

Terms of Reference for the Waikato Regional Council 1080 Working Group

Terms of reference, this version consistent with Council resolution 26 February 2015

1 Introduction

1.1 Purpose of this document

This document defines the Terms of Reference (TOR) for the Waikato Regional Council 1080 Working Group established by council resolution on 26 February 2015.

1.2 Background

The 1080 Working Group has been set up in response to a series of discussions about the use of aerially-applied 1080 toxin in the Waikato region. These discussions were held at the Coromandel Liaison Zone Subcommittee, the Environmental Performance Committee (EPC) and a Waikato Regional Council workshop convened to cover a range of topics relevant to management of animal pest species in the Waikato region with particular emphasis on the use of 1080 as a control tool.

These discussions culminated in a council resolution to establish a working group to:

- Review the effectiveness of the monitoring of resource consents for aerially-applied 1080;
- Review current research into alternatives to aerially-applied 1080; and
- Recommend available tools and techniques for cost-effective animal pest control that will meet the council's statutory obligations and community expectations.

Further, during councils long term plan deliberations it was resolved that this working group also develop for approval by council, conditions for the disbursement of funds allocated to support trial of alternative possum control methods.

1.3 Purpose of the 1080 working group

Council considered the background above and resolved to confine the scope of the 1080 working group to a number of specific tasks. The confirmed brief for the 1080 working group by Council resolution is to:

1. Approve a brief to the Office of the Auditor General (OAG) for a review of Waikato Regional Council's processes for monitoring resource consents for aerially-applied 1080
2. Receive and consider the response from the OAG
3. Request, receive and collate agencies' responses to the information provided in "The Waikato Region 1080 Poison Report", presented to the November EPC
4. Develop, for approval by council, conditions for the disbursement of funds allocated to support trial of alternative possum control methods
5. Research into the application of bounties for possums be collated by the 1080 working group for council consideration
6. Report back to a workshop of councillors and catchment chairs in June 2015

2 Membership and process

Role
Deputy Chair of WRC (Chair of 1080 working group)
Chair of Integrated Catchment Management Committee
Chair of Environmental Performance Committee
Councillors White and Bramley

The above membership will ensure that cultural interests are represented through the inclusion of at least one of the constituent Maori representatives.

2.1 Process and support

Relationship with councillors: all councillors will be advised of meeting dates with an invitation for optional attendance so that all councillors feel welcome to attend and participate

Relationship with staff: Staff support will be provided to the working group through the working group chairperson in consultation with the Integrated Catchment Director. Information collation, analysis and reporting will be undertaken through contracted services procured by the Director.

Resources and milestones: It is anticipated that the working group will work within existing resources. Any additional resource requirement will need council approval.

The working group will meet approximately four times, concluding June 2015:

- First meeting post adoption of Terms of Reference to Council, 26 February, and consider any need for additional budget approval to complete the work group's project. Summarise the issues to be addressed and review / request responses from government departments as appropriate.
- Second meeting: review information received as follow up to first meeting, and confirm any additional project briefs.
- Third meeting: review information and deliverables against terms of reference 1.3 purpose and prepare a draft summary of conclusions.
- Fourth meeting: finalise working group report to be presented to the workshop of councillors and catchment chairs in June 2015.

Appendix 1 – Extract from Environmental Performance Committee 25 November 2014 (unconfirmed)

Report of the Environmental Performance Committee meeting 25 November 2014, Pages 4 - 6

Waikato Region Aerial 1080 Poison Report

Agenda Item 7 (File: 03 04 30) Doc # 3220577

Cr Graf and Cr White presented the report to provide a region-wide overview of 1080 poison drops across the region in the last few months, to highlight some of the issues that had arisen and to look at some of the consenting guidelines. The meeting was advised that staff had not been invited to respond to the report but would be welcome to do so. During the presentation (Doc # 3227137 and 3227504), and related discussion, questions and answers the Committee noted that:

- It had been understood that GPS programmes provided a buffer, especially adjacent to a large water supply, however 1080 was applied evenly across land and water.
- Some Territorial Authorities required buffers for their water supply streams, however those buffers were not automatically applied.
- Pest management consents that had been issued for 10 years to expire in 2011 had been rolled over without public consultation and would now expire in 2016. It was suggested that the public should have had the opportunity of consultation.
- Poisoned carcasses could be carried downstream, allowing contamination to move out of a consented area and into an area where there had been no public consultation.
- A video clip highlighted the effects that 1080 had on animals that consumed baits, including deer and horses.
- Council would need to be mindful in setting up a working party that could cost the ratepayers, and the staff perspective should be sought on the costs of the working party proposal.

