no reluctance.

It wasn't just the District Council that the farmers would have an argument with. Simon Upton, the then Minister for the Environment (MfE) became involved by speaking out in defence of the RMA and district planning process. Upton defined the different parties roles in the process and tried to act as a mediator. In a newspaper article in the Independent, 2nd May 1997, he spelt out the process saying that the planner's role is to analyse the policy options by assessing risks and finding solutions, not to navigate a course through bureaucracy. The councillors' responsibility is to take ownership of the policy by understanding and explaining what they are implementing. The public, he said, needed to realise where the immediate and real power under the Resource Management Act (RMA) resides. He forecast that green political forces would increasingly target local and regional councils rather than central government. Finally he argued that central government's role, and his own as the Minister looking after the RMA, should be directing the MfE focus on

⁴ R Grigg <Letter to Richardson May 1997>

United We Stand: A United Community

monitoring the process. Upton took a keen interest in the Banks Peninsula argument.

In the consultation stage to forming a district and regional plan, various stakeholders and interest groups have the right to lodge submissions. This process is statute based, where there are set structures. The Act sets out how submissions are to be lodged and given consideration. This process can take a long time, as was experienced by Banks Peninsula Federated Farmers. In any effective lobbying campaign that is carried out over time, it is important that the issue being argued is well defined, detailed records kept, effective communication practised and the roles that people play understood by all involved.

“Conflict is the essential core of a free and open society”⁵

⁵ Saul Alinsky (author of Rules of Power Tactics: Rule for Radicals)

United We Stand: A United Community

3. The Issue

Two years after the RMA was introduced in 1993, and with little guidance from Central Government on how to prepare a District Plan, Banks Peninsula District Council (BPDC) released an "Issues and Options" document.

3.1 Closed Public Consultation BUT Feds Sneaks a Look

Between 1993 and 1996 the BPDC commissioned Auckland planners Connell Wagner, and their work resulted in them highlighting six issues, and some proposed policies to help form the District Plan. Feds had asked Connell Wagner for a draft but had to wait "some time" to receive it.⁶ Finally on the 6th August 1996 Feds policy person Alison Undorf- Lay received some limited pages of the rural section of the Plan. She showed this to Pam Richardson but was not allowed to show it to anyone else. The condition on receiving this draft was to accept a clause of secrecy at the request of Connell Wagner. This is a good example of how contentious the plan was perhaps thought to be by the consultant. It also shows how professionals captured a plan, which was meant to be written by local people.

The consultation that had taken place this far had been with the five local Runanga and the Department of Conservation. Ratepayers, people that lived on the Peninsula, and whose livelihoods the District Plan would affect had not been informed or consulted since 1993.

Due to the infancy of the planning process, the inexperience of the Councillors involved and the limited consultation, it is perhaps no surprise that the proposed Plan lacked depth and balance. In fact in a fax sent to Connell Wagner from John Christenson (BPDC) on 14th Jan 1997, Christenson noted, "section 32 looks light! Your comments would be appreciated". Little did he know, that the farmer's eventual challenge and success at getting the plan thrown out would rest on that section 32 analysis. Section 32 involves a detailed cost benefit analysis of any zone or rule – Councils are required to undertake one of these when they prepare a plan.

Another consultant, Chris Glasson prepared a landscape report. His report seemed to show that almost everything on the Peninsula was special and needed protection. Glasson argued that the Peninsula landscapes needed protection from the farmers.

*"The visual harmony of this landscape is vital to the success of the region as a tourist destination, for recreation and those who live there"*⁷

⁶ Connell Wagner - letter from Owen Burns dated 6/8/96

⁷ C.Glasson (pg 1) A Visual Assessment of Banks Peninsular

United We Stand: A United Community

The proposed plan, heavily reliant on the C. Glasson report, was publicly notified on 29th January 1997, it showed large red zoning areas, which indicated Landscape Protection Areas (LAPs) and Coastal Protection Areas (CPAs). The plan had also designated 80 Recommended Areas for Protection (RAPs) as protected natural areas of indigenous bush. These areas became frozen in time for conservation and aesthetic purposes, no land use changes were allowed as of right and no compensation to the landowners was offered. The farmers responded with anger.

3.2 Awareness

Some farms like Andrew Dalglish's was completely covered by the Coastal and Land Protection Areas. *"The restrictions this places on my farming activities, quite simply makes the future of this property as a farm quite untenable."* he wrote in a submission to BPDC on the 1st May 1997. He was unable to clear or maintain farm tracks, cultivate paddocks or collect firewood because of the visual effect that these activities would have on the landscape. He would also need resource consent to build or upgrade any buildings.

Dalglish like most of the other landowners felt there was a gross infringement on their property rights, which went beyond the requirement of the Act. Some believed it gave so much to the greenies, that even they were surprised.

Final close off date "600 submissions on proposed plan."⁸

In a letter written to John Christenson (30th April 1997) requesting to look at the Section 32 analysis, Richardson advises *"In seeking legal advice on our position vis a vie the section 32 it became apparent that we needed to notify the Council of potential litigation, if the Council did not extend the submission time frame."* This was the beginning of the farmers' fight back.

Factional groups were starting to appear, Forest and Bird (FB) and the Department of Conservation (DoC) supported most of the DP sections and provided, by way of submissions, sometimes even stricter rules suggesting how the DP could be improved and strengthened.

However, in my view to let a DP progress thus far with little consultation with landowners is amazing. The Council responded to the farmers by claiming that Feds had been consulted but "hadn't bothered to engage", said Noeleen Allen, Mayor of Banks Peninsula.

⁸ 30th May 1997 Akaroa Mail

United We Stand: A United Community

“Newsletter From The War Office: We are going to win this war and win it well!”⁹

4 The Campaign Starts

Fast action was needed, as the farmers only had 40 days to lodge a formal submission to the Plan. Richardson and a group of farmers began to meet regularly to understand the document and begin to get others involved. They quickly realised they needed to broaden the support and get all farmers on the Peninsula aware of what was going on. They organised a meeting to motivate and mobilise Federated Farmers members. A generic submission statement was drawn up which was addressed to BPDC. It encouraged members to support the statement, sign it and then pass it on by the 28 April 1997. The farmers were preparing their case for a meeting with councillors on the 2 May. Their goal was to have the Proposed DP withdrawn.

More and more farmers got behind Richardson's opposition yet it was not enough for easy success. This was because the consultation process is not a referendum, as stated in Public Consultation and Decision making in Local Government Page 36 part 319:

“The fact that the overwhelming majority of submissions support a particular option does not mean that the council is bound to adopt that option, provided that a council considers all submissions fairly and with an open mind.”

To obtain the community's views on the potential impact of the proposal, the council must be seen to develop a strong consultation process leading to greater understanding of the issues. The difficulty for the Banks Peninsula Council was how to treat all the submissions on their merits, rather than give extra weight to a vocal group of farmers. However they could also not afford to dismiss the group and its submissions as a nuisance, because once lodged their submission objections had to be given consideration.

Six farmers hosted Sean Stephens, Editor for The Farmer newspaper, to discuss the issue and show him the areas involved. Richardson and Dalglish also started to write letters to the Editors of the Akaroa Times and The Press [Christchurch]. They were intent on educating the wider public of the injustice of the plan, (*emergence of an issue*), and establish their position in the campaign.

