

TAKAKA FLAG MEETING 22 NOTES: 13 May 2016

Purpose:	Takaka Freshwater and Land Advisory Group (FLAG) – Meeting 22
Date:	Friday, 13 May 2016
Time:	9.30am - 3.00pm
Venue:	Takaka Fire Station
Present:	<p>FLAG members: Graham Ball (GB) Mirka Langford (MLa) Mike Newman (MN) Mik Symmons (MS) Piers MacLaren (PM) Hika (Matt) Rountree (HR) Kirsty Joynt (KJ), Greg Anderson (GA), Andrew Yuill (AY) (co-opted member) Margie Little (MLi- iwi representative on FLAG) Tony Reilly (TR), Martine Bouillir (MB- council representative on FLAG)</p> <p>Staff: Trevor James (TJ- Resource Scientist – Water Quality & Aquatic Ecology) Joseph Thomas (JT - Resource Scientist - Water & Special Projects) Steve Markham (SM – Environmental Policy Manager) Lisa McGlinchey (LM – Environmental Policy Planner)</p> <p>Other Rochelle Selby-Neal (RSN -Independent Facilitator)</p>
Apologies:	Andrew Fenemor (AF – Landcare Research), Neil Murray (NM), Trevor and Joseph from 10ish?
Notes taken by:	Pam Meadows (supplemented by other staff)
Definitions and Abbreviations	FLAG = Freshwater and Land Advisory Group NPS-FM 2014 = National Policy Statement for Freshwater Management 2014 NOF= National Objectives Framework – under the NPS-FM TRMP = Tasman Resource Management Plan (the Plan) TWMC = Takaka Water Management Catchments SOE = State of the Environment WCO = Water Conservation Order application for Te Waikoropupu Springs and recharge area AMA = Arthur Marble Aquifer TLA = Takaka Limestone Aquifer TUGA = Takaka Unconfined Gravel Aquifer MALF = Mean Annual Low Flow TWS = Te Waikoropupu Springs l/s = litres per second ..?.. = notes may have missed some content
<i>Note: records of discussion points have been grouped into similar topics and are not necessarily in the order discussed at the meeting. Notes in square brackets [] have been added post meeting for clarity.</i>	
FLAG MEMBERS PLEASE NOTE: If you have any questions or need anything between meetings, then please contact Lisa McGlinchey by email: lisa@tasman.govt.nz or by phone ddi 03 543 8409.	

NOTE about these meeting notes

These notes provide a summary of points raised by individuals at the FLAG meeting – they are not necessarily a representation of the views held by any or all members of FLAG and do not represent the views of Council. The comments cover the diversity of experiences and opinions on the group. The views expressed here are also open to develop and change at any time.

Purpose of Meeting

- Review the water allocation and water quality solution summaries for each zone and discuss remaining questions relevant for directing staff in drafting the plan change.
- Review key assumptions to be used in drafting the plan change
- Review and discuss the legal framework and limitations around consideration of community benefits, including economic opportunity costs, in allocation and consenting processes

Welcome and Karakia

RSN welcomed the group and advised outline of the day. MLI led the group in the Karakia.

Check-in

No check-in issues raised by the group.

SM advised that NM is experiencing time pressures in his day-to-day work and will not be able to attend FLAG meetings for some time, but will retain his role on the FLAG and operate as a corresponding member via email etc.

Updates

Iwi Meeting

SM summarised the initial meeting had with iwi on 6 May. Meeting included representatives from Manawhenua ki Mohua (MKM) and Ngati Toa Rangatira. Discussed the preliminary issues for FLAG process. Key take home was the need to engage with MKM and for FLAG and MKM to have enough time to go over the issues – Onetahua Marae based hui planned asap. TDC to also engage with the other iwi and seek options for this including an all-iwi hui or start with a MKM hui first off.

FM: Re request to get in someone to work along scientist on Maturanga Maori aspects –where has this got too?

RSN: I understood Barney was going to look at who this person might be.

SM: We have not had a chance to touch base with Barney.