Cr Southgate out of meeting at 2.50 pm.

- Signage should contain additional warnings that 1080 is toxic to human beings and that people should not drink water from the area.
- Landcare Research protocols recommended water testing at eight and 24 hours after a 1080 drop. The objective of water testing after 24 hours was to establish that 1080 was no longer in the water so that water supplies could be reconnected. The testing was not undertaken to establish how much 1080 had been in the water soon after the aerial application.
- Staff needed to consider a response to the paper.
- The individuals and organisations who had been quoted in the report and presentation should be given the opportunity to reply, including Dr Alistair Suren and Landcare Research. NIWA had declined an offer to present at the meeting.
- The issues raised in the report were not limited to the Waikato Region and should be dealt with by national organisations such as the Ministry of Health and Environmental Protection Agency, who should be invited to provide comment.
- With regard to best practice for consenting, the Office of the Auditor-General or other relevant entity could review the way this organisation consented and enforced its responsibilities. However staff had taken legal advice knowing that some decisions could be contentious and they understood the legal framework in which decisions had been made.
- The Council should be willing to try alternatives in a meaningful way, to move forward and create a legacy for future generations and to protect their Papatuanuku.
- The Long Term Plan should indicate Council's long term view on the issues and how Council would move forward. Staff would have a major commitment in January and February with supporting development of the Long Term Plan, however the timeframe for the working group should be complementary to the current Long Term Plan process.
- It was noted that Councillors should consider the issues with an open mind.

Cr Kneebone moved/Cr Livingston seconded

EPC14/28 RESOLVED

THAT the “Waikato Region Aerial 1080 Poison Report” (Doc # 3220973, 3220577 and Appendices # 3223711 dated 18 November 2014) be received.

The motion was put and carried (EPC14/28)

Cr Kneebone moved/Cr Graf seconded

EPC14/29 RESOLVED

THAT the “Waikato Region Aerial 1080 Poison Report” be provided to the Ministry of Health and Environmental Protection Agency for their comment, with a request for an indication of the timing of their response to enable the timing to be advised to Councillors on Thursday 27 November 2014.

The motion was put and carried (EPC14/29)

Cr Livingston moved/Cr White seconded

EPC14/30 RECOMMENDED TO COUNCIL

THAT the Terms of Reference for a 1080 working group, with a focus on understanding our consenting activities and review of alternatives to the use of 1080 and including the working group objectives, mandate and membership, be drafted for Council approval.

The motion was put and carried (EPC14/30)

Appendix 2 - Extract from Council Minutes, 11th December 2014

Recommendations on 1080 matters

Council then turned its attention to the recommendations on 1080 matters, starting first with recommendation from the Environmental Performance Committee that a terms of reference for a 1080 working group, with a focus on understanding our consenting activities and review of alternatives to the use of 1080 and including the working group objectives, mandate and membership be drafted for Council approval.

Three documents were tabled as follows:

1. Terms of Reference for the 1080 Working Group drafted by Crs Graf and White (Doc#3251258).
2. Terms of Reference for the 1080 Working Group drafted by staff (Doc#3240945).
3. Responses to questions raised at the Pest Management Workshop, 27 November 2014 (Doc#3238005).

A view expressed suggested that the matter (focus on understanding our consenting activities and review of alternatives to the use of 1080) could be dealt with by Council's existing Committees (such as the Audit and Risk

Subcommittee, Finance Committee, Integrated Catchment Management Committee) and that an additional governance group was unnecessary.

Considerable discussion ensued, with the views expressed indicating majority support in principle conditional upon:

- Consideration of what, how, who, when and the cost (terms of reference).
- The Chief Executive (and his staff) be given adequate opportunity to comment and advise on matters to be considered, to support a robust decision making process, and avoid risk to Council.
- A commitment to resolve the issues and accept the outcome/Council's decision at the end of the process.
- Staff being responsible for the drafting of the terms of reference (as was the intention of the Environmental Performance Committee) with input from Councillors.

Staff undertook to draft the terms of reference, for Council's consideration (at its next ordinary meeting).

Cr Mahuta moved/Cr Stark seconded.

WRC14/286.3 Waikato Region Aerial 1080 Poison Report

THAT the Terms of Reference for a 1080 working group, with a focus on understanding our consenting activities and review of alternatives to the use of 1080 and including the working group objectives, mandate and membership, be drafted for Council approval.

The motion was put and carried (WRC14/286.3)

Cr Stark out of meeting (12.50pm).

The meeting adjourned (12.50pm), and resumed at 12.55pm.

