

Minutes of the Fish & Game NZ, Southland Region Council meeting held at the Southland Fish & Game Office, 17 Eye Street, Invercargill on Thursday 10th October 2019.

Present: Chris Owen (Chair) Cyril Gilroy (Te Runanga Ngai Tahu)
Lyndon Norman Bevan McNaughton
Paul Stenning Craig Horrell
Ken Cochrane Lindsay Withington
Mike Hartstonge
David MacGregor
Corey Carston

In attendance: J Smyth (Resource Management Officer),
C Stewart, E Garrick, (F&G Officers)
C Mason (Minutes).

Members of the Public:

26 members of the public attended

Welcome:

The meeting opened at 6.00pm.

With the Chairman having an apology for the meeting Council resolved a new Chairman for this meeting.

Resolved Stenning/Withington that Chris Owen take the Chair for this meeting. Carried.

Cr Owen took the Chair.

Apologies:

Resolved Hartstonge /Withington that apologies be received & accepted from Graeme Watson, Dave Harris, Zane Moss & Bill Jarvie. Carried.

As he had an apology for the meeting Cr Harris's comments on items on the agenda were tabled & circulated for Councillors information.

Conflicts of Interest with items on the agenda:

The individual member declaration of conflicts of interest with any item on the agenda had been circulated to members for signature before the start of the meeting.

Any conflicts were noted by the Chairman.

Health & Safety Report:

The Council health & safety report for the period 1st August 2019 – 30th September 2019 was attached to the agenda for consideration. The report showed a nil return for the period.

All known hazards were listed in the Southland Health & Safety Plan.

Resolved Cochrane/Withington that the Health & Safety Report to 30th September 2019 be received. Carried.

Minutes of the meeting held 15th August 2019

Resolved Cochrane/Withington that the minutes of the meeting held 15th August 2019 were circulated & taken as read and were a true and accurate record. Carried.

Matters arising from Minutes:

There were no matters arising from the minutes that were not dealt with elsewhere in the agenda.

Administration Reports:

The accounts paid, direct credit/debit payments list & automatic payments since the last meeting, licence sales progress to 12th September 2019, Regional budgets v Budget licence income, 2019 Financial Statements subject to Audit & correspondence reports were attached to the agenda for Councillors consideration.

Regional budgets v Budget licence income - Cr Cochrane noted the Southland position in relation to the rest of the Fish & Game Regions. Southland was one of the only four regions contributing a large amount of funds to the National System.

pSWALP & Pressure sensitive fisheries costs – A breakdown of expenses to 31/8/2019 of the proposed Southland Water & Land Plan Appeal & pressure sensitive fisheries had been circulated to Councillors for their information.

Correspondence – The concern of conflict with hunters by the Rowing Clubs on the lower Oreti was noted. However, some Councillors were concerned regarding the precedent it may set for other areas that had other users of the river as well.

Resolved McNaughton /Hartstonge that the admin reports were received. Carried.

2019 Financial Statements:

Resolved Stenning/Hartstonge that the 2019 Financial Statements as presented to the meeting, were approved by the Council, subject to Audit. Carried.

R3: (retain, recruit, reactivate) “Towards 2022 Road Map” - Steve Doughty.

An R3 Road Map compiled by Steve Doughty, Business Development Manager, NZ F&G Council had been received and circulated to Council for consideration. The Road Map was designed to enhance participation through customer satisfaction to achieve the revenue objectives of Fish & Game. Council noted that it was a progressive comprehensive document and would be used as a reference tool ongoing. The question of funding for R3 was raised by Cr Harris. The Chairman said it may require a re-prioritisation of the OWP & Budgets in the future.

Jacob noted that the point of the road map was that continuing as we were did not amount to an R3 programme, so changes were needed.

Resolved Cochrane/Stenning that Southland Fish & Game Council adopts & supports the NZC R3 Road Map as a reference tool going forward. Carried.

Staff Report:

The staff report was attached to the agenda.

Jacob went over aspects of the report.