RSN: MLI did an excellent job representing the FLAG and communicating the work that has been done – it was invaluable having her present to provide a bridge between iwi and FLAG process.

Key aspects raised where inclusion of Maturanga Maori in the process, reservation of water for iwi use in the future and improvement of the interaction between Council and iwi.

Action: SM to pursue date for Onetahua marae hui as soon as possible and advise FLAG.

Action: SM to contact Barney and discuss options for Maturanga Maori person.

FM: Will the discussion over use of water need to be a national discussion?

FM: Yes it is – and these discussions are going on already.

RSN: There is also a question FLAG needs to discuss regarding what can or cannot be done under the RMA – guidance on this from a national level would be useful.

Fonterra Workshop

LM outlined Fonterra workshop - 10 may 2016.

Action: LM to send out link to Gerard Willis' think piece.

Important to define what goes into the Plan – what gets signalled in the Plan – important to ensure there is a process to ensure these aspects get progressed.

Sue Ruston (Fonterra) and TDC staff to look at the policy framework side of things. Mirka doing some work looking at good management practice for dairy in Takaka. The next step will be to look at how the two aspects (IEMP and regulatory framework) can be progressed together. If this can't be done in this coming plan change, it will be done in the next.

FM: If you want the GMP into the plan, but don't have everything we need – then sure have the extra irrigation water, but we get the pollution under control first.

SM: This is one of a number of valid views.

FM: If put in plan for future - can future council go back on this?

[A future plan change could change things – but changes would need justification and would still need to go through sec 32 and schedule 1 process]

GB Community board meeting

FM: I thought the GBCB report by MS was very well done.

Consultation subgroup

FM: our subgroup has started off as a communication group, but now morphed into a consultation group and I'm not entirely comfortable with this. I think the FLAG are a representative group of the local community and I wonder if the sub-group going out over the next few months will achieve what is needed.

RSN: TDC staff resources are tight and there is not the resources to help with consultation in the next few months [prior to the Council deadline for draft plan change]. You are probably right – consultation requires good design so as not to bias results and it can take a lot of time to collate feedback. It may still be worthwhile. If public consultation doesn't happen now, it will have to be as part of the schedule 1 process, which only allows for formal submissions. Perhaps the sub-group can have a think about the process and come back to the FLAG.

FM: Isn't it required to undertake public consultation?

SM: The RMA does not specifically require it except through the submission process, but it is a matter of good practice to undertake public consultation and it can be a message to council from FLAG with your recommendations that the plan change still needs to go through a public consultation process and that this occur before notification.

FM: People tend to get more motivated once the rubber hits the road.

SM: Yes, the Council has experienced this issue upon notification before.

RSN: So what are the options for the notification?

SM: The plan changes being proposed will have immediate legal effect upon notification and other aspects will have legal effect as they are progressed.

RSN: So FLAG could ask Council for a community consultation process, once Council has approved the proposed plan change, but before notification.

SM: Yes

FM: People often like to have something to kick against. I would feel more comfortable to put out the draft pc for consultation that do anything half-hearted now.

[issue parked for further discussion later]

Nitrate sub-group

FM: Nitrate subgroup hampered by availability.

FM: If MLa and AY can get together and come to an outcome, I would be very interested in that outcome.

FM: Concern over timeframe and work still to do.

SM: Yes – and this means July will be crunch time.

Nitrates and DO are two of the big issues, and we have barely scratched the surface.

Attribute subgroup

We hoping to have AF involved in this, so not until June.

FM: I'm keen to have information being involved in the subgroups to keep in the loop.

RSN: Everything to be sent out and members can filter what they want to look at.

GBCB letter

FM: Letter to GBCB – where did this get to?

RSN: Letter of response hasn't be done, but will be sent asap. Staff have been thinking about response.

SM recapped the KVV consent situation. The existing consent needs to be incorporated into the FLAG allocation considerations.