In a half and hour radio programme “Country Life”, on National Radio on the 5th September 1997, the producers profiled the national Feds RMA campaign. The programme highlighted Banks Peninsula's campaign and the protest of the farmers who by now had formed themselves into a Challenge Committee

⁹ Pam Richardson Newsletter to Federated Farmer members 2nd May 1997

United We Stand: A United Community

and were intent on taking the Council to court. When the Council refused to withdraw the DP the farmers responded by preparing a High Court injunction. As part of this process the farmers went out and enlisted the support of non-farming people and groups in the community such as the Akaroa Civic Trust.

4.1 Roles different people play

Richardson commented to me that much of the action was “seat of the pants stuff” but one thing was evident from the files, there were clear assigned jobs for Fed’s members. How they designated these portfolios was done on natural strengths, people came up with ideas and then brought them to meetings where they were voted on before being put to action. As well, the amount of time that a person was willing to volunteer to give the issue traction to drive an issue forward was important. The “many hands makes light work” saying ensured that no one person was burdened with a heavy lobby load. Lots of people were involved and people could pick up issues, or pass them on to others because a lot of effort went into communicating with the members about the issues, the problems and the solutions.

When people of mixed philosophies align themselves behind an issue, a clear goal is needed. In the Fed’s case it was to have the DP withdrawn. While there would be a lot of debate about how to achieve this, the clear position and agreed goal focus unified the farmers. This was important to manage and Richardson believed that it fell with her leadership of the campaign to ensure that people stayed focused and on track. If there was any discord within the group, she said the energy could be diverted internally rather than fighting the enemy and this opened up an avenue for failure. One of the ways that she kept the group together was to ensure that the farmers always had fun and stayed friends.

The determination of supporters, the time they could spare, philosophy and knowledge of the issue and the skills that they brought into the group are all factors that will dictate the type of lobby action chosen. In the Feds BP case the farmers identified four main ‘command’ areas.

4.1.1 Artillery

The farmers meet with the Councillors on the 2nd May 1997. This meeting allowed the Feds to achieve 3 things:

1. Richard Holloway delivered the first shot with the “Key Points Address’ to Council Representatives speech. Passionately he direct lobbied the council with a blunt message, *“the plan is seriously flawed and should not be released.”*
2. This direct protest action and call to have the plan withdrawn set the agenda of discontent for the following months / years.
3. Presentation of a submission, which unified a group behind Feds and legitimised their mandate. Until this point there had been 2 or 3 central points of correspondence; the Richardson, Dalglish and Helps families.

United We Stand: A United Community

The council began to see the growing number of unhappy ratepayers affected by the plan and had a growing awareness that it needed attention.

4.1.2 “Media Man”

This role, assigned to Andrew Dalglish, covers the liaison with the different media groups, mainly in the Feds case with newspapers (Straight Furrow, Farmer and Akaroa Times), National Radio and TV (60 Minutes). This publicity ensured issue awareness so that the public saw the facts and arguments and had the choice to support the fight. By enlisting the support of public, broadened the base, which created a larger pressure group. Writing Letters to the Editor by Grigg, Helps and Dalglish plus others, helped keep the issue in front of the public and pressure on the council. All these efforts succeeded in making the issue bigger than just Banks Peninsula. The farmers were trying to shame the council into withdrawing the Plan.

4.1.3 HQ Command Post

The logistic coordination, motivation and determination to lead the issue according to a plan.

Although Pam Richardson coyly claims that there was never a lobby plan, on many memos to supporters the words “plan for the next month” outlined well thought out strategies aimed to position themselves in strength.

When there were problems arising, the farmers looked for answers. “Solutions came out of need”. One of those problems was surrounding isolation of members. Communication initiatives were developed (discussed further in section 5.2 Strong Communication) to improve the involvement and understanding of what was happening and where the campaign was heading. Most letters were faxed around for seconding, which gained peer review, accuracy of the argument, but also acted as documentation saving. In the early years of the campaign most farmers did not have email and relied on fax or post to be kept up to date with events.

Richardson was regularly sending out newsletters, Meeting minutes and agendas all intended to update and motivate members and keep them involved. This also ensured that members were constantly maintained in an active state. The DP was never allowed to go quiet.

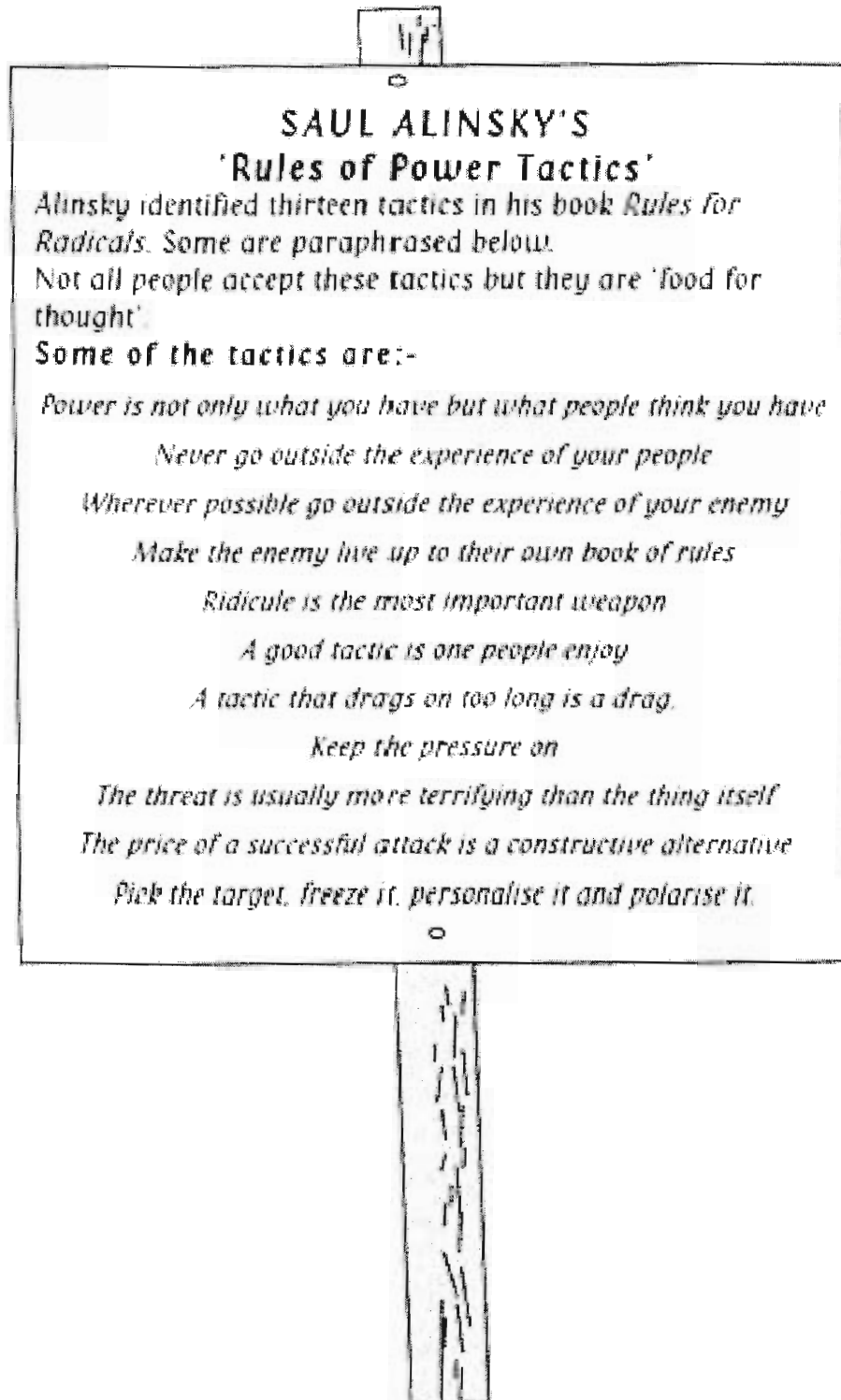
Being an action-orientated person, Richardson was able to achieve well defined and mandated action points from her roles as being Chairperson of meetings. On the 18/8/97 Feds meeting at Little River, a statement was drafted to BPDC commenting on the three points identified earlier and setting out another three dispute points. The farmers were keen to make the issue bigger, and not smaller until they had the plan withdrawn.

