

Minutes for Lake Rotorua Catchment Stakeholder Advisory Group, 8 December 2015

Rotorua Lakes Council – Committee Rooms

1061 Haupapa Street, Rotorua, 11:00 am start

Chair: Tanira Kingi

Members Present:

- Collective: Chris Patterson, Wendy Roe, Neil Heather, Stuart Morrison & Gisele Schweizer
- LWQS: Warren Webber and Don Atkinson
- TALT: Roku Mihinui (part of the meeting)
- Te Tumu Paeroa: Kiritapu Allan
- RLC: Cr Karen Hunt
- BOPRC: Cr Neil Oppatt
- Small Blocks: Graham West and Alison Bentley

Others Present:

- Rex Charlton, John Green, Neville Dow, Ben O'Brien, BOPRC Staff: Namouta Poutasi, Stephen Lamb, Rosemary Cross, Helen Creagh, Hariata Ngatai, Stephanie Fraser (Scribe); Simon Park (StAG Secretariat).

Action Summary:

1. Helen Creagh to liaise with Alastair MacCormick on Overseer upgrade timing and advise StAG.
 2. Helen Creagh to arrange a meeting of the nominated Accord drafting group and identify potential additional group members (meeting now scheduled for late January).
 3. Stephen Lamb to summarise discussion on Accord content and provide to the drafting group.
 4. Stephen Lamb to identify and share the potential cost of consenting with StAG.
 5. Stephen Lamb to send the 14 December 2015 Regional Direction & Delivery (RDD) Committee paper to StAG.
 6. Members who wish to speak at the RDD meeting are to contact Cindy Butt to register.
 7. Stephen Lamb and Cr Karen Hunt to give StAG's feedback on the proposed Protection Trust to their respective Chief Executives.
 8. Helen Creagh to email out information on issuing provisional NDAs (done 10/12/15).
 9. Simon Park to liaise with Helen Creagh about circulating a document explaining Overseer reference files through the Collective e-news.
 10. Stephen Lamb to email out three technical reports incorporated in the plan by reference and current version of the draft Rules to StAG members (done 17/12/15).
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Item 1: Welcome, Karakia, Introductions and Apologies

Chair Tanira Kingi welcomed StAG members and attendees to the meeting, acknowledging it was the last StAG meeting and although the group was finishing the work will continue.

Apologies for absence: Joanna Carr, Don Hammond, Oliver Parsons, Clinton Hemana, Te Taru White, Tony Cairns, Sharon Love and Gwyn Morgan

Apologies for lateness: Gisele Schweizer, Alison Bentley, John Green and Kiritapu Allan

Early departure: Namouta Poutasi 12.15pm

Motion: Apologies approved. Atkinson/Cr Hunt CARRIED

Item 2: Minutes of previous meeting (10 November 2015) including actions:

1. The Lake Rotorua Catchment Small Block Sector Review (aka SBO report) has been circulated to members on 18 November (the associated presentation to StAG is [here](#)).
2. Staff liaised with the Collective on getting pNDAs out to their members. Discussion points:
 - Those that needed to be contacted (i.e. Collective members who hadn't yet received a pNDA and were not in the process already) have been contacted by BOPRC.
 - The Collective reported a staff email about the upgrade to Overseer from 6.2.0 to 6.2.1 had caused confusion regarding the impact on pNDAs. A request was made for communications to the Collective to be via Chris Paterson as Collective secretary.
 - Staff noted in this instance the communication was a personal one outside the usual process and all mass communications would be shared with the Collective.
 - In the interests of improving the quality of information and reducing landowner frustration it was recommended that communication guidelines be written for staff. Personal communication that contain inaccuracies should be avoided at all costs
 - It was reported that all pNDA files sent out had been run on version 6.2.0.
 - Council will send pNDAs out to all who have requested before the Rules are notified.
 - Noted that Alastair MacCormick is a member of an Overseer technical advisory group
 - Comments were made regarding reference files, pNDAs and running files in the latest Overseer version and how they would be understood by farmers. A request was made for clear communications to come out to farmers with an explanation of how reference files work in relation to different versions of Overseer.

Action: Helen Creagh to get an update from Alastair MacCormick on Overseer upgrade timeframes and let members know.

Action: Helen Creagh to liaise with Alastair MacCormick on the implications of running files in the latest version of Overseer and email a response to members.