Mallard nest predation study:

Cohen reported that simulated nests had been deployed on dairy farms at Myross Bush & Lochiel and the first baseline data was now received, and nests retrieved. Next year we would undertake predator control on one of the sites and determine the effect of that predator control in terms of the number of visits by predators to those nests. Hopefully we will see a reduction of visits to those nests.

Feral cat habitat movement:

Erin advised that F&G had finally received animal ethics approval through DoC to use collars on six feral cats around the Wreys Bush area. The collars were currently away getting their batteries replaced as they have been sitting for two years on the shelf awaiting approval to use. Sirtrack were doing this for free which was fantastic news. The capture of feral cats will begin in November when mallard ducklings were around & in December when gulls started nesting.

Pond surveys:

This work was continuing, and Erin explained a particularly good site she had just surveyed at Waianiwa. Funding for this work came from the revenue received from Game Diversions & Prosecutions.

Proposed Southland Water & Land Plan: (pSWALP).

Jacob updated the meeting on the Hearing progress. Initial caucusing /conferencing of expert scientific and planning witnesses occurred in mid-September 2019 to develop criteria around determining water quality degradation in Southland with respect to ecological & cultural health. Dr Adam Canning, F&G Wgtn, was acting for Southland F&G at the caucusing, to help with cost savings.

The Government was currently consulting on a freshwater package in regard to water quality. This would have an influence on a number of matters F&G were involved in with the proposed Southland Water & Land Plan principally around intensive land use activities. The timeframe has been extended on that and we would be commenting on issues relative to Southland. To generate as much support as possible for the proposals Councillors were strongly encouraged to make their own submissions.

North American Duck Symposium 8:

Erin had attended the Symposium held in Winnipeg, Manitoba, Canada on the 26th-30th August 2019. She had presented a poster on “Mallard brood use of man-made wetlands in Southland”, which was received very well. Erin had made some key recommendations to the NZ Council from the symposium, mainly around communication, R3 & hunter and angler satisfaction.

Consent Applications:

Cr Cochrane queried if the applications listed in the staff report were in the Aparima catchment. The reply was they weren't. Cr Cochrane was concerned that the water takes were always checked & that they were within the allocations allowed. His concern was with large water takes when there were large rain events, which recently happened in the Aparima, aquifers were filled, rather than flushing of the rivers occurring. Jacob assured him that staff were very conscious of checking the effects of every take application.

Resolved McNaughton/Withington that the Staff Report be received. Carried.

New Zealand Council Issues:

Change of meeting dates:

With NZC proposing to change their meeting dates 19/20 the Southland Council considered changing their meeting dates, so clashes did not occur for the NZ Councillor representative.

After consideration it was agreed:

Resolved Stenning /Hartstonge that the Southland Council 13th February 2020 meeting be changed to Tuesday 4th February 2020. Carried.

Resolved Hartstonge/Withington that the Southland Council 11th June 2020 meeting be changed to Thursday 4th June 2020. Carried.

Gun Law Reforms – Round 2:

The second round of the arms legislation law reform was recently announced. Attached to the agenda for Council's consideration was the NZ F&G Council's starting position on the Bill. They now requested feedback from Regions on the clauses identified in that starting position. NZC were also undertaking a survey of licence holders on the firearm reforms before finalising the submission to advocate a position for the benefit of the organisation nationally.

Submissions closed on the 23rd October 2019.

Cr Stenning was totally opposed to the shortening of the renewal of the firearms licence from 10 yrs to 5 yrs, as it would in his view have the biggest impact on participation of game bird hunting in respect to the costs associated with that shorter time frame.

There were other concerns around the table that were not just related to the Wildlife Act, so it was agreed that only the concerns under the Wildlife Act would be noted, as that was what impacted on our statutory obligations. It was stressed that this document was only the starting point and not the final submission.

The meeting agreed that Councillors would email Jacob, by Monday at the latest, with any comments/feedback they had on the document. Jacob would collate those and pass it on to NZC by Friday.