4.1.4 Military Adviser

With the method of action being legally based, working within the statute framework relies on legal help for seeking opinions on sections on the RMA and District Plan. There was a need for several members to get familiar with

United We Stand: A United Community

the law and legal interpretations. Another important position was to take responsibility for soliciting donations for the Challenge Fund, (letter to the Editor Appendix 2) and managing this fund. The Challenge Fund was created to provide a place for members to donate funds to pay for the legal High Court challenge.



United We Stand: A United Community

5 What Was Done Well

5.1 Unity

The BP farming community is small in numbers and because of the diversity of rural land use, their isolation and segmentation could have been an exploitive weakness. Some of the farmers, such as Holloway, thought that the council “*arrogantly*” pushed the proposed DP through because the farming community wouldn’t have the numbers to raise a challenge.

So undeniably the single most important key foundation in the farmers efforts was their unity with other protesters. This was fostered by some strong leadership that formed an ethic within the group that was then maintained by individuals. However there was also a common bond or passion for property rights which provided them the strength to glue themselves together. This was recorded by the amount of written communication between the individuals and the equal distribution of jobs. Richardson remarked that “*you can’t do it all yourself, we needed to share the workload*” clearly defined the philosophy and ethics.

One Voice, One Hope, One Belief

When forming the Challenge Committee, the action progressing to a legal one meant that a big financial commitment was required. The generosity of the many farmers who paid into this gave everyone a monetary investment in the protest and a greater ownership in the end result.

Throughout the campaign Feds BP have always had clear objectives. The first one being to have the DP withdrawn as stated by Holloway in his speech 2/5/97 to the BPDC. That was always their first and foremost objective clearly stated in the start of all communication with the council. When the Council agreed to do this, the farmers’ objective changed to ensuring that the variation reflected the farmers concerns and ideas. These objectives focused the farmers lobby action and gave them rallying slogans such as “Withdraw the Plan” and “A local plan by local people”.

5.2 Strong Communication

A successful campaign hinges on communication, internally from top down and bottom up and also externally by dealing with the media, press releases etc. An external media person was appointed, local farmer Andrew Dalglish took up this role and he contacted and coordinated radio, TV and Newspapers. There was also a need for regular contact between the Challenge Committee and the farmers. Newsletters and faxes were used to record developments, debate issues, explain changes of opinions and seek mandates for new ideas.

United We Stand: A United Community

One of the biggest problems was the isolation of farms and telecommunication limitations. Solution, Richardson set up a Cluster Communication Network (CCN) where a representative was selected in each valley, to be the point of contact. What was thought of as a geographical disadvantage clearly showed in hindsight that in smaller CCN groupings there was better flow of information achieved. As well, it meant person-to-person contact contributed to a greater understanding and support of the issue. More importantly by having an elastic CCN, more people took ownership of the system, which contributed to a greater awareness of the issues.

There was also a centralised external point of contact with Richardson receiving and writing the majority of letters, memos, newsletters, meeting minutes, interviews and direct lobbying with the council.

A newsletter was started and produced monthly, sometimes more at the height of the campaign. This was a good historical reference. Agendas were planned for the next meeting, there were updates on the campaign so far and successes could be celebrated. This assisted in keeping supporters motivated and informed.

5.3 Accurate Records

In one of the first meetings, Richardson listed some bullet point strategies, one of them being *"accurately record all communication"*. Richardson knew that this was important as the failure to keep records was well illustrated with the BPDC own lack of supporting evidence to back up their section 32.

Farmers found that the Council had recorded in their own files that they tried to cover their section 32 mistake by producing supporting documents after the Proposed DP had been released. This was not allowed and clearly became a major point in favour of the farmers' struggle. In the consultation phase of any policy change there must be a dated record of analysis documents and reviews attached with a conclusion and executive decision. While the farmers did not have to keep as good records as the councillors, it was important to have well ordered files so that they could keep track of what they said and to who.

5.4 Key People involved with the campaign

With a campaign of longevity like Feds ran in BP they had a core group of about fifteen people who were determined to make a change. It was essential to have big numbers to accommodate attrition of supporters and to ensure that the experiences of the group were not lost when one or two people no longer stayed involved. This is an important point to consider when deciding roles and which key people to include. Which brings me to the front people who become the face of the campaign. In the Feds case it was Richardson who managed the external and internal written communication. This is important to have a consistent voice or person fronting the campaign and directing what is put out into the public domain.

The inclusion of Minister Simon Upton, who later in the lobby process became

United We Stand: A United Community

an ally of the farmers, obviously helped the situation and gave the action political clout. To signal the severity of the issue and his concern, Upton summoned Mayor Allen and some councillors to Wellington for a briefing on the issue. This sent a major signal to the Feds that they were getting near to a breakthrough.

5.5 Strength of Feds

Feds is a national body that works on a number of levels; firstly it lobbies Local and Central Government and policy makers. On the second level it provides information on law changes and advice to members. With 18,000 paid up members it has a strong mandate through meetings and conferences to be a platform for the rural voice. Feds can highlight and discuss issues and lobby for change.

Throughout the BPDC campaign FFNA staff member Undorf-Lay provided solid policy analysis advice and support. Another strength of the Feds was that the infrastructure could feed "member issues" to Wellington quickly and the flow of news was quick and accurate.

5.6 Methods Of Protest

Part of the lobby process of making sure that your opinion is heard is deciding what 'class of action' to take and attempting to influence others to accept your point of view. It is an important decision because the type of lobby chosen may be primarily intended to influence the opponent, or to communicate and win support with the onlookers or public.

On the one extreme of the lobby continuum there are methods of violent intervention for example "Rote Zora" which are a militant German feminist urban guerrilla group, whose acts of protest were initially peace marches in the 70's aligned with the anti- nuclear movement. They became autonomous and independent in 1977. They increased their level of violence to over 200 bombings and an assassination on 11/5/81 of Herbert Karry, German Minister of Economy and Transport.¹⁰

The other end of the spectrum, are non-violent acts of protest like Ghandi and Martin Luther King that are mainly symbolic acts of peaceful opposition. These extend beyond verbal expressions but often stop short of non-cooperation or non-violent intervention. An example of this is BP Feds changing the words of Helen Reddy's song "I am Woman hear me now" to "We are farmers hear us roar" to form a protest song.

