

Minutes of the Fish & Game NZ, Southland Region Council meeting held at the Council Office, 159 North Road, Invercargill on Thursday 14th April 2016.

Present	Graeme Watson (Chair)	Chris Owen
	Dave Harris	Ken Cochrane
	Fred Inder	Corey Carston
	Russel Graham	Paul Stenning
	Michael Hartstonge	Kevin Fiveash

Staff in attendance:

Robert Sowman – NZC Policy & Planning Manager
Z Moss, C Stewart.
C Mason (Minutes).

Members of the Public: Lindsay Withington.

Welcome:

The Chairman opened the meeting at 6.20pm and welcomed those present.

Apologies:

Resolved Inder/Hartstonge that apologies be received and sustained from Chris Frisby, Ray Waghorn & Cyril Gilroy. Carried.

Conflicts of Interest with items on the agenda:

There were no conflicts of interest advised.

Councillors were reminded that if any conflicts of interest should arise from the agenda topics they were to let the Chairman know before discussions began.

Health & Safety:

The health & safety accident report for the period 1st December 2015- 31st January 2016 was attached to the agenda and showed a nil return.

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

Minutes of the meeting held 11th February 2016.

Resolved Graham/Harris that the minutes of the meeting held 11th February 2016 were taken as read and were confirmed as a true and correct record. Carried

Matters arising from the February minutes:

There were no matter arising from that meeting that were not already covered by the agenda.

Minutes of the Special Council meeting held 16th March 2016.

Resolved Graham/Harris that the minutes of the Special Council meeting held 16th March 2016 were taken as read and were confirmed as a true and correct record. Carried.

Matters arising from the March Minutes:

Zane Moss updated the Council on the progress of discussions with the parties involved.

Administration Reports:

The accounts paid, direct credit/debit list, automatic payments, licence sales progress to date, budget to actual progress to 31st March 2016 & correspondence reports were attached to the agenda for Council's consideration.

Licence sales progress:

Southland fish licence sales as at 22nd March 16 were still down compared to last years' sales by 2.7% (\$20,161 GST incl.). Nationally the licence sales were also down by 3.9% (\$294,969 GST incl.) on last years sales figures.

Staff Reports:

The staff report & Hamish Angus' monthly report were attached to the agenda.

Drift diving:

High flows had prevented the Upper Waiau drift dive being completed this year with the river exceeding 350 cumecs since 27th February. 200 cumecs or less was needed to be able to drift dive the Upper Waiau.

The proliferation of didymo from the Kiwi Burn downstream in the mid reaches of the Mararoa had made visibility very poor for the divers. However despite the reduced visibility there was no doubt that trout numbers had significantly reduced since the colonisation of didymo. The graphs attached to the report showed the reduction in trout numbers. The lower reaches were unable to be dived because of the very poor visibility and high flows.

Operation Pond Study:

Erin Garrick was congratulated by the Manager for her work on this project, her pioneering methodology developed provided a robust and repeatable survey method. Preliminary results would be fed into the pond development program. Some of these preliminary results suggested important variables influencing brood use of ponds were:

- The percentage of the pond that was shallow- more shallow area in a pond, more use by broods.
- Overhead cover west – more overhead cover on the west of the pond, more use by broods.
- Exposure west – ponds exposed to the west had less use by broods.
- Exposure south – ponds exposed to the south had less use by broods.
- The best ponds had broods on 10% of all the photos taken and were used right throughout the development of the brood.
- The worst ponds had less than 0.1% which implied that at least one hen and brood encountered the pond, but did not stay.

Landowners had been written to thank them for the use of their ponds in the study, along with some of their pond photos and preliminary results.

Erin was keen to repeat the survey next year to further refine some of the variables.

Otapiri Stream - Benthic Invertebrate Survey:

Cohen Stewart was currently sorting through invertebrate samples taken from the Otapiri Stream at the end of February, to replicate invertebrate sampling done in the late 1960's, looking for any changes in benthic invertebrate community structure.

