

**From:** [Peter McIlraith](#)  
**To:** [Mailroom Mailbox](#)  
**Subject:** The Waitaki Sub Region (Plan Change5) Peter F McIlraith  
**Date:** Wednesday, 9 March 2016 1:00:18 p.m.  
**Attachments:** [ECAN Submission 2016.docx](#)

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Ecan Mail Room,

Please find attached my submission to The Waitaki Sub Region (Plan Change5)

A signed copy of the attached papers will follow by mail

Cheers

Peter F McIlraith



# Submission on Proposed Plan Change 5 to the Canterbury Land and Water Regional Plan

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Submitter ID: \_\_\_\_\_  
File No: \_\_\_\_\_

Form 5: Submissions on a Publicly Notified Proposed Policy Statement or Regional Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991

Return your signed submission by 5.00pm Friday 11 March 2016 to: ✓

Freepost 1201 Plan Change 5 to LWRP  
Environment Canterbury  
P O Box 345  
Christchurch 8140

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 Contact name and postal address for service of person making submission (if different from above):  
 \_\_\_\_\_  
 \_\_\_\_\_

### Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

- I could not gain an advantage in trade competition through this submission; or
- I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

- I am directly affected by an effect of the subject matter of the submission
- I am not directly affected by an effect of the subject matter of the submission

Signature: Peter F McIlraith Date: - 9 MAR 2016

(Signature of person making submission or person authorised to sign on behalf of person making the submission)

Please note:

(1) all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.

- I do not wish to be heard in support of my submission; or
- I do wish to be heard in support of my submission; and if so,
- I would be prepared to consider presenting your submission in a joint case with others making a similar submission at any hearing



## SUBMISSION (PLAN CHANGE 5) CWMS Ecan

### Waitaki sub region Plan Change

Thank you for the opportunity to submit to this Plan.

#### Pre-amble

- I am the third generation of my family to farm with the fourth and fifth generation of family presently on *Glenmac Farm*, Hakataramea Hwy
- CWMS (Lower Waitaki South Canterbury) Zone committee member representing Waimate District Council
- 12 years as Councillor, Waimate District Council,[WDC], representing Hakataramea & Waihao ward
- Hold a Degree, BA. Canterbury University,[2001] having majored in Political Science
- This submission is as an individual and the opinion and thoughts are not that of WDC or Zone Committee

#### Introduction

I start by respectfully stating, what is not always obvious to rule and law makers that have the subordinate support of legislation that: “for every Law and Regulation that is imposed, there exists an equal loss of liberty to those whom the law impacts on.”

There are, in my opinion, two fundamental canons attached to law making:

1. It (the new rule/law) must be able to be policed;
2. There must be a measurable beneficial outcome that is better than equal to the loss of liberty.

#### Property Right

##### Equal allocation vs Economic Impact

Fundamentally there is no ethical justification why one hectare of land should have the right to contaminate the environment more than an adjacent hectare.

*Property rights defined by William Blackstone in 1768 as:*

*The...absolute right inherent in every Englishman, is that of property: which consists in a free use, enjoyment and disposal of his acquisition, without any control or diminution, save only the laws of the land.*

While statute has somewhat modified this historic dictum, there still exists a strong position of equality between property owners rights.

### Status Quo? ( the time of consultation 2011—2014)

- Represented a period of high levels of intensification with exponential increases of numbers dairy cows
- Much public pressure on water quality degradation.
- But now there exists anew economic environment
- Plan formed during hiatus period of NZ farming
- Low cost farming necessary for New Zealand Agriculture as a major player in New Zealand Inc.
- Constraining worst exasperators. Has lower cost implementation than the policies outlaid in this draft
- Regulation for the sake of inclusiveness [the notion that all encompassing control make it fair on the high admitters has no place in coercive law]

### Specifics

- The joining of specific area with their own idiosyncrasies into larger areas [primarily for the sake of planning convenience is counterproductive to good outcomes].

Our property, as an example, has excess nitrogen discharge available, therefore having no effect on ecological or environmental degradation. The narrow flats of steep to moderate hill country are, in effect, low admitters.