The impact of these different acts of persuasion, which depend on influencing the attitudes of someone, vary considerably. It is possible that a particular method, which is common in some communities, because of the religious or political conditions, will not be accepted in others. For the farmers it was important that they chose 'conventional ways' to protest so that they did not alienate their members from the struggle.

¹⁰ www.spunk.org

United We Stand: A United Community

5.6.1 Methods of Protest and Persuasion¹¹

The table compares the Feds action to lobbying action listed in lobbying theory text.

Non- Violent Action	Feds Action
Formal Statements-	
• Public speeches,	
Letters of opposition or support,	yes
Declarations,	yes
Signed public statement,	yes
Petitions	yes
• Communication with a wider Audience-	
Slogans, banners,	yes
Leaflets, Newspapers,	yes
Songs, Radio.	yes
• Group Representation-	
Deputations, Mock Awards,	
Group lobbying, Picketing.	yes
• Symbolic Public Acts-	
Displays of Flags, wearing of symbols,	
Public disrobing, candle light vigils.	
• Pressure on Individuals-	
"Haunting" officials, Taunting officials.	yes
• Processions-	
Marches, Parades,	
Religious processions, Homage at burial places.	
• Public Assemblies-	
Protest meetings,	yes
Meetings of protesters.	yes
• Withdrawal and Renunciation-	
Walk-outs,	yes
Silence,	
Renouncing honours.	

While other Fed branches, such as those in Tasman and Northland, were taking a more militant approach by, marching, and driving tractors on their town streets, Banks Peninsula protest action was non violent but just as

¹¹ Lobbying; part 2 Methods of Protest and Persuasion chapter 3 page 117

United We Stand: A United Community

forceful nevertheless. Partly this was because the farmers decided to work within the law, by forcing the Plan to the High Court rather than to rally in the streets. The Council could not ignore this legal challenge, as they would have their actions exposed and have to defend themselves before the judge.

Their action can be group in two ways:

- **Formal Statements-** These being letters to the editor, public speeches, bulk lodging of submissions and public meeting. A generic submission form was copied and distributed around members who were encouraged to sign and send off to the council.
- **Direct lobbying-** Meeting with the councillors and other stakeholders and assessing, forming allies, neutral and enemy relationships with them.

At the start of the campaign where a direct lobbying approach was adopted, it was noted by Miller, BPDC, that the *“first three meetings were letting off steam”*. Mayor Allen also commented that the first Feds meeting on 23/7/97, was fuelled with frustration and anguish. She said that she had *“never experience anything like it”*. But talking to Richardson she felt it was more about farmers reclaiming their dignity after being treated so poorly.

However the Feds realised that they needed to be less confrontational. What was an effective way of getting their message across? At this stage in August 1997, Menzie wrote a letter about considering other consultatively options with the council. This showed a shift in protest action by some members. This change coincided with increased letter writing between the Council and the Feds. They also meet with influential allies such as Director General of DoC on the 24/8/97.

The breakthrough Fed meeting on 18/8/97 was also a turning point in how they would challenge and protest the DP. The end paragraph in the minutes states:

“Legal action is considered the most appropriate choice of action for the Banks Peninsula farming community given that the plan is in a statutory process and there are other submitters involved.”

5.7 Member Mobilization

With an annual paid up membership the Feds have an inactive core base of people who support monetarily, however may choose not to attend meetings or participate. If there is an issue that really strikes at the core values or affects their land ownership rights, then quick member mobilization is initiated. This was seen in the BP Feds within two months of the DP being released.

United We Stand: A United Community

5.8 New Initiative- Challenge Team

There were a couple of other Key Initiatives. In March 1997 BP Feds chose to form a Challenge Team. This nucleus of action-orientated people who were knowledgeable and well informed would meet to share information and decide or not accepted parts of the plan. Methods of protest and strategies would be discussed and implemented. These were defined in the early stages and the impact for enlisting supporters was easier

The Challenge Team spearheaded the Challenge Fund on 22/6/97. They engaged solicitors Wynn Williams & Co to initiate High Court proceedings against the BPDC. This was a strong legal tactic, which pressured the BPDC to negotiate with Feds.

Eventually the Council, perhaps fearing the court action, withdrew the plan. The Council agreed to set up a Task Force of local representatives to re-write the plan.

5.9 Negotiation

Up until the Task Force, Feds had dictated the course of action, and by in large controlled the situation. This was because they had a direct action grievance against the BPDC, which dominated the proceeding this far. It has been acknowledged by Feds that agreeing to the Task Force, while in a statute process was the way forward, it compromised their position.

So from the first meeting on 20/11/97 the Feds became one of fourteen stakeholders. This diluted their influence on the procedures and forced them to negotiate with parties other than the BPDC. This meant that the farmers often had to make compromises.

5.9.1 Focus On The Issue

Golden Rules 29 September 1997

Some of the things that the farmers did unconsciously are written about in the theory of lobbying. These include the 'golden rules':

- Never concede, trade it, and leave the other party feeling they have done well.
- Listen for Key Words.
- Once the ground is lost its difficult to regain.
- Maintain neutrality in early stages of negotiation.
- Absorb attack by recording it (keep head down writing).
- Only argue when the issue has been thought through.
- Keep the whole package in mind all the time.
- Search for variables.
- Can't win 'em all.
- Assume sincerity of the person who holds a view contrary to your own.

United We Stand: A United Community

5.9.2 Environmental Development Services

The Environmental Development Service advises on negotiating in the RMA process.

Four Approaches to Negotiation:

1. Competitive

Obtain advantage at the expense of the other party.

2. Cooperative

Use mutual concessions to reach a fair and just compromise.

3. Principled

Focus on the problem at hand, identify underlying interests, generate options to satisfy the interest and then select a preferred option based on objective criteria. This approach is most applicable to RMA disputes.

4. Transformation

Change the way each individual views the other when preparing for negotiation, collect relevant facts.¹²

5.9.3 Task Force

For eighteen months farmers and others in the Task Force slowly negotiated their way through the rural sections of the DP, section by section. Identifying the issue, exploring the issue, then identifying the solution, assessing the solution then finally recording the agreement.

Although it was not possible to reach agreement on a number of issues such as some of the things listed in the Rural Section of the DP, the Task Force enabled the views of different groups to be heard and be taken into account. All parties were acknowledged and benefited in some way.

“It was an outcome that everyone could live with, all parties had a win, which was a principle or value that was not negotiable, instead of half a win.” Millar (BP councillor) said looking back on the process.

5.9.4 Forest & Bird Pull Out

The Forest & Bird Oct 1999 magazine includes an update on the Task Forces final meeting, and state that the recommendations are weak and largely irrelevant and that the proposed DP relies on voluntary methods of conservation, which they think, won't work.

Richardson replies to the magazine that the Task Force was a community initiative, working together with government and environmental groups to come up with a solution document. The environmental groups invested time and money in the process agreed to work cooperatively and then pulled out at the end. This put relationships with the rest of the stakeholders under strain.

The Council accept the Task Force recommendations for the purpose of preparing and notifying a variation to its Proposed District Plan. Some of the recommendations have been altered. Farmers cannot understand why this occurred, and it has never been explained. This has resulted in a grievance that the farmers are now arguing with submissions

¹²Guide chapter 9 pg89

United We Stand: A United Community

6 Lessons Learnt

Eight years on, looking back at where the campaign started, what has been achieved is a slow and unhappy realisation that the Feds are still mid way through their campaign.