Licence Sales System Options:

With the current contract for the licence sales system with Eyede expiring on 31st August 2020, the sub-committee had gone to the market to ascertain the best value for money, in light of technology changes etc and future requirements for a licencing system. Cr Owen, as Chairman of the Licensing Sub Committee, had distributed a report on the options available to Fish & Game to seek feedback from Regions on what option they preferred. Cr Owen had given a brief background on the process that the sub-committee went through. After their evaluations three options were put forward.

- i. Eyede with their own support staff – status quo with cheaper price.
- ii. Eyede with NZC support staff.
- iii. Cybergglue with NZC support staff.- 0800 calls.

Cr Cochrane referred to the pressure sensitive fisheries work and asked if the sub-committee had given due consideration to any provision for a controlled fishery mechanism.

Cr Owen replied it had been discussed with the providers and they were assured by both parties it could be accommodated. However, in the new system a F&G requirement was to be able to connect to Zero and this was not a problem with Cybergglue, as they could automatically do that, but Eyede would have to do some work to be able to do that. Technology wise Cybergglue was ahead of Eyede who had more difficulty with technology changes.

The Cyberglue option had a more integrated system and would be cheaper in the long term to run the system once the initial phase of implementation was complete.

Cr McNaughton reported that Eyede had to redevelop their system earlier to accommodate the back-country system and endorsements online. There had been an extra expense to that. He said that the back end of the Eyede system had been upgraded but was still in a format incompatible with other systems. Cyberglue had a more standard approach which allowed a lot more flexibility. Any addons to the system that F&G might require in the future would be more straight forward with Cyberglue. Cr Owen agreed with that.

Cr Withington asked about the licence data that Eyede already had, would that transfer over if we changed providers. Cr Owen replied it was F&G data & would be transferred.

Cr Cochrane thanked Cr Owen, on behalf of the Council, for his Chairmanship & work on the licensing sub-committee, appreciating that he was a volunteer and it did take a lot of his time.

Cr Owen noted that option 2 to use the NZC as admin support for Eyede was to save costs because Eyede still charged us services (1.5 FTE) as their software didn't do the full job. Cyberglue would only need the 0800 line to be run by NZC. The plastic licences, under all the options would still come via a different contractor.

The general feeling amongst the Councillors was they did not have the technical expertise to make a decision on the matter. Cr Cochrane suggested they should be guided by the author of the report, Cr Owen, who was in a very good position to take advice from. Cr Stenning noted that Cr McNaughton's advice was also very useful as he also had the expertise in the IT area.

Cr McNaughton said that for more flexibility into the future he suggested Cyberglue for licensing and financial management would be his option.

Cr Owen said he personally would choose Cyberglue also for its flexibility.

Resolved Cochrane/ Hartstonge that the Southland Fish & Game Council support the Cyberglue option as a licensing system as set out by the licensing committee. Carried.

Public Forum.

Scott Slater – Western Southland Drift Boat Proposal:

Mr Slater had distributed to Council a consultation draft document on a drift boat proposal in Western Southland. He requested some feedback and constructive criticism on the draft proposal from Council to see if it was something that he & his wife could continue with. He noted the poor timing of his presentation with the public here tonight opposing another similar venture.

The primary focus location of the proposal was the lower Waiau River, with other locations as a backup if that river was unsuitable. One thing Council commented on was the overwhelming numbers mentioned in the document. Mr Slater said that numbers could be reduced or articulated better.

It was agreed to give more time for Council to digest the proposal, and any comments should be given to Jacob within a week. He would collate the feedback and meet with Mr Slater further in relation to the initial proposal. Mr Slater asked the Council to please provide feedback on any serious concerns they had on the initial concept.

Phillip Joostens - commercial rafting proposal.

Several anglers had asked for speaking rights tonight to raise their concerns on Phillip Joostens rafting proposal on the Mataura River. Mr Joostens had amended his original proposal to exclude the Waikaia River & limiting to 20 rafting days a year the Upper Mataura reach, (Nokomai to Cattle Flat) which would not occur more than twice in one week. Because of the number of speakers tonight the Chair had restricted each speaker to 5 mins and then 2-3 mins question time by Council on the presentation.