- Staff noted three critical issues with sending landowners a provisional NDA: (i) That the pNDA is for the correct blocks of land and land use; (ii) confidentiality of information (e.g. ensuring it doesn't go to a previous owner), and (iii) an explanation of what the number means. A mass pNDA mail-out would not cover these issues.
- All landowners on the list supplied by the Collective have been contacted, noting that those already in the Advice & Support process weren't contacted again.

[November Actions continued...]

3. The Draft Accord was circulated for member feedback.
4. Alastair MacCormick's 2013 work on pre-2001 retired land sent to the Collective.

Motion: 10 November 2015 Minutes approved. Webber/Cr Hunt CARRIED

Item 3: General business items to add

- a) Catchment soils mapping – Chris Patterson
- b) Te Arawa Mana Whenua Advisory Group paper presented to Strategy Group – Roku Mihinui
- c) Incorporating technical documents in the proposed rules – Stephen Lamb.

ALL PRESENTATIONS FROM THE MEETING MAY BE FOUND [HERE](#)

Item 4: Post-StAG entity – Namouta Poutasi

Namouta Poutasi, Water Policy Manager was introduced by Stephen Lamb.

Input was invited from attendees on whether the forum should be one group or two (split into implementation and broader strategic issues), formal or informal. Points raised by StAG (as recorded on a whiteboard) were:

- **Purpose:** The group's purpose should define the group's structure. Purpose possibilities include:
 - Strategic;
 - opening channels of communication/communication conduit from council to rural landowners and vice versa;
 - monitoring of the Accord;
 - operational (potentially operational subcommittee);
 - advisory forum (e.g. into science plan) and providing recommendations, role in oversight in implementation of the Rules;
 - Neil Heather test (acceptability of messaging to farmers);
 - interface with technical advisory groups (for research lead areas);
 - Regular meetings;
 - ability to discuss key points raised by submissions to the Rules;
 - Collective and Territorial Authority clear description of plan (Opt-Out); and
 - Reporting lines - report to Strategy Group and funded by BOPRC.
- **What to cover:**
 - Terms of Reference for the forum need to be developed and adhered to; they will include providing advice to Council;
 - key messages;
 - sounding board; review of standard letters to farmers; OVERSEER®
- **Who:** Feedback included:
 - Similar to StAG; Smaller than StAG?
 - Important that new forum established is engaged and/or representative, this will be hard to achieve; the membership appointment process needs to be transparent.
 - Who is included: all farmers, rural? Landowners? Sector? Industry? Programme partners?
 - Diversity of views; 'majority support'

Motion: Tanira Kingi and Namouta Poutasi to liaise on the draft Terms of Reference process for a post-StAG entity and the draft Accord. Atkinson/Cr Oppatt CARRIED

Action: Namouta Poutasi to develop draft Terms of Reference for a post-StAG entity (rules implementation and accord monitoring) and test wording with potential Accord participants.

NOTE: A group to assist with drafting work on the Accord ToR was identified at Item 5 below.

Item 5: Draft Accord - Stephen Lamb

a) Discussion topics listed in PowerPoint:

- What do you want to see in the Accord? Specific issues?
- Who? Long/short term?

StAG comments on the Accord (as recorded on a whiteboard):

- Timing: soon.
- Wording is expected to be water tight and survive long term.
- Address the science review content, process and trigger, the work programme for any plan change required and conditions for council to initiate a plan change.
- Targeted and only deal with the need for change when it happens.
- Be tied into Council budgets up to 2032 so that budgets are set aside.
- There were different views on the legal and regulatory standings of the Accord.
 - Staff noted it was about certainty and moral commitments – it would not be a legally binding document.
- Some felt the Accord should just be around the Rules while others felt it should cover the Integrated Framework as it is difficult to deal with one thing in isolation.
 - Concerns were noted by some over the complexity and signing of a document that may be construed as agreeing (or conflicting) with integrated framework.
 - There was some disparity in the room on the purpose of the Accord.
 - The Accord needs to be targeted and include Terms of Reference (e.g. 'collaborative', mandate for the job, and advisory). The TOR should be developed first then the Accord.
- Te Arawa and the Collective had previously asked about clarification on what the opt-out options are, notably the trigger points for opt-out.
- Feedback due from the Collective, Federated Farmers, Fonterra and Dairy NZ
- LWQS want to be a signatory.
 - Change wording from 'collective' to 'collaborative' in the draft document.
- An Accord monitoring group/forum was suggested to oversee the longer term picture.
- The Collective supports an Accord that reinforces the Method 2 science review
 - While it was noted that method two was more about Collective members interests, the Accord could provide for all landowners impacted by rule changes in future
- Check the Oturoa and Wai Ora Agreements.
- Small group to be set up to develop the Accord including Federated Farmers.
- A committee is to be formed and people selected. Accord sub-group names received at the meeting: Tanira Kingi, Gisele Schweizer, Stuart Morrison, Warren Webber/Don Atkinson (LWQS), Graham West and Roku Mihinui. Representatives from other sectors would also be sought.
- Stage 1 Implementation of rules; Stage 2 Monitoring/Overview.