RSN: If this is the kind of consented activity you want to see controlled in a certain way in the future then this is a good example to test the draft plan change with. Use this same kind of consent to see if or how it would or could be treated differently under the new proposed draft plan, to check if the consent would make it through the process. This would help identify what rules need to be reconsidered to achieve the community's desired outcome.

SM: The RMA requires we cut up activities – ie if there was a bottling plant vs the actual water take itself. If there was to be a built plant this would be a separate consent from the water take.

FM: The concern I am hearing from the board is these older consents that can be renewed without notification so the public can get involved in the process.

SM: As this is just an extension, not a consent renewal, this is not an option available to Council.

RSN: The work of FLAG is to get the planning framework in place that looks at how future consents, and consent renewals, are dealt with.

SM: The FLAG needs to consider the allocation limits being discussed and look at what aspects are important to this process in addressing the concerns – where they can be addressed. There has to be a clear effects based case to change existing consents within the regulatory process being developed. *[If there is a clear effects base case, existing consents can be changed].*

FM: So does this process allow for consents to be effectively banked?

SM: No, they must prove they have made sufficient progress to give effect to the consent - and my understanding is they have satisfied the consents staff that this is the case this time round.

FM: Is there an appeal from iwi on the KVV situation?

SM: No there is an iwi appeal on the Gunsboro consent.

FM: Is the drilling of another bore part of their activating the consent?

SM: I'm not involved enough in the project to comment.

FM: Any comment from you Graham?

GB: No, I'm not the spokesperson for the group, only the landowner. The existing bore is too small and rusty so needs to be improved if water is taken from it for drinking.

SM: There are opposing interests around the FLAG table and these need to be put aside for the wider FLAG process.

Action: RSN and TDC staff to draft letter for FLAG review prior to sending to GBCB.

Session 1 – summaries and key questions

LM went over presentation on zone summaries.

FM: Non regulatory stream efforts – if community can get proud and get behind it. Water is not owned by anyone – is there any way to get fees or benefits back from water users?

SM: Short answer maybe yes [issue parked for discussion later]

FM: Salt water intrusion – what is the time delay? Can it be remediated?

JT: In gravel aquifers that get flushing it can be transitional – lasting weeks to months. In a confined aquifer you don't know. The measurements are based on electrical conductivity.

TWS is quite salty – eg it is higher than the trigger level for Motueka Aquifers.

Default allocations – surprised these are lower than what we have been allocating.

FM: Prefer non-regulatory framework for riparian work. Would like to see more focus on ephemeral streams – especially first flush considerations. Would prefer just the 10% 5yr 7day low flow as a default policy rather than 33%.

Curious about household use – area health board looking at 2.5m³/household presentation use 1.3m³ per household per day.

Has Rangihaeata been included in urban reservation considerations as potential for growth there?

FM: Would support non-regulatory framework. Fine sediment management – how it is handled – most of the soils are alluvial formed and this natural process will continue so this needs to be considered. Keen to see a default allocation regime that is consistent with the MALF approached used already.

SM: The 5yr 7day Low Flow is an older statistic included in the plan a long time ago.

JT: I don't think we will need to apply the default policy much any more in Takaka.

FM: Surprised by default allocations. Riparian planting – agree with others – I'm not big on regulation, but how do we deal with recalcitrant landowners who won't buy in – peer pressure hasn't worked so far.

FM: Water quality is important for me. Fine sediment issue can be addressed through planting. I think planting should be a regulatory response.

FM: I'm confused – the numbers seem different to what I thought the group selected. I'm feeling uncomfortable. I'm concerned – I want to trust that the cut-offs will occur – but I question where is all the water going to come from. Every day I cross the river and there is so much gravel and I feel like in the future I will be able to walk across it. Our rivers are important. I hope you know what you are doing.

FM: There is a massive issue with gravel build-up

RSN: Given the timeframe we have been asked to meet, I feel uncomfortable too in seeing the pathway forward – I am hoping once the plan drafting starts this will become clearer.

FM: Thankyou to LM for a good summary. Two issues with quality – you have left out the major issue – we have discussed the theory that increased stocking numbers will leach nitrate into waterways. We haven't established what we can do about it – what farmers can do about it. And what TDC can do about it in a regulatory framework.