The next phase is the most important and crucial for success. The Council will release its decisions on submissions mid December 2004 and Feds will review the variations then have a period of 15 days to lodge legal proceedings to the Environment Court. Fed's are resigned to this, and have kept their Challenge Fund for this purpose.

6.1 Cost

People that I have talked to have described the RMA as a living document that is crafted by the community through consultation and the success of the Act depends on the partnerships between the administrators, implementers and resource users.

But full consultation takes time and in Richardson's letter dated 9/10/98 headed "The Cost Of Democracy", includes analysis of the cost on individuals voluntarily giving up time from their business and investing it in the full consultation process. In it she talks of the financial impact on a small rate paying community of non- ratepayers lodging submissions. This lengthened the process for sometime, which cost time and places extra stress on voluntary submitters to the professional submitters own occupational gain.

In a DP that is poorly constructed, who is accountable? Richardson questions whether the councils can reclaim some of its cost from the consultants. Finally, the involvement of Government Departments such as DoC where the depth of professional consultation without any budget constraint can lead to discussion documents being produced including analysis, just to cover one position.

Ross Little also adds (16/2/98) the process was being duplicated with a two layer council system, where the Regional Council commissioned reports and lodged submissions to the BPDC District Plan which added cost, revealing that \$914,000 had been spent by Canterbury Regional Council on planner submissions. This may need a little more explanation.

One thing is for certain, had the initial consultation been correctly advertised and process activated then much of the monetary cost could have been reduced. But what if the Feds had broken their secrecy agreement with consultants Connell Wagner and intervened publicly earlier, could they have saved all those costs? Undorf-Lay and Richardson had been privy to the proposed DP and responsible for trust between parties was asked to keep the information a secret.

If the DP had been exposed in August 1996 as being flawed it would not have affected the cost involved to get the Plan that far. In fact there would have

United We Stand: A United Community

been incomparable trust loss, a negative effect with the BPDC and information that was share freely between Christensen and Feds would have been in jeopardy.

When the Feds campaign started, Richardson wrote the *"This is War"* Newsletter expressing resistance, passion and motivation, all human characteristics involving large amounts of energy. It was clear that if the consultation process is from the top down regulatory/resource consent based, the energies spent in attack and defence that *"extensive and effective sustainable and conservation management under the RMA will only touch the surface."* John Williamson¹³

But it is the length of the campaign, which really stands out, from the start in August 1996, to today, with the variations to the DP coming out the end of this year. Then there will be a review process that may include The Environment Court. Richardson is still heading the campaign; although her role is not President of North Canterbury Feds it is crucial to have the continuation of the campaign. And like any organisation people retention is critical for knowledge retention.

6.2 Systems in Place

One of the first faxes from Richardson titled "The Stirrers", talks of planning, keep records of all our conversations and *"Everyone is ferreting out their bits of ammo."*

This indicated some strong structure early on in the campaign and in "Change It!" planning is described as a key initiative. Planning is the best intent and can be adapted as condition change. The Stirrers was an inclusive term, involving members looking for bits of evidence to help the cause, a common goal.

When the protest action is letter writing, with replies, copies of the letter distributed must be all recorded and in the Feds campaign this was the case. It became, from an archival point, important that all documents where dated and filed for quick and easy reference. This also adds weight to Saul Alinsky's "Rules of Power Tactics".

"Make your enemy live up to their own book of rules"

Checking that the actions taken are the most effective can be reactive and unrectifiable, however to put in an evaluation system can achieve a number of things. The Challenge Fund received financial support so accountability of funds needed to be correctly appropriated. But accountability is more than this, by evaluation it can check progress of the action, recognise that things may need to be changed or Status Quo. In addition an action can be streamlined which will improve confidence and sustain energy, which is important for a long campaign.

¹³ Page 4 "The Cost Of the RMA Processes- Are They Sustainable"

United We Stand: A United Community

6.3 Evaluation

What systems are there to evaluate the action taken, are they making progress and heading in the correct direction?. It doesn't matter what methods are used to evaluate, the same questions will be asked:

- Were we true to our beliefs?
- What did we change?
- How could we do better?
- What were our most useful ploys?

BP Feds had written goals with a plan, the evaluation had been reliant on verbal analysis and observation.

In a letter in August 1997 from Menzies, it reflects on the action so far and comments on *"how much and how little we've achieved"* he goes on to say that *"we've sort of been like an opposition party in parliament. Constantly reacting - first to the plan itself and subsequently to the various issues."*

The lobby book "Change It!" offers some possible evaluation methods including; structured formatted system with forms, checklists and using an outside reviewer to complete an external view of the action. This way, multiple people can participate anonymously, capturing their thoughts and initiatives, which benefits the action. Input gives added ownership by contributing actively to the cause.

By evaluating the action and seeing results achieved or barriers blocking the way allows others to follow your actions, seeing what works and to learn from the experience.

6.4 Ethics

How do we look at ethics in relation to a lobbying campaign? Each individual or group has their own principle of conduct, and being subjective is applying one person's moral principles against another.

Trevor Mallard, Minister of State Services, delivered a speech 25/11/03 entitled "Lobbying and the Government". He compared lobbying practiced in some other countries and cited the US having *"detailed ethical requirements and regulations around how lobbyists are supposed to behave."*

He carried on to say the activity of lobbying had increased in New Zealand, but not to the same degree as the US where professional lobbyist can be hired by the public to represent their case at the highest levels.

United We Stand: A United Community

List The Do's and Don'ts

- Think carefully about your goals
- Map all relevant decision- make paths, take notes.
- Identify the relevant people, ministers, departments and advisers,
- Be efficient and punctual in words and writing when meeting officials.
- Research your facts thoroughly and keep track of relevant legislation,
- Appoint trustworthy people to liaise with MPs
- Be honest, game playing won't win friends.
- Everyone is busy, a private meeting with ministers are very rare.
- Realm of Possibility, be realistic to what is possible to achieve given the timeframe.
- Political alignment of a government, particularly coalition government.

United We Stand: A United Community

7 Summary

Principles To Apply To Other Campaigns

This project identifies and discusses the key elements in relation to the lobbying campaign that the Banks Peninsula Federated Farmers ran against the Banks Peninsula District Council. The study also examines what was done well and the lessons learnt in this long fought battle.

Lobbying is an essential part of a strong democracy and under New Zealand Bill of Rights Act 1990; citizens have the right to be part of the process of change and consultation. A considerable amount of knowledge and experience about lobbying under the RMA statute has been developed in the past eight years. The Federated Farmers campaign has been at the forefront of lobbying within this constitutional framework. Below are some Principles to Apply that may help other lobbying campaigns based in a statute system.

7.1 The Issue

Define the issue

This is the basis for all lobbying campaigns, with the Feds campaign, it was defined as the landowners grievance against the Banks Peninsula District Council for imposing a District Plan, which infringed on their property rights. The goal was to have the Plan withdrawn, then once the council agreed to a Taskforce to recommend changes to the Rural section the goal has been to rewrite the District Plan's Rural section.

Planning

The book "Change It" describes planning the campaign as one of the Key elements and looking at the documents the Feds campaign did this very well, by setting agenda planned for the next meeting and action points.

Research

With the constraints of farming on the Peninsula, the Challenge Team engaged Wynn Williams as legal council to research and determine their legal position as stakeholders in the District Plan. However the Challenge Team undertook the bulk of the work, where they would meet to discuss and redefine the issue.