Council then turned its attention to the recommendation from the Coromandel Catchment Committee urging the Department of Conservation and the Waikato Regional Council to explore alternative solutions to 1080. It was accepted that the outcome of the process commenced by Council's previous decision, would inform its response to the Coromandel Catchment Committee.

Cr Southgate moved/Cr Buckley seconded.

WRC14/286.4 A procedural motion

THAT a decision on the recommendation:

That the Coromandel Catchment Committee urges the Department of Conservation and the Waikato Regional Council to explore alternative solutions and trial these in site specific areas of the Thames-Coromandel District taking into account, amongst other things, socioeconomic considerations, e.g. youth training and employment and subject to meeting agreed KPIs.

lie on the table, pending Council's decision to/or not to establish a 1080 working group.

The motion was put and carried (WRC14/286.4)

Appendix 3 - Extract from LTP Council meeting minutes, Wednesday 21 January 2015 (unconfirmed)

WRC15/38 **THAT Council's decision "that funding of \$25,000 to undertake a feasibility study on pest management training initiatives in the Coromandel is addressed through the next financial forecasting round" (see Council resolution WRC15/19) be revoked.**

The motion was put and carried with 11 votes FOR (WRC15/38)

Cr Vercoe moved/Cr Stark seconded.

- WRC15/39**
- 1. THAT Council include in its Long Term Plan, a sum of \$50,000 for the 2015/16 year.**
 - 2. THAT the sum fund a trial of alternative possum control measures.**
 - 3. THAT the disbursement of any funds be subject to conditions approved by Council.**
 - 4. THAT the existing working party prepare proposed conditions for the approval of Council.**

The motion was put and carried (WRC15/39)

Cr Southgate moved/Cr Buckley seconded.

WRC15/40 **THAT \$25,000 be budgeted from additional funds.**

The motion was put and carried (WRC15/40)

Appendix 4 - Extract from LTP Council meeting minutes, Thursday 26 February (unconfirmed)

1080 Working Party Terms of Reference

File: 75 00 10 (Agenda Item #6.2) Docs#3290329

The Director, Integrated Catchment Management (C Crickett) presented the report which proposed a terms of reference for the establishment of a 1080 working party the purpose of which was to oversee the completion of tasks assigned by Council.

Cr Graf moved, and Cr Vercoe seconded, a motion which sought to approve the 1080 working party terms of reference, and appoint the membership, consisting the Deputy Chair (as the Chair), the Integrated Catchment Management Committee Chair, the Environmental Performance Committee Chair, the Strategy and Policy Committee Chair, and Councillors White and Bramley.

Discussion indicated that it was necessary to take the motion in parts as the finalised terms of reference would likely influence those put forward for membership.

Cr Graf moved/Cr Vercoe seconded.

WRC15/109.1 THAT the report 1080 Working Party Terms of Reference (Doc # 3290329 dated 17 February 2015) be received.

The motion was put and carried (WRC15/109.1)

Cr Graf moved/Cr Vercoe seconded
THAT the 1080 working Party Terms of Reference (Doc # 3240945) be adopted

Cr A Livingston moved/Cr Southgate Seconded, an amendment:
THAT the 1080 working Party Terms of Reference (Doc # 3240945) limited to Purpose 1, 2, 6 and 7 be adopted.

Cr Hennebry moved/Cr White Seconded, a further amendment:
THAT the 1080 working Party Terms of Reference (Doc # 3240945) limited to Purpose 1, 2, 3, 6 and 7 be adopted.

The further amendment was put and carried, and became the substantive.

Cr Hennebry moved/Cr White seconded.

WRC15/109.2 THAT the 1080 Working Party Terms of Reference (Doc # 3240945) limited to Purpose 1, 2, 3, 6 and 7 be adopted.

The motion was put and carried (WRC15/

Having confirmed the Terms of Reference, those Councillors nominated earlier, were asked to confirm whether they wished to be appointed to the Working Party. Cr Simcock (as the Chair of the Strategy and Policy Committee) declined, as he was not convinced that the proposed process would resolve the issues Council faced with regard to divergent views on the use of 1080.

Cr Graf moved/Cr Vercoe seconded.

WRC15/109.3 THAT the following members be appointed to the 1080 Working Party:
(i) The Deputy Chair of Council (as Chair);
(ii) The Chair of Integrated Catchment Management Committee;
(iii) The Chair of Environmental Performance Committee;
(iv) Councillor White; and
(v) Councillor Bramley.

The motion was put and carried (WRC15/109.3)

**Appendix 5 - Extract from Council meeting minutes, Thursday 30 April 2015
(unconfirmed)**

1080 Working Party Terms of Reference

(Minuted information to be added here)

**WRC???? THAT research into the application of bounties for possums be collated by the
1080 working group for council consideration**