The Otapiri used to be a small stream fishery with excellent mayfly hatches, unfortunately this had changed dramatically over the last 10 years, with a lot of fine sediment now in the river.

Mayfly were important trout food and indicators of good water quality. Historically there were high numbers of mayfly in the Otapiri Stream, but the latest samples showed poor numbers of mayfly and high numbers of chironomidae larvae, which were indicators of poor water quality and not ideal trout food.

Once Cohen had sorted the samples they would be sent to Cawthron who would make calculations to give us measures to enable us to make objective comments on the status of the stream's health, and would add further depth to the cumulative effects project Cawthron was working on for Fish & Game.

Mallard Research Proposals:

At a telephone conference yesterday Zane Moss reported that Southland had applied to the F&G national research fund, for funding Cohen's research proposal to attempt to define the diet of mallard predators (stoats, cats, ferrets, weasels) by analysing their gut contents, as well as using stable isotope analysis, a method involving taking tissue samples of predator and prey and having their carbon & nitrogen isotopes determined. This project would complement Erin's study, also applied for, to better understand the abundance of stoats and their habitat utilisation in Southland's agricultural landscapes.

The \$14,300 research fund applied for would buy the GPS transmitters to put on stoats in Erin's study and pay for the stable isotope analysis of Cohen's project. The science group supported Southland's application, but the application was yet to be approved by the Managers & NZ Council.

This research work was significant enough to be funded nationally.

Pond creations:

Several days were being put aside next week for pond surveys. These were very popular at his time of year and suitable ponds would become part of the pond subsidy scheme.

Around the Mountain Cycle Trail (ATMCT) update.

The Environment Court Appeal by Fish & Game against the SDC consents granted was originally set for one week and our evidence was based on those granted consents, which also included the SDC route of the cycleway outlined in the consents. SDC then submitted further evidence which encompassed a significant change to the route, which then required our experts to re draft their evidence.

It was hoped that we could get costs reimbursed for that evidence re drafting process from the Court, as it involved huge extra work and was not our fault.

After the first week's hearing and Court questions the SDC became concerned they may not have "scope" in their application. The SDC then again re-submitted a new proposed route, being an amalgam of their original consented route and the change to the route they had re-submitted after the week's hearing. This meant that F&G had to recall at least one expert and our other experts had to re-draft their evidence once again. We were hoping for costs to be awarded for that re-drafting of evidence as well, as it was not our fault again.

The hearing went into a 2nd week because of all the changes and in that week a SDC staff member gave evidence, involving the existing 4WD track, All the landscape evidence was prepared from the SDC staff evidence concerning the 4WD track. However on reflection the SDC decided that evidence was incorrect. That evidence had now been changed and re drafted, which would require a bylaw to be passed to restrict access. Their original argument was "to improve public access to the river" the bylaw would restrict public access. This now involved a legal challenge and so it goes on. Another two weeks of Hearing had now been set.

The total costs to Fish & Game to date was \$241,000 with two more weeks of hearing to go. Our estimates were that we will end up about \$50,000 short after funding from NZ Council and our current two years NR levy. This was hoped to be funded from the NR levy over the next two years if approved by NZC, while still remembering that we should be awarded some costs by the Court for the SDC's poorly managed case and several late amendments to their application, causing more work by our legal team and experts.

All the extra time our experts had spent on the changes to the SDC evidence was catalogued and ring fenced and we would be applying for those costs from the Court.

Zane Moss asked the Council if they were happy to have any shortfall in funding (projected to be approx.\$60,000 (before any costs awarded) taken from general reserves in the meantime and be topped up later over the next two years from the non-resident levy.

Zane said he had spoken to the Otago F&G Council Manager who had indicated there was some preparedness from Otago to contribute financially to the case as well.

He was also applying to MfE for funding, but was not too confident on receiving that.

After discussions Councillors agreed that it was a painful process but they were fully committed to it. There was concern at the ongoing costs, as it was an unknown where or when it would all end. However costs would be watched carefully by the Council.

In the meantime it was agreed that they should apply to NZ Council for further funding from the legal fund, and even though it was the fourth time asking for funding we would note that we were committed and that it was ongoing and we could not give an end date to the whole process.