Sediment can occur as a result of natural events – but can be exacerbated by human activities or use of that land. There is a lot of land use in the catchment that won't hold the land together as well as native bush – eg Ligar Bay – there is a meeting soon to discuss planting in this area.

FM: I was going to say I'm stuck on the linkage between water quantity and quality. Sediment is the prime mover of phosphate which affects periphyton.

FM: Thankyou to LM for a good summary. Keen to see the rest of the zone summaries. Riparian planting – it is a huge task – principally for it, but the sheer amount of work and the time line involved is huge. This is not something a farmer can do by themselves – it needs to have the right support – fencing of waterways has taken a few years. The non-regulatory approach has worked – all the dairy accord streams in Takaka have been fenced. Sediment management – my concern is that it has to be made clear to land owners as to what applies to them – eg what parts of the plan applies to them. WOF system – if problems found these need to be fixed – just as farmers would need to fix failing effluent systems. N leaching from cows is a fact – no one is disputing this.

SM: The scale of the riparian issues is enormous.

FM: Riparian planting -?- use existing fencelines. Industry self-management is a proven approach and this should be pursued. I had an old water permit historically for the Campbell Creek – which I will need to consider in light of the proposed regime for Campbell Creek.

FM: I support the non-regulatory approach for riparian planting. I think there needs to be some over-arching guidance for the prioritising of areas and management so that community groups can get the best outcome bringing the whole area together. Need some more discussion on the triggers for review of our management approaches – eg adaptive management – opportunity for dealing with uncertainty. Question over default allocations and the different numbers.

FM: Prefer non-regulatory as a first line for things like riparian planting, but we do need some regulatory backup for those that flout it. I share the ill ease that [FM] has expressed. I feel we are being channelled into a certain line. My personal focus here is TWS and the AMA – we can't fiddle with part of this system without affecting other parts of it. The FLAG previously decided that MALF was a good low flow to protect, not some part of MALF and then Roger Young came along with different recommendations. We still need an answer on whether reducing flows at TWS would affect the ecology in Fish Creek springs – RY has not yet answered this. Research I have read suggest lowering water levels affects groundwater ecology and the groundwater ecology is responsible for the clarity of the water. I have previously identified the apparent coincidence in the demand for irrigation and the allocation limits identified. Roger Young has previously said that without detailed ecological investigations that a conservative approach would be to set the minimum flow at MALF (written in 2006) – I wonder what has changed since 2006 and I see that the dairy price has gone through the roof. Irrigation of dairy pasture dwarfs everything else. My principal concern is about water quality and I am afraid we are going to lose the springs. I am keen to see a more holistic Maturanga Maori. I don't accept the regimes selected by Roger Young for the upper Waingaro and TWS. I would prefer to see the minimum flow at MALF. I also am concerned about the additional allocation in the confined AMA proposed. I think technology will soon be able to identify the pathways within the groundwater. We haven't got to grips with nitrate and haven't adequately discussed dissolved oxygen and organic carbon.

FM: thankyou [FM] – we talk about riparian planting, but we haven't covered vegetation clearing which can occur along our rivers and results in erosion etc.

LM: There is nothing in the plan specifically controlling this.

RSN: Will Roger Young be at the TWS meeting?

JT/LM: Will check – date to be confirmed.

Action: LM, SM and JT to clarify default allocation policy question and feedback back to FLAG via email or at the next meeting.

FM: The default policy is a hangover from previous – and we have had the freedom to start afresh.

RSN: Yes and that is what you have done so far.