Action: Stephen Lamb to re-draft the Accord based on meeting feedback.

Item 6: Rule status of 4-10 ha properties - Stephen Lamb

StAG asked staff to look at a permitted limit higher than 4 ha. Key points from [Stephen's paper](#):

a) Process

- Number and size of properties
- Overall scale of nitrogen loss and property based nitrogen loss estimates
- Commerciality (using GST information).
- Data limited for N loss (benchmarking) and GST but OK for total property numbers.

Member comment:

- Difficult to draw conclusions when only 12 properties benchmarked in 4-10 ha size range.

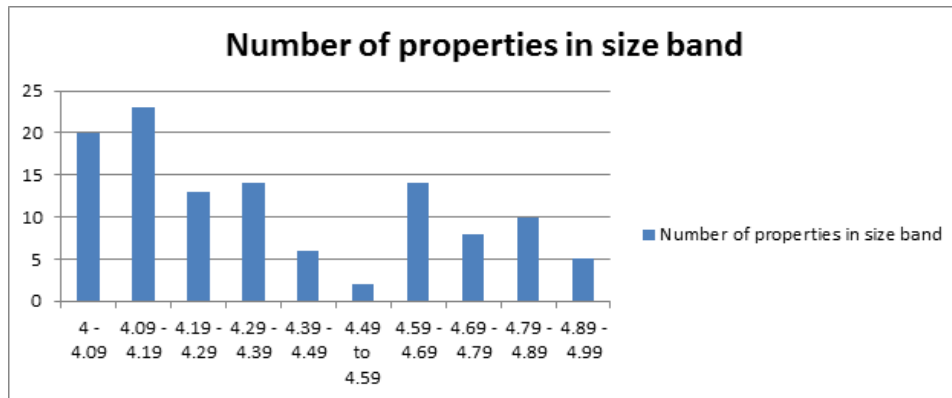
b) Number and size

Area Size Band	Total Small Blocks	Cumulative Small Blocks	Total Area Small Blocks (ha)	Average Small Block size (ha)
0.05 - 0.4 ha	214	214	42	0.20
0.4 - 2 ha	674	888	624	0.93
2 - 4 ha	157	1,045	438	2.79
4 - 10 ha	265	1,310	1501	5.66
10 - 20 ha	102	1,412	1389	13.62
20 - 30 ha	56	1,468	1129	20.16
30 - 40 ha	16	1,484	510	31.88
Total	1,484		5634	3.80

- Noted that 0-4 ha capture 70-75% of affected landowners in catchment.

c) Regression analysis of nitrogen loss

Area bands	Count Small Blocks ^V _R	Total area, ha	Effective area, ha	Status Quo N loss, kgN/ha
0.05-2 ha	888	666	370	16.8
2-4 ha	157	438	312	18.5
4-5 ha	117	507	399	22.3
5-6 ha	44	228	168	22.6
6-7 ha	43	269	224	22.9
7-8 ha	25	178	119	23.2
8-9 ha	18	150	105	23.6
9-10 ha	18	169	122	23.9
Total	1310	2605	1818	

d) Number of properties between 4 and 5 ha**Discussion points:**

- Commercial dairying, horticulture and cropping are land use activities where a small block holder will still need to apply for consent.
- A question was raised on what the compliance and monitoring costs for resource consents.

Action: Stephen Lamb to confirm and share the potential cost of consenting with members.

- Questions on the validity of using this small “sample” to represent the 4-10 ha blocks and the subsequent resource required to manage/monitor their compliance.
- Common sense should determine where to draw the line.
- Clarification by Council staff:
 - Council would focus monitoring on larger properties and intensive land use.
 - The Incentives Board has not yet, and may not yet, set a lower limit on trading N
 - Land use activity on 4-10 ha is permitted with use that follows the stocking table rates. If a land owner goes over those rates then consent is required. Alternatively, the permitted 18 kgN/ha/yr limit can apply to any properties over 4 ha that supplies an annual Overseer file to show compliance.
- Stephen Lamb’s recommendation is to draw the line at 4 ha.
- Noted that Council had discussed this issue recently and believed the delineation to be soundly based as these blocks are likely to be lifestyle focussed and this removes approximately 70% of landowners from the resource consent process (exceptions noted). The question remains: ‘Is 4ha the right place to draw the line?’
- An informal vote of StAG members: In favour of drawing the line at 4 ha = 6; against = 2.
- Noted that this permitted ‘line’ is likely to come up in submissions for the rules.