Speakers opposing the rafting proposal were Dave Witherow, Dunedin, Julian Peters, Gore, Alan Leith, Wyndham Angling Club, David Linklater, Kiwianglers, Steve Tedesco, Lumsden, Dr Mike Turner, Terry Wilkins, Balfour & Casey Cravens by video. The speaker's submissions were attached to the minutes along with the written submissions from the Wakatipu Anglers Club & the Upper Clutha Angling Club after they had withdrawn their speaking rights on the night.

After the speakers Jacob Smyth clarified some points about consent notifications. How the consent was processed was the prerogative of the receiving Councils and they would decide how they would process the consent.

Fish & Game was an affected party however we did not make the final determination in relation to that, nor do we have any statutory powers in the decision around notification. The test for the receiving Councils on notification was if the Council considered the effects to be more than minor under the RMA. Fish & Game can only receive the application & consider it in respect to the impacts upon angling, in terms of our statutory function.

The RMA was not known as an effects-based piece of legislation, it was simply if the adverse environmental effects of the activity could be adequately avoided, remedied or mitigated.

Phillip Joostens – rafting proposal.

After the speakers had finished Mr Joostens spoke and said he fronted up tonight to hopefully alleviate some of the concerns of his proposal. In the proposal his goal was not only about fishing it was only a component of it. It was more about the all-round experience of the river, which flowed through his town. He cared a great deal about the river, he was a keen hunter, duck hunter, white water rafter, & enjoyed gold dredging. He explained that he spent the summer in the Taieri taking kids down the river and saw the enjoyment of that activity from the kids & the adults involved. You could have just as much fun on flat water rafting that you can with white water rafting. He explained what he wanted to achieve and his intent. He wanted to go in the Upper area above Gore as he had a mining permit to do a bit of gold panning there. He explained the amended proposal to the meeting.

He was asked if the amended proposal was up for further discussion if need be. He replied he was open to that within reason.

Cr Cochrane commented to the meeting on the submissions made tonight and noted that with this commercial application Mr Joosten was attempting to legitimise his business. He urged the public in attendance to think more about the many fishing guides in Southland who used the fisheries disproportionately and instead of accepting and accommodating that they needed to consider that as an effective tool to protect their fisheries, instead of targeting a low-level commercial activity.

There was an outburst from the public at this stage and after a point of order was made, the meeting continued.

The Chairman said that the next item we were looking at was discussing the amendments to the rafting proposal.

Jacob Smyth confirmed the amendments made for the meeting.

Mr Joostens had formally applied to amend the consent to the Southland District Council in so far as he had removed in entirety the proposed Waikaia excursion and in relation to the upper Nokomai excursion, which ran between the Nokomai Bridge and Cattle Flat, that had been formally amended to provide for a maximum of 20 excursions per year and capped at a maximum of 2 excursions per week.

That could include an overnight camp as was set out in the original application. The original application was for a maximum of three excursions per week with no cap.

The application had not changed in terms of numbers of rafts, that remained at two, which would be piloted by one guide and up to 5 clients.

The application had been amended in response to Fish & Game's position in relation to our concerns around the upper Mataura and was designed to try and mitigate the activity.

The next step from the Council point of view was to decide if their original position remained, that Council was opposed to the Upper Mataura section, or whether the changes that had been formally made in the application addressed the Council's concerns about the potential issue of recreational conflict, which was the major issue of concern raised by the Council in response to the application.

The Chairman asked, did Council think that the adjustments made to the initial proposal now fitted the Council's concerns?

Comments were made around the table with the consensus being Councillors agreed that their original decision to exclude the Nokomai to Cattle Flat section still stood, because of the potential for conflict, while recognising the good move that the Waikaia section had been dropped from the application. Some Councillors also agreed it should be publicly notified.

Cr Cochrane asked for clarification if the Council was in a position to ask for it to be notified.

Jacob Smyth replied that we can ask but would have to set out reasons why we wanted it publicly notified. However, the final decision resided with the receiving Council themselves in terms of deciding under the RMA whether the effects were more than minor.