<lunch>

Agenda for the rest of the day:

Agreement around:

- **Sediment:**
 - more work on sediment management
 - Clarification from LM that the GMP work will be one of the key methods to address sediment as well as nitrates, *E.coli*, riparian management
- **Riparian planting supported:**
 - preferred approach is non-regulatory, but with a regulatory back stop.
 - Work on how to put riparian planting into practice

Work to be done/clarified:

- Consent status of takes
 - Understanding of rule regime
- Underlying policy drivers and assumptions
 - Eg everyone agrees cow urine can causes nitrate leaching to water
 - Assumptions summary to come in next week
- TWS to be a separate meeting
 - RY to be in attendance
- Zone summaries and check sheet

Action: LM to send out assumptions summary for FLAG review in coming week.

Action: Staff to confirm RY attendance at TWS meeting.

Action: LM to develop zone summaries and check sheet to FLAG in next few weeks.

Cover off this afternoon:

- Who benefits question, as well as framework
- Two new allocation regimes – Te Waikoropupu River, Campbell Creek, Unconfined AMA.

LM: What are the FLAGs thoughts on stock exclusion as the other side of riparian management – do you want to pursue something similar to that suggested in the MfE Next Steps document?

FM: There are run-off blocks that are managed as if they were intensive grazing and there are some people that choose not to fence off – as they don't fit the definition of an accord stream for dairy.

FM: Stock exclusion shouldn't apply to just dairy.

FM: We have heard it is expensive and difficult – should it be the cost of current industry or is it something that has been inherited and therefore it shouldn't be wholly left up to existing landholders?

FM: The cost of planting is not as huge as there is good support here in GB, but it is the maintenance that are the issues.

LM: Think about what approach will achieve the goal and in the time frame you want it achieved.

FM– Fonterra now requiring riparian plan by 2020, but no limit on how much planting is needed or which streams need to be planted. It seems to be working where there is a good community support network.

FM: We need to know what it costs to achieve this.

Te Waikoropupu River and Campbell (Bell) Creek Regimes

- Proposing a 90:10 regime for Campbell creek as per the western coastal catchments as this stream is similar
- The Science Panel has been discussing the appropriateness of applying surface water methods to the springs river.
- If there was not the springs in the catchment the river would be much smaller – the groundwater recharge is buffering the system.
- In the lower catchment the Science Panel did not think that further allocation should be allowed and there does not appear to be any further demand [for irrigation] in the lower catchment.
- There are no present takes in the Campbell creek system – only one historic take (lapsed).

SM: Because this is a combined surface and groundwater resurfacing system both aspects need to be accounted.

FM: This seems to be two functional systems – the Campbell Creek and the springs system.

JT: This is what we have done, we have the Campbell Creek allocation, but we have nested it within the Te Waikoropupu Zone.

SM: It is effectively a different zone, but not shown spatially.

FM: I support managing the Campbell creek in line with the coastal western catchments.

No dissent from other members for this approach. FLAG members can live with the 90:10 regime.

FM: I can live with the creek being managed the same as the western coastal catchments, but I have a reservation of drawing any river down below MALF.

Confined AMA

- You could set no allocation in the confined AMA, but we need to defend this for potential takes in other parts of the confined AMA such as in the Motupipi area – when we can't say the water is going any other way than out to sea.
- The proposed limit of 50 l/s sets a line in the sand. If we don't set a limit there is nothing to stop people applying for a consent from the confined AMA.
- The 50 l/s is based on 1% of the estimated flows in the confined AMA going out to sea [rounded down to 50l/s].
- The groundwater takes in the lower catchment are from shallower gravel aquifers, not the confined AMA.
- The salmon farm is not included in the accounting as it is not a consumptive take.

FM: [drew a diagram on the whiteboard around the AMA and TWS spring] If you take from the confined AMA you will reduce flows at the TWS. They are functionally added.

JT: I disagree with [FM] – it is not so simple. The 50 l/s could come from several places in the confined AMA – it is not just a simple 2D system it is 3D with extent right out to Pohara area. You cannot measure such effects in a fractured system.

SM: Are you able to estimate the amount of water in the vicinity of the TWS – how much could be affected by takes elsewhere in the confined aquifer? - What is the reverse negative effect of any particular site on the springs? You seem to be making a no effect assumption, when [FM] is assuming an effect.

JT: We can't measure any effects of these back on the TWS to prove it.