If NZC refused the funding application from the legal fund, then the second option was to cover the shortfall from our general reserves and use the non-resident levy over the next two years (17/18) to top up Southland's general reserves.

The rationale was that it would show NZC that Councillors had thought about how to mitigate the circumstances of the increased costs of the Hearing, which were beyond our control.

Zane suggested that a funding contribution from Otago towards the cycleway hearing could be an agenda item for the joint Council meeting with Otago to be held in July. It was noted that three of the Otago Councillors had presented evidence at the cycleway hearing in support of Fish & Game, so they were already involved in the process.

After discussions:

Resolved Cochrane/Stenning that Council have a two tier approach to NZ Council for funding of the cycleway cost shortfalls.

Go back to NZC incorporating a funding proposal for the shortfall from the national legal fund. If that proposal was rejected then have a secondary proposal to NZC asking them to use the Southland non-resident licence levy to top up our reserves over the next two years 17/18. Carried.

NZ Council Issues:

Cr Stenning went over some of the issues discussed at the last NZC meeting held in Cromwell on 18th-20th March 2016.'

- Otago Fish & Game Councillors and staff attended the meeting.
- Saturday involved a field trip to look at the development along the Clutha towards Tarras and the access issues that had come with the subdivision. Good progress on the access issues had been made with land swaps and unformed legal roads etc.
- The Lindis River was visited. This river was heavily over allocated resulting in its lower reaches often going completely dry over summer. ORC/s proposed minimum flow regime is 750 l/s, too little to sustain a healthy river ecosystem. Fish & Game will be submitting in favour of 1000 l/s minimum flow to insure a continuous flow throughout the summer. They had good science to back up their submission.
- The Nevis River was visited. \$640,000 had been spent there on stopping damming of the river in the Environment Court.
- Presentations & workshops on financial reviews etc had been held.
- Three applications for legal funding had been approved. Kai Iwi lakes-Northland, Infinity Investment – Hakataramea River – CSI, and Southland Oreti Cycleway.
- Presentation from Martin Unwin, NIWA on the National Anglers Survey was given. Martin gave examples of the wealth of information available from this data. Martin had co-ordinated along with Maurice Rodway's help the last four angler surveys, the most recent being the Fish 14/15 survey. With both Martin & Maurice now retired there was a need to plan for a new co-ordinator to complete future NAS surveys.

Paul noted that it was a shame that during the last twenty years Martin had not gone around the regions showing them the huge information the data could give.

Robert Sowman said Martin would be a great loss to the surveys and his replacement was an issue to consider. Martin was now living in Wanaka and that may be an opportunity for the Southland Council to invite him to a meeting to talk about the information collected.

- A Reparation Policy as National Policy was being considered by NZC.
- Decisions taken by one Council that could impinge on other Councils was discussed, particularly over regulations between neighbour regions. This is something Southland needed to think about as well, e.g. making decisions which may impinge on our neighbour Otago.

General Business:

Future Council meeting locations:

Councillors had mentioned the desire to have some Council meetings in other locations than just Invercargill. This would give licence holders the opportunity to attend meetings they may not be able to otherwise. There was a cost to do that which also had to be considered.

Discussion followed on the locations and cost. Gore was mentioned as a location that was desirable to have a meeting. Cr Fiveash noted that he could arrange a venue at a lot less cost than that given in the agenda.

After further discussion it was agreed that the combined AGM and December meeting to be held on the 15th December 2016 would be held in Gore at the bowling club arranged by Cr Fiveash.

It was hoped that the AGM with its staff research presentations would be of more interest to hunters and anglers than a normal Council meeting. The game season regulation setting would also create interest for licence holders.

The meeting agreed it would be good to have the AGM held in other locations each year, to help engage licence holders who may not be able to travel to Invercargill.

Joint Otago/Southland Council meeting:

Both the Otago & Southland Councils agreed it was time for another joint meeting of the two neighbouring Councils. A joint meeting had been scheduled for Thursday 14th