If this Council were to ask for it to be notified, we would have to identify some reasons as to why the effects were more than minor in nature. There would have to be an evidential basis for that to occur.

Cr Stenning added if we are going to ask for it to be notified, we needed to have some good reasons for it. As a fisherman he could give some very good reasons, but they were all selfish reasons and very hard to justify to the wider public or the Council.

Cr Cochrane suggested Council be guided by Jacob on the matter of notification, if he thinks its justified to ask for notification then we should ask for that option. In our original decision we did not give approval for the Nokomai to Cattle Flat area and that still held. Where from that to asking for notification we should be guided by Jacob.

Cr Hartstonge said that notification was never discussed in our original decision. The majority of us expected it to be done without going into the public arena. We didn't ask about that at the time. So, it was appropriate to question it now.

After discussion a motion was made

Resolved Cochrane/ Norman that we stay with our position of not giving the applicant the approval as an affected party and subsequently further to that ask Gore District Council and the Southland District Council to run the process on a notified basis being respectful to our licence holder's requests. Carried.

The rationale for the motion was that if it was good enough to get a Conservation Order for the outstanding fishery and amenity values of the river then that should suffice for public notification.

Jacob Smyth asked for clarification of the motion, did the opposition & notification only relate to the Upper Mataura section? As we had already provided written approval for the lower sections. Cr Cochrane said we were only asking for notification of part of the application we did not give approval to as an affected party.

General Business:

Angler Displacement on and from pressure sensitive rivers in Otago & Southland

The large report written by Stuart Hayes and Brent Lovelock, Otago University, had been emailed to the Council for their information.

Cr Cochrane noted it was a very good document, well put together, however he did reiterate his concerns as voiced previously, about a management fee option in the survey which may have influenced the results. He said the document produced from that survey vindicated his concerns. He could not convince himself that the data collected was truly represented that should a management option be put forward without the concept of their being an extra charge of any management, that we would have got a more balanced survey.

Cr Hartstonge also felt that some of the questions were leading in the survey.

Resolved Hartstonge /Horrell that the Angler Displacement Report be received. Carried.

2020-2022 Angler Notice:

Any Angler Notice amendments were to be confirmed at the October or December meeting for public submissions. Any submissions would be heard at the February meeting and decisions by Council made at the April meeting to be advised to NZ Council by 30th June 2020.

With R3 there had been a lot of discussion concerning the Angler Notice regulations and how they needed to be simplified. With that in mind Staff had recommended 6 proposed changes to the Anglers Notice 2020-2022 for public submission. The sixth proposal concerning the Bright Water had been circulated after the agenda was distributed and discussed first.

6) That the Bright Water Spring season length be changed from 1 October - 30 April to 1st November - 30th April.

The request for the change of season length came from the landowner who lambed near the Bright Water each year and did not allow anglers access across his private land during that time. (There was no legal public access to the Bright Water). The landowners had always been very accommodating about access to anglers throughout the remainder of the season.

Discussion followed with one Councillor against closing a fishery because of a farmer's request. it was a dangerous precedent to set. It should only be closed in the best interest of anglers or in the best interest of the biological requirements of the fishery. We should encourage the landowner as much as possible with signage etc but don't change the regulations – where would it end?

There was much discussion about the legal situation of access to the Bright Water. One Councillor believed there was alternative access and therefore there was no reason to close the river for a month, however any alternative access was disputed by others.

Jacob Smyth suggested the legal situation be investigated further so Council knew where they stood in terms of the landowner's request. The Council agreed that was a good starting point.

Cr Cochrane had put forward an idea to consider a set of regulations based on a "classification river system" which would fit with the R3 principles to simplify regs. Councillors generally liked the simplicity of the classification system. However, after discussion it was agreed, to be kept simple the following regulations be put out for public submission.