FM: But you can't prove it doesn't have effect.

JT: If FLAG wants the allocation to be zero they can, but they have to justify it.

FM: But you are saying that there would be no effect

SM: If there is an imputed inflow of seawater into the system – does it equate that there is some pattern of outflow that allows this to occur – but what you are saying JT is that we have very little science information on the pattern of this.

SM: So what you are saying is 50 l/s is your professional advice for the confined AMA.

FM: The whole system is under [hydraulic] pressure – so if you put a bore down and take out as long as the 'incoming hose' is still under pressure, you won't see an effect.

SM: [FM] has hit on an interesting point in the time component between the confined and unconfined aquifers.

Options:

- Number for a limit – allow for controlled activity status takes up to the limit (but could be restricted discretionary) – any further takes would become non-complying.
- No limit – the next take would be discretionary (after notification) and it be left for applications to prove no effect, which is a risk.

RSN: Does FLAG also need a discussion about whether they are happy with the activity status within the proposed rule regime?

SM: Yes, this can happen. But the underlying cascade has been developed over time in the district.

RSN: An outline of the rule regime could be useful in the zone summaries.

FM: The thing I would like to achieve, is if someone comes along with new technologies can drill into the main conduits in the aquifer and say I would like to take the allocation limit – the onus should be on them to prove it doesn't have an effect on the TWS.

JT: This is what the matters for control in the Plan can include.

FM: Can we put something in the Plan that says if you want to take water from the confined AMA that they provide proof that there is no impact on the TWS?

SM: Yes

FM: So this is discussing the take, but this does not include consideration of the use of the water.

RSN: So FLAG are you happy to proceed with the proposed regime, subject to seeing the rule regime?

No member dissent voiced. All agreed.

FM: Yes I'm happy to proceed with the proposed regime, subject to seeing the rule regime and also with consideration of the buffer around TWS.

RSN: So this can be discussed further at the next meeting focussing on TWS...

Benefits of water

This issue has come out in discussing the Takaka Township decision – and others times during the process.

SM outlined the RMA implications around this issue.

- We have a water resource for demand for first taking and then using water.
- Where we have a resource of such a scale and size the existing pattern of demand for taking and its use still leaves a large body of water in the resource.
- The question has been raised – ‘Where there are particular forms of use of the water taken – what is the scope of influence in the scope of this FLAG – RMA process?’
- The RMA seeks to manage the take and use in its broader sense including the take effects and the effects of using that water.
- The RMA allows for people to provide for their own wellbeing provided certain other things are managed – including life supporting capacity and mauri.
- There are a range of effects that can be managed through the allocation of takes, but there is concern that with certain forms of use of the water (eg bottling) there is something that is being forgone or lost – even though the relevant ecological sustainability effects have been accounted for.
- You have to make a distinction between the takes effects managed by the allocation and whether there are also effects of the end use of the water taken that have not been accounted for. So, what are the costs, benefits and risks of the end use of any of the water taken, and of all water taken in a cumulative way – what are the negative effects of the end uses or any end use.
- There are benefits from use – for example industrial, domestic use or bottling. There may be benefits that don’t stay locally or regionally or nationally – they may go off shore – the benefits are not being seen locally and are a sort of opportunity cost to the local community. That is, community benefits not available with that end use that with another, may be available.
- There is also a risk of this as these takes accumulate in the future within an allocation limit. We may have no idea of the cumulative demand for this pattern of end use.
- The RMA doesn’t have an easy set of answers to these questions.
- You would have to identify a distinct difference in location, either local, regional or national benefits you are not getting compared with another use – eg irrigation – gives growth, employment etc within the bay and region vs say processing and bottling and export of water. You have to identify a difference between these uses that is distinct enough to have any defensible basis to regulate one use differently from another.
- The comparison between irrigation for milk production and bottling of water is a matter of degrees, not of different kind. They are both forms of ‘green water export’.
- If you can agree as a group that there is a specific set of uses that you can be satisfied there is a sufficiently distinct difference – there are possible ways under the RMA.
- The ultimate solution would be a resource rental for all users at point of take, but we don’t have this as a legal option.
- What we do have – not because it is written into the RMA – but because there is supporting case law – is effects offsetting or mitigation [funds]. A local example is the Cobb mitigation fund which is a mix of mitigation and offsetting.
- Think about forms of end use that – even within the allocation regimes – you would like to see offsetting for.
- This could be written into the plan, but I am not aware of any plans that have done this.