Awareness

This was the strength of the protest group, when landowners became aware of the impact the proposed plan would have on their own farms, it was compelling evidence to join the campaign. By holding meetings, producing newsletters, Letters to the Editors, and setting up the CCN then the problem was understood.

7.2 People

Membership

Federated Farmer has a strong but inactive member support base that is aligned with similar philosophies and core values. One of the roles of the

United We Stand: A United Community

activists is to mobilise the inactive members. As Richardson commented “you can’t do it all yourself, we needed to share the work load.” Having lots of people involved, shares the responsibility which energised and motivated members and contributed to the success.

Expand Support

In addition, Feds recruited supporters to the Challenge Team, which were spread outside the traditional Feds membership. This initiative gave traction to the action as the issue was broadened to the greater community.

Roles

The roles that people played were designated by natural strength and ability to contribute. Holloway unleashed the first shots in his Key Point address, Dalglish liaised with the media; Richardson was the logistic coordinator, chairperson. With clearly defined portfolios they were able to carry out their responsibilities, effectively. But it was evident that all were action-orientated people with strong objectives.

Leadership

There are a number of underlining characters that Richardson and her fellow activist possessed, some of these are:

- Determination,
- Persistence,
- Ability to analyse the position of opinion,
- Adaptability of the momentum of the campaign.

But the strength of the Leader is in the good network of people that they represent, whom supply information and are energetic to adopt actions. Where they have a leadership role then their mandate is the strength from the network that they represent.

Unity

One voice, one hope, one belief. The changes to the District Plan engaged and united the farming community. Based on similar philosophies and ethics, common bonds galvanized the group into a united force who formed the framework for the ethics of the action.

7.3 Systems

Communication

A successful campaign hinges on communication, the regularity of a newsletter, including media with a news release and the solidarity of members in a meeting. When the campaign started 8 years ago, email was not a common way of communicating between members. So the recording communication was paper based and filed in clear folders.

Recording

In the Feds campaign the recording of meetings and progress as well documented, every letter sent was distributed by the CCN fax system and

United We Stand: A United Community

seconded by others in the group. It became an archival point, and controlled whom the response was coming from and the correct strategy thinking.

Evaluation

The regularity of meetings and communication with summaries and plans detailing strategies to be considered helped the monitoring of the action. The group used this processes to evaluate tactics, successfulness of the campaign, and the strategy to move forward. There was also a subjective self-review process, which recorded a personal view in Menzie's letter Aug 1997.

Accountability

The Challenge Fund that was formed to engage legal representation and initiate court proceedings also solicited donations to challenge the council legally. This needed strong accountability to be transparent on tracking funds and spending.

7.4 Action

Choosing the method of protest

The decision in choosing what type of action influences the opponent and communicates with on lookers or public. While Federated Farmers branches in Northland and Tasman took a militant approach, Banks Peninsula Feds applied more direct lobbying and formal statements action. These included addressing council meetings, communication with council planners and a legal challenge against the Banks Peninsula District Council.

The method of protest table (see section 5.6.1 Methods of Protest and Persuasion) for examining non-violent action found that Feds action included six out of the eight non-violent formal statements.

With the critical stage of releasing the variations to the District Plan for review in December the lobbying campaign has not finished. The final and most important assault has yet to come. Bound by passion for what the Feds believe in and the determination to regain full land tenure ownership rights, the issue has not changed.

United We Stand: A United Community

Appendix 1 – Timeline of Events

1992 Hugh Wilson produces “Ecological Survey of the Peninsula.” Available to the public and was subject to some discussion, however unbeknown to the public was the proposed basis for Natural Protected Areas programme.

1993 “Issues and Options” document released by the BPDC. Little substance and short on proposed structure of the District Plan, it does not contain any reference to creation of CPAs, LPAs or RAPs.

25/5/94 Robin Delamore from DoC writes to John Cook the District Planner for BPDC about what was their provisions for conservation values, sites of natural significance and range of activities, which would affect vulnerable natural areas.

1995 Hugh Wilson was consulted by the Council about compensation and incentives for Recommended Areas for Protection (RAPs). In his submission on the plan he advises consultation with farmers before RAPs are imposed and acknowledges that the boundary lines in his survey were somewhat arbitrary.

6/8/96 After requesting for some months Ali Undorf-lay from Feds North Canterbury finally receives a letter from Burn (Connell Wagner) offering to meet on the 13/8/97 and a copy of part of the DP, draft provisions for the Rural Management Area and for Subdivision. Still no mention of CAPs, LPAs, RAPs.

Emergence of an Issue

13/8/96 Undorf and Richardson meet with Burn from Connell Wagner, Christensen and 3 council representatives from the BPDC. They presented an overview of the situation and state their position on the issue. The proposed DP version that Undorf had seen was an accident and she reluctantly agrees to keep the information on a confidential basis.

29/1/97 Proposed District Plan notified. Open consultation was now allowed.

March 1997 Richardson and 5 other parties engage the legal representation of Wynn Williams & co. They seek advice on the process complying with the RMA.

4/4/97 Undorf-Lay contacts Christensen and asks to see copy of documents showing how the council carried out analysis of section 32 of the DP.

14/4/97 Robyn Grigg telephones the Lyttelton office of BPDC and asks for a copy of the analysis. Would be available the following week at the Akaroa office.

30/4/97 Richardson writes to Christenson requesting analysis behind section 32. Receives 2-page breakdown of the process dated 14 June 1996.

United We Stand: A United Community

2/5/97 Feds meeting with BPDC, Holloway delivers an address, blunt and to the point.

30/5/97 Submission Stage closes in breach of the RMA, which states clearly minimum of 40 working days

10/6/97 Rodger Beatie writes "Call To Action" an open letter to Banks Peninsula landowners.

22/6/97 "Challenge Committee" formed whose members were the members; Griggs, Richardson, Holloway, Helps and Chamberlain. Led by Richardson, its aim was to educate landowners to understand the issue and solicit their support by way of a fighting fund. It engages Wynn Williams & co for legal opinions and High Court proceedings.

Support From Central Government -Power

15/7/97 Griggs receive a reply from the Honourable Simon Upton, Minister for the Environment. In his letter he is concerned with the regulatory approach adopted by BPDC and lodges a submission to them to redraft the provision.

22/7/97 Wynn Williams solicitors acting for 6 farmers, writes a letter to BPDC stating that Section 329(1) of the RMA requires the Council to carry out analysis and evaluation before adopting any policies. They also insist consultation process was misleading and unfairly selective. They received instruction to apply for an enforcement order, declaration, and suspension order.

23/7/97 BPDC meeting, presentation by Richardson and Grigg. This was an emotionally charged meeting, which Mayor Allen called "emotive" and used "ambush tactics", and was shocked by the way fellow members of the community had behaved. "These were our neighbours" Allan says, who felt verbally attacked personally. Feds BP realised that they needed to be less confrontational to be effective in getting their message across but it reflected the opposition to the DP.

1/8/97 Richardson writes a letter to Mayor Allen seeking clarification of the purpose of the meeting 5/8/97.

1/8/97 Memo from Alan Dunlop (BPDC) outlining Mayor Allens concerns for the agenda of the next meeting and the inclusion of a facilitator.

3/8/97 A letter from Richardson and Lyons to the Mayor outlining what the council intends to do to progress the issue.