- 1) **Hartstonge/Cochrane** that a universal bag limit of two trout be across all Southland waterbodies. Carried.
- 2) **Hartstonge /McNaughton** that the Southland Council recommends to NZC that molluscs are included in the definition of bait in the first schedule of the angling regulations. Carried.
- 3) **McNaughton/Cochrane** That the Southland Fish & Game Council recommends to NZC the spin fishing definition in the first schedule includes actively fishing with scented soft baits to imitate a bait fish. Carried.
- 4) **Withington/Norman** that there be an all year season length on Lake Fergus, Lake Gunn & Lake Hankinson. Carried.
- 5) **Hartstonge/Horrell** that all methods (fly, spin and bait) are permitted in all Southland waterbodies. Carried. (Against Cochrane & Norman))

Cr Hartstonge said he had been asked why the Windon Burn was opened on the 1st October when it was primarily a rainbow fishery. This was an exception to all other rainbow waters which opened on the 1st November. Cr Cochrane suggested that would be limiting angler opportunity for brown trout anglers in the right branch of the Windon Burn which did not hold rainbows. Cr Hartstonge said that could apply to the Upukerora as well.

Resolved Hartstonge/Withington that the opening of the Windon Burn be changed to 1st November - 31 May from the 1st of October - 30th April to keep in line with other rainbow fisheries. Carried.

2020-2022 Angler Notice Review – Pressure Sensitive Fisheries.

A short report subsequent to Stu Hayes, Angler Displacement report was attached to the agenda from staff with a recommendation for Council to consider a booking or ballot system be advertised for the Worsley & Clinton Rivers, as a starting point, to make anglers more familiar with the system before consideration was given to the likes of the upper Oreti.

Cr Cochrane would agree to a recommendation of a booking system in the Worsley & Clinton but did not want the word ballot system included. Cr Hartstonge agreed with that.

Most Councillors were in support of a booking system on the Worsley & Clinton but not the upper Oreti, as studies had shown the fishing pressure there was more perceived than real and work was still ongoing there.

Cr Stenning wanted to see a ballot system included, as he saw it as a fairer way rather than a booking system. Cr Withington agreed.

Resolved Cochrane/Hartstonge that Council accept the recommendation from staff to include the Worsley & Clinton Rivers in the 2020 Angler Notice managed under a booking system basis. Carried with Cr Stenning & Cr Withington against.

Game regulations 2020:

A point system for game regulations had been tabled at the August meeting as a predictive tool in the consideration of game season regulations.

There had been talk at earlier meetings about aligning Southland game regulations with Otago. With bag limits to be the same at 20 and the season length aligned to 2.5 months. It was unknown if that had progressed further.

Resolved Hartstonge/ Withington that staff contact the Otago staff for Otago Council consideration of alignment of game season bag limits and season length with the Southland Council. Carried.

The rationale for this was to have consistency of game regulations with Otago.

Cr Cochrane was concerned about having only a three-year review of game regulations. What if there was a catastrophe between times e.g. North Canterbury major botulism scare. Council assured him there would always be an emergency clause for those situations.

Cr Cochrane also wanted to see an off-season survey of hunters on season length. He thought this appropriate after shortening the season length last year to re-confirm with hunters that is what they wanted. However, it appeared that 99% of hunters spoken to by Councillors around the table were happy with the season length. After further discussion it was agreed to park all game regulation discussions & recommendations until we had feedback from the Otago Council, preferably before the next meeting when the game regs were set in respect to aligning the game regs.

2019 AGM:

Council decided to separate the AGM from the normal December meeting to allow more time for a more social occasion and to change the format, to be less formal, which would allow more engagement with licence holders. Quality speakers could be invited, and Council could make suggestions on that. Martin Unwin & Brent Lovelock were suggested as possible speakers.

A BBQ in the carpark would be a great chance to have a chat with licence holders who attended.

Resolved McNaughton/McGregor that the 2019 AGM be held in the Council Office with a BBQ format to be held on Thursday 28th November 2019 with an interesting speaker invited. Carried.

Governance meeting:

A Governance training meeting would be held at the Fish & Game Office, Invercargill on Wednesday 30th October with Bruce Robertson, Dunedin, attending.

There were no items mentioned for the next agenda.

There was no further business and the meeting closed at 9.45pm.

Chairman _____ Date _____