RSN: So what you are saying is that the only legal option the group has is the offsetting option?

SM: Yes. Identify and make a distinction of certain end uses that we can develop an offset rule for.

RSN: Can there be a requirement that applicants are required to make an assessment of this?

SM: It is not the effect of the takes that is economic – the effect of the take is ecological and environmentally focussed, it is the use of the water that has economic effect.

FM: The offset mitigation is for offsetting environmental effects – so if say for example an export of water for bottling there is no environmental effect - so what are they offsetting?

SM: The relevant effect is the difference in benefit between the use of the water for bottling, as against any other use –ie. on social (including economic) opportunity cost grounds.

FM: The GB community would not be happy if their resource was being put in plastic bottles and sent far away.

RSN: Can we be clear, is this a water take or water use issue?

FM: How can our community have a say in the use of its resources?

RSN: This is what SM has been trying to unpick – this is a national level debate.

SM: I have given you an option in offsetting. What is important is what is happening in use terms in the region.

FM: We already have water bottling occurring in the Bay. And there doesn't seem to be an issue – but I think we will have a difficult job selling the idea of offsetting to the Council. We could instead use a cultural reservation that acknowledges not just Maori, but the whole of Golden Bay.

SM: You could, but you would need to identify the types of end use and the size of the reservation and there would still be a lot of water left for further takes.

FM: Cobb was a mitigation of effects – down in Canterbury water management strategy a proposal there around Lake Coleridge there was a more symbolic payment as the effects of the river weren't a real issue – a benefit transfer.

FM: There needs to be some mechanism by which the community can see benefit from their local resources.

FM: There is huge benefit to all uses – even if it were to go out through the port there would be benefits to the struggling port and there are other uses. If locals are involved in the enterprises then there are benefits coming back to those people. TWS has been there for years and Golden Bay doesn't get a cent from people going to view them.

FM: Except the cups of coffee they drink.

RSN: I'm not sure the RMA framework can address the concerns behind your discussion around the Takaka township regime. I would like FLAG to have some more policy/legal advice on this...

FM: A cost to the community that hasn't been mentioned is that if we grant an extraction consent – it binds the water for the duration of that consent – what concerns me is that we allocate up to the ecologically allowable limit, we will give it away and then regret it as in a few years we could get a lot for it – whereas that holder of the consent can on-sell that. It becomes a tradable item and the community are giving it away for free. There is no mechanism I am aware of to moderate this whole-sale give away. If we can't have this mechanism, then we should say we won't allocate up to the ecologically sustainable allocation, some of this, but not all of it. And let any takes outside of this - let them apply to be outside of the plan and why.

RSN: Who else wants to set the allocation limit lower than the suggested ecological sustainable limit?

FM: So why can't we allocate up to the ecological sustainable limit and within the control activity status there is a condition that must be satisfied that the reasons for the take are justified.

SM: This is the easier method to defend.

Action: Staff to draft in the rule regime the two options.

RSN: What aspects should be considered?

FM: Whole of life assessment.

SM: Who gets it, how it is used, etc

FM: If it is being taken out of the bay

FM: We keep hearing about the benefits, but there are also costs to consider of taking this out of the system.

RSN: I've noted to ask Roger Young of likely CMA effects of the take of water from the system.

FM: We don't know where to set a limit based on ecology because we have uncertainty – lets place the limit conservatively that satisfies us and let the burden of proof be on the applicants.

FM: I like what [FM] has said - why do we have to use everything to the maximum – why can't we just leave the water in the system. I know this is a philosophical difference around the group.