5/8/97 BP Feds "Meeting of The Team" minutes. Info sharing and Planning, stipulates "Our media man Andrew" role defining, funding for the Challenge fund, with a summary of views of the team, finally Tasks action list at the end.

United We Stand: A United Community

Aug /97 R Menzies writes to Richardson looking at solutions, maybe accept consultation on a variation DP with the BPDC to push the issue forward

Feds build up its power base

18/8/97 Richardson organised BP Feds Special Branch Meeting- to clarify 3 points.

- Inappropriate use of the Glasson Report.
- Inclusion of RAP's (Recommended Areas for Protection) without consideration of sustainable management principles.
- Negative effect that the plan was having on land values.

Building their support base was going well, a massive 97% either attended or sent in their apologies, a mandate for Feds. A campaign strategy was planned first being a "Statement to the BPDC" sent on 27th August.

To tighten the support network and focus the campaign, Newsletters to Feds members for updates and thanking for contributions were started. This communication line was most effective for all members being fully informed.

18/8/97 Feds receives a legal opinion from Wynn Williams & Co relating to variation instead of withdrawal and rights under the RMA.

24/8/97 FFBP meet with Director General Hugh Logan- Department of Conservation

What was DoC's position and why; initiatives today and future, RMA interpretation and Feds relationship with DoC, The Conservation Trust.

Feds pressure negotiate council into corner

27/8/97 Don Ross Chairs facilitates a combined Meeting BPDC and Feds at Little River. Feds issued a statement from their meeting. Secondly puts an ultimatum: agree to a plan variation or plan withdrawal if not the Challenge Committee will proceed with legal action. Council agrees and issue statement.

3/9/97 letters to the Editor, Straight Furrow written by ID & CE Grigg outlining the deficiencies in the DP. This helped maintain pressure on the council by educating others to the issue.

3/9/97 BPDC meeting and a copy of the report of the Environment Services Manager, Christensen covers the options put to the council, is in attendance and given to Richardson.

4/9/97 Newsletter from the Challenge Committee calling for contributions from all affected community members.

4/9/97 Letter sent to Richardson from Parker (BP General Manager) outlining the legal advice given to the BPDC, resolved the variation option and not withdrawing.

United We Stand: A United Community

National Media Coverage

5/9/97 "Country Life" on National Radio profiled the national Feds RMA campaign. The programme highlighted Banks Peninsula's campaign

15/9/97 Richardson writes a letter to Parker calling for a public statement acknowledging that the LPA's, CPA's RAP's are unworkable. Secondly while withdrawal (Selwyn Model) is their preferred option, variation is an option with Don Ross as Facilitator (Tasman Model).

18/9/97 BPDC receives a legal opinion from A. Hearn at Buddle Findlay solicitors, passes on by a councillor, their view that BPDC had not fulfilled its obligation under s.32 of RMA with respect to full public notification. However a high court challenge would be unlikely to succeed. The suggestion was to establish Task Force comprising of farmer representatives and councillors with a facilitator.

28/9/97 Golden Rules for Negotiation and Debating sent around FF members,

29/9/97 Special meeting Between Feds And Wairewa trust. Allowing the issue to move forward Feds looked for Key People and to build Trust Relationships. Richardson instigated a meeting with a local landcare group where to discuss the process relating for re-examining the contentious issues. Six recommendations were made. One of them being Task Force Committee being set up.

The council nominated 5 councillors, two being Stuart Millar and Jim Hopkins.

30/9/97 Banks Peninsula District Council issues a Press Statement in response to public concerns. It was the DC plan to remain neutral, acknowledge that a mistake had been made and they were not there to defend the draft plan. Stuart Millar the Deputy Mayor and farmer didn't agree with the Feds view to "throw the plan out and start again", this would not progress forward the issue. However with the threat of a High Court action from Feds, their opposition had to be taken seriously.

Breakthrough

2/10/97 Christensen writes to Richardson and advises the council wishes to re-examine the Plan's contentious rural issue ASAP and suggests a meeting on the 8/10/97.

5/10/97 Richardson faxes a strategy/review document, covering resolution from the last Feds meeting, BPDC news release, Agenda for next meeting. Things to discuss; task force composition, variation or withdrawal.

24/10/97 Key Experienced People involved

Feds Challenge Committee meeting where they interview and choose Mike Garland as a consultant because of his extensive experience in variations and plan preparation. Don Ross name was put forward to organise and facilitate the Task Force meetings of the stakeholders.

United We Stand: A United Community

30/10/97 Letter written to Allan (BPDC Mayor), Richardson strongly reminding councils requirements which are minuted on 27/8/97 and pursues council on their decision on variation or withdrawal. Deadline 4/11/97 4pm.

31/10/97 Parker replies to the letter suggesting a general process for the re examination of the rural issues.

20/11/97 Richardson gets legal advice from Wynn Williams & Co regarding Parkers letter.

20/11/97 The first meeting of the Task Force, Ross as facilitator: 24 people attended, representing 14 stakeholders. They included Feds, Wairewa Landcare Trust, DoC, Forest and Bird, Ministry For Environment, Friends Of BP, Christchurch Regional Council, and BPDC.

November to Feb 1998 multiple correspondence between Richardson and facilitator Ross reviewing the taskforce process and the progress.

Mini Issue- Feds Applies Pressure

15/2/98 Richardson writes to Parker (BPDC) uncertainty how the Task Forces recommendations be incorporated into the DP as per view from Feds member progress meeting.

16/2/98 Ross Little (Feds) faxes a letter to Richardson questioning the Canterbury Regional Council (CRC) submissions process to District Councils DP. One issue highlighted is cost \$914,000 1996/97 has been spent by CRC planners on submissions.

Feds regional, Feds BP and CRC meet to discuss amount being spent on DP submissions. CRC was not aware of the extent of the variation and that the variation was the outcome working towards.

17/2/98 Undrof- Lay writes a letter to Ross about council's commitment to Task Force, legality of the process and distrust emerging in the community with the council, based on the meeting with the CRC the previous day.

17/2/98 Undorf- Lay receives a letter from Smith (BPDC) outlining a high court ruling on " the balance of the plan before the publication of the variation raises issues."

19/2/98 Letter from Parker BPDC to Richardson clarifying points of incorporation of the Task Forces work into the plan. Council surprised at the need for the council to commit itself to a variation.

2/3/98 Richardson receives a letter from Upton Minister for the Environment, encouraged by DoC conflict resolution process with the council and allocation of 2 staff committed to resolving the issue.

Outcome with central government backing

4/3/98 Media Release from Rural Task Force- After 2nd meeting Ross states the Task Force will be making the recommendation to the council which are

United We Stand: A United Community

“likely to include defined suggested plan provisions.” In addition Minister of the Environment, Simon Upton has made available two of his staff to assist the group.

20/4/98 Letter from Upton saying “Doc has assured my officials that it is prepared to approach (LAP, CPA) with an open mind and explore new ideas that may meet both DoC and landowners needs.”

5/5/98 BPDC releases the process who it will receive the recommendation from Task Force. This will be presented by the consultants who have been appointed. If a variation is recommended then the action would be voted on by the council.

27/5/98 Challenge Committee Newsletter- 8 points outlining frustration with the Task force direction, recommendation are being manipulated, cost of consultation for rural community (8-10 people per 9 meeting), results only scratching the DP surface. They also question the performance guidelines and terms of reference for the Task force.