The short distance to join the Waitaki River fortunately avoids the maintenance of condition in tributaries. However, we now find in the lost translation that the benefits of being in a 'green zone' places us with the worst land within the same sub zone. The concept of only needing rules where there is an issue is unheeded.

I reiterate as one who was closely associated with the "Zone Implementation Plan" [ZIP] from the picture that was approved to go into planning speak, the draft is barely recognisable.

### Opposition

Creating rules and regulations as per the Draft Plan 5 .....

- Overall, the plan lacks simplicity which in turn prevents measureable compliance.
- Institutes restrictive compliance costs with no tangible benefit outcome exists
- Lacks provision to advance towards the equitable concept of equal allocation of Nitrogen
- Create an unnecessary economic impact

### On the Ground View:

1. A silent majority don't want to get to grips with the models, but have the attitude that they will address the issue when regulatory compliance faces them at a future date. They know the task of compliance monitoring is all but impossible.
2. Challenge for ECAN is to gain community understanding; the use of consultative policy making is not a guarantee in itself of community acceptance, or effective and efficient planning. (Some of the most catastrophic events in history were a result of participatory democracy.)

3. This, the current draft understanding, is blurred by the plans reluctance to target the worst offenders, but impose a stringent regulatory process on low admitters.
4. This plan will be the biggest intervention factor in the 105 years my family has farmed on Glenmac farm;
5. Some major players are unaware of consequences;
6. The timing and implications to move back to 'low cost farming' is huge. Example: cost of conversions to pivots equals more cost, more cows. (The vicious capital spend cycle)
7. Is it a plan for 'the now' or for the future?
8. Can a plan be outdated before it is enacted, based on a past aberration? I know we can't accurately predict the future, but this situation is the 'new now'

This consultative process started and proceeded through the period where dairy prices were at an all-time cyclic high;(2011—2014) , that is not the position today. (\$3.90 a Kilo). In fact, commentators are now predicting a new norm. That-is, of reduced moderate global prices for the foreseeable future resulting in, importantly, “lower price of production lower cow numbers” to be sustainable.

This 'draft' plan increases all farmer costs!

The past aberration of high global prices has a direct correlation with intensified dairying and higher concentration of cows. This was all possible with extremely high gross margins.

If cow numbers continue to drop and dairying is abandoned on “marginal dairy land” is this plan still appropriate?

I think not, given the need to maintain/reduce costs in most aspects of primary production. However, the compliance costs will roll on.

## Solutions

- Move towards an 'end game' of equal allocation [E A] in line with ethical property rights;
- The early discussions of the (zone committee) eliminated the concept of E.A.(having support for the principle) on the basis of economic disruption being too high. The cost infrastructural operations and the economic outcomes for individuals/corporate and NZ Inc.

The reality is that the correction in dairy prices [for a number of financial and geo political reason] has affected this very "economic disruption". So the primary reason for abandoning E.A. has less or no application.

- Target worst offenders.
- Target the best use of Ecan resources
- The notion of "getting a handle" on all farmers' operations is not effective or efficient in pursuing environmental improvement;
- As a long time observer, I can identify the areas of "pushing beyond the envelope" that has created the issues in water quality; (and so can many of my colleagues)
- Many of us who farm a property sustainably for generations do not need intense regulatory control.

*Farming for the future is wired into our DNA.*

## Conclusion

I acknowledge I was and am closely involved with the Zone Committee findings. While this was a consensus process I constantly aired my view that the end product would result in an overly complex, hard to manage, expensive exercise.

There were at the time of discussions promoting increased profit margins and a will to continue to intensify, a belief that there was a win win situation. I can understand where the high admirer sections were coming from.



However, my worst fears have come to pass 'at least' in draft form. This is a plan that will damage the international competitiveness of Canterbury Primary Production.

This submission is not a request to do nothing, to ignore the environment. My farming history shows,(104 years of ecological improvement) that I know the values of sustainability. "But there is more than one way to skin the cat."

Don't impose cost where there is no measurable outcome. Maintain the right to farm "Low impact- Low cost "

I respectfully wish to be heard during the hearing.

Peter F McIlraith

Glenmac Farm

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