SM: In the RMA – the first test is to enable wellbeing (social, cultural, economic) within environmental limits.

FM: We also haven't talked about incentivising more sustainable use of water...

FM: This is already happening

FM: There are trade-offs too - eg centre pivots are more efficient than K-line, but we wouldn't have many trees around.

SM: If you set an arbitrary limit, that puts a barrier in front of the next take application, it can be argued that is not enabling wellbeing.

FM: We are only worrying about this because we are trying to take the water – we've just had a whole lot of rain and instead of storing it we let it flow out to sea.

FM: Most of the water flows out to sea, we are only talking about a small amount and are only trying to manage a little bit above minimum flows.

Next meetings

SM writing to the iwi trust chairs on how they want to hui – hui date to be identified.
Consultation subgroup to write up summary and feed back to FLAG

Proposed date of 17 June for the next meeting.

Zone summaries – out and feedback before next meeting

Any comments or reflections on the day?

FM: Time to push out the arrival date for the plan – it is not possible to do this in the time frame we have.

FM: I don't know.

FM: I think there is a lot of negative we can focus on, but I would like to leave on a positive note – we are pushing the boundaries - we are looking at the IASM and cultural reservations and this hasn't been done before.

FM: We are involved in this positive process, but aren't we leaving the Council behind? They only want to address the here and now, not the future.

FM: When I get home my wife will ask me what did you decided today and we've been going two years and haven't made one yet!

FM: We have left the RMA behind – we are trying to fit rules into something that was made a long time ago.

FM: I've felt some unease, but my unease has got way better having listened to everyone's views. I think we can do some good things if we can get things to happen

FM: I think what [FM] said - it is good we are pushing boundaries – I feel positive about it – I take [FM] point – what would happen if we didn't get it together in the time allotted?

SM: It would be very important for a clear signal to be given to the EPC well before September. If the FLAG thinks this is unreasonable we need to send this before September. I'd like LM given the chance to get some plan drafting over the coming weeks and revisit this then.

RSN: So, can LM then be released from all other responsibilities to get this work done?

FM: I don't think we are miles apart from each other – I think we are constrained by the RMA framework we are working in. I think we are making good process – but as [FM] says we need to be making decisions.

FM: I feel it is like Russian dolls – we open one and there is another inside – I'm an incrementalist – we will need to do this in steps, we do the best we can do, it may not be perfect, but it is better than what we have at the moment.

FM: I'm feeling quite good – I feel like we have been asked to arrange the deck chairs when what we want to do is redirect the boat, but we are constrained by the limits of the RMA, however I feel good to hear the alternatives we have been talking about. I wish we had more time.

<finish>

Action Points – Council Staff/Facilitator/Advisor

No.	What	Who
1.	SM to pursue date for Onetahua marae hui as soon as possible and advise FLAG.	
2.	SM to contact Barney and discuss options for Matauranga Maori person.	
3.	LM to send out link to Gerard Willis' think piece.	
4.	RSN and TDC staff to draft letter for FLAG review prior to sending to GBCB.	
5.	LM, SM and JT to clarify default allocation policy question and feedback back to FLAG via email or at the next meeting.	
6.	LM to send out assumptions summary for FLAG review in coming week.	
7.	Staff to confirm RY attendance at TWS meeting.	
8.	LM to develop zone summaries and check sheet to FLAG in next few weeks.	
9.	Staff to draft in the rule regime the two options.	

Action Points – FLAG members

No.	What	Who
10.	none	

Action Points – FLAG Sub-groups

No.	What	Who
11.	none	

Scheduled FLAG and FLAG Subgroup meetings

Date
Time
Venue
Agenda Items

Information and resource documents identified during meeting

Date	Title	Author/Source
	None	

**Key documents available electronically will be added to the online PDF document bibliography.*

Issues or topics identified during meeting for future consideration

Topic/Issue Description	Requester
None	

**Issues or topics unable to be addressed at the meeting, but requiring future consideration will be recorded in the Takaka FLAG 'Information Eddy'.*