Cost of Democracy

9/10/98 Richardson writes to Parliamentary Commissioner for the Environment, Morgan Williams, entitled The Cost of Democracy- Who Pays for Others to Have a Say? She states that Feds are overwhelmed by the unlimited resources and demands of some groups who are paid to attend the Taskforce meetings.

15/10/98 Bob McClymont, Director Citizens' Concerns acknowledges the letter and enquiries will be carried out.

5/11/98 McClymont replies that the cost analysis should be undertaken by the council rather than the Commissioner. In a sympathetic letter he makes a comment on DoC requests and advise to BPDC shouldn't be accepted unquestioningly. And sums up “That the main reason that the BPDC has been required to review its DP proposal is the lack of sufficient consultation with landowners and the local community before the proposed plan was notified and statutory process begun.”

2004

Don Ross and Mike Garland continued on with the proposed DP. The cost for the variation to the plan is between \$800-900,000, which Millar views as being “cost neutral” The variation of DP has, in Sept 2004, only just been completed. Then BPDC will make a decision on it, due out end of 2004. Millar is still expecting some sort of review process after this.

Friday October 3 1997

The Akaroa Mail -

Council humble over district plan

The Banks Peninsula District Council has decided to apologise over its handling of the proposed district plan.

At a special meeting on Monday, it unanimously passed a strongly worded resolution from Cr Jo Rolley and supported by Cr Bob Parker that it apologise.

At the meeting the council said that it recognises that it could have consulted more widely, and that it could have enabled the public to consult more effectively and that it apologises for that.

The council later issued a press release in less strident tones, expressing regret that some people had the perception that it had not undertaken enough consultation.

At the meeting Cr Jo Rolley said that she believes that the council owes the public an apology for not performing its duties as it should have.

"We did not do our duty as we should have" she told the council.

"Whilst I am very pleased that Federated Farmers and other groups are very happy to work along with the council, we should acknowledge, recognise and apologise and do our best to make a good plan at the end of it" she said.

"I think it would be a fair thing for the council to make some form of apology, and I think it would be a fair thing that we do."

She was supported by Cr Bob Parker, who said that it seems to him that as he said, has been admitted at council meetings, the council has not fulfilled its requirements under Section 32 of the Resource Management Act, in terms of its full intent and purpose.

"We do have a good opportunity here to say that we have erred. That we could have done a better job."

Environmental Services Committee chairman Cr Jim Hopkins warned about taking complaints too far.

"We never set out to get in anyone's way, to obstruct anyone. What we tried to do was what councils around the coun-

ty have done, and that is to cope with the new Act.

Cr Hopkins cited Gore District, which, he said, has spent over a million dollars on its new plan, and still not got as far as Banks Peninsula has.

"Not being as good as one can be doesn't mean that you automatically pass some test of failure" he said.

"We could have improved the process. We could have improved the consultation."

But, he said, there is an element of confidentiality required in the preparation of a district plan.

"That's so that you aren't compromised by 'seepage' before the document is launched."

District manager Eddie Parker said that he had no problems with an apology.

"It is probably quite a good gesture" he said.

"I believe that we can achieve what they want through the submission process."

Cr Stewart Miller, who spoke to the council meeting through a telephone link because of a back problem, said that the community had shown little interest in the district plan in the early stages.

"It was only when it came out that they took an interest" he said.

Fees to be remitted

At its special meeting the council decided to ask its planners to prepare variations to the proposed plan incorporating some of the concerns that farmers and others have expressed.

It is also setting up meetings with rural landowners, under an independent facilitator, to discuss concerns about the proposed district plan.

In the meantime the council has decided to waive resource consent application fees for resource consent applications which are required just because of the landscape and coastal protection area provisions and the 6 metre height restriction on new buildings.



Kiwi
Coun
visits

P
fc
SV
A
the Ba
for 25
years.
year

The
selfed
total is
ents is
dent is
"We
of the s
four pe
"We
the best
the sin

United We Stand: A United Community

"Kowhai Vale"

R & N Beattie Partnership

PO Box 1790
Christchurch
NEW ZEALAND

Tel. 64 3 377 0365
Fax 64 3 377 0366

10 June, 1997

To: Banks Peninsula landowners

From: Roger Beattie

Banks Peninsula Land Grab

Call to Action

Farmers have to keep the heat on to stop the Council's land grab. We must not compromise on property rights. The Council's consultant planners are advising the Council to steal our management rights. Management rights are property rights. Who goes half-way to meet a thief. Stealing half your property is still theft.

Don't be fooled by planners who say "we are all subject to controls". They are deliberately confusing the issue. On the one hand there are the controls on land use that stop neighbours harming one another. These controls are designed to make everyone better off. Noxious weed control is a case in point. Removing landowners' management rights under the District Plan is a straight win-lose contest. These are not land use controls; they are environmental takings. Someone else benefits at landowners' expense.

Relying on the submission process to deliver what we want is playing their game. We are dealing with a political system and politics are unpredictable. We need to change the rules so that we are in the driving seat.

Not so long ago New Zealanders fought in defence of property rights. The battle is just as real now. We need to use the full range of weapons we have in our arsenal. In this fight these are the sorts of weapons we have available:

1) Compensation

Landowners must get compensation for taking of management rights. If the legislation doesn't allow payment of compensation then make sure no District Plan is possible until the legislation is changed to make compensation payable. Provision for compensation will stop this nonsense once and for all.

2) Rates revolt

We ought to be thinking now about a rates revolt. It worked for residents in the Christchurch suburb of Merivale a few years ago. Why shouldn't it work for us when we have so much more to lose? Why pay rates to a thief?

3) Sack the planners

We don't need these consultant planners coming down from Auckland taking our money to peddle their brand of socialism. Not all Councils are into pinching property. Pressure this Council to sack their planners.

4) Vote out councillors

Identify those Councillors who have gone along with the Proposed Plan for future no votes at the next Council elections.

United We Stand: A United Community

5) Legal challenge

High country lessees successfully brought harassment charges against government departments who were hounding them over environmental matters and preventing the peaceful use and enjoyment of their properties. There must be something similar in common law that can be used to stop the Council hounding us.

6) Stay united

As some of you may be aware I am involved in both the farming and fishing industries. It is truly remarkable that fishermen now have stronger property rights than landowners. Government would not dare seek to remove fishermen's quota rights. Recently government sought to increase levies for fishermen. Fishermen united in refusing the pay existing levies. The revolt lasted three months and government caved in. Government has now instructed the Primary Production Select Committee to investigate the matter.

7) Link up with Maori

Just as in the fishing industry Maori and other landowners have a common interest in protecting property rights. Sir Tipene O'Regan led the charge against government threats to quota rights. Maori property rights didn't go away just because some piece of legislation said they had gone away. A known thief is never forgotten. Maori claims are now being put to rest because property is being returned and compensation paid. The precedent has already been set in our favour. Together Maori and other landowners would be an unstoppable force when it comes to protecting property rights on land.

8) Get confrontational

We won't win this by being the nice guys. These Planners are sitting on our backs. They'll do everything they can to lighten our load - except get off our backs. We will win this by taking action.

Following is a copy of one of our submissions to the Council. There needs to be more pressure put on the Council. With your support we would like to kick off some further action. Please write or fax your comments and suggestions.