Item 7: Updates**a) Summary of further engagement/feedback – Stephen Lamb**

- There has been a vast spectrum of feedback received from many people
- The majority of landowners with horses will fall into ‘below 4 ha’ category based on property number/size.
- Modelling is now defined in the Rules so there is a process for dealing with exceptions that can’t be modelled with Overseer.

- iv) Peer reviews on the Rules have been received and resulted in no fundamental changes to the way Council is approaching the rules
- v) The likely date for notification is February 2016. This will be decided by the Regional Directions (RDD) Committee on 14 December 2015 (11.30am) at Distinction Hotel.

Action: Stephen Lamb to circulate a copy of the paper submitted to RDD Committee.

Action: Members who wish to speak at the meeting are to contact Cindy Butt to register.

b) Governance of the \$45.5 million funds - Helen Creagh.

It was reported that:

- At RTALSG yesterday a paper was received from the Chief Executives of RLC and BOPRC requesting that RTALSG support in principle the formation of a 'lakes protection trust'.
- RTALSG asked staff for a paper on the draft trust structure in the New Year and recommended that RTALSG partners share the information with their organisations to seek their support in principle the establishment of the trust.
- The word 'trust' is a misnomer as it will be a Council Controlled Organisation (CCO).
- An outline of the trust had been emailed to StAG members by Stephen yesterday.
- StAG discussion covered:
 - There are differences between the current LRIB single purpose of buying N and CCO goals of using \$40m to effect a 100 tN reduction and maximising economic opportunities for the catchment.
 - In the interim the LRIB will still go about its business and there will be transition process between the two organisations.
 - The request for the change did not come from BOPRC
 - There may not be Councillors on the CCO (no decisions on this point have been made)
 - The Collective voiced its concern that the CCO could be conflicted between its primary and secondary goals. There could be significant disadvantage for some landowners without access to additional funding or expertise for their land use change.
 - A request was made for a change in terminology e.g. alternatives to "joined-up advice" and "joined up thinking".

Action: Stephen Lamb and Cr Karen Hunt to give StAG's feedback on the proposed Protection Trust to their respective Chief Executives.

c) Accessing provisional NDAs - Helen Creagh

Time constraints meant this agenda item was not discussed further (see Item 2 above).

Action: Helen Creagh will email out information regarding issuing provisional NDAs.

Item 8: General Business

a) Proposed Te Arawa ki Rotorua Mana Whenua Advisory Group - Roku Mihinui

It was reported that TALT and Rotorua Te Arawa Lakes Strategy Group have agreed in principle to set up a Manu Whenua advisory group. Until the recent TALT elections, Te Arawa landowners in the Rotorua catchment were not on TALT which has a broader lake-focused mandate. It was also felt that where a particular Te Arawa landowning entity was directly affected by a new policy or proposal, it should have a Te Arawa vehicle for providing input.

Many decisions are yet to be made around structure, funding and interrelationships with the proposed Manu Whenua group, including with the new Lake Rotorua Protection Trust.

b) Soils mapping – Chris Patterson

There was no time to discuss this item.

c) Overseer reference files

Action: Simon Park to liaise with Helen Creagh about circulating a document explaining Overseer reference files through the Collective e-news.

d) Incorporating technical documents in the Rules

When a technical document is incorporated into the Rules by being referenced, the interested parties must be advised. This will apply to three technical documents: (i) Spreadmark Code of Practice; (ii) Code of Practice for Nutrient Management; (iii) Methodology for NDA reference files and stocking rate table.

Action: Stephen Lamb will email out the technical documents and current version of the Rules to StAG members.

Closing comments for StAG

Cr Oppatt expressed how very impressed with this group and thanked the members on behalf of the community for giving clear direction to Council on Rule setting.

Stephen Lamb conveyed thanks on behalf of Council staff for the robust debate which resulted in a far better plan product.

Cr Karen Hunt echoed the comments made by Cr Oppatt and Stephen Lamb.

Meeting Close: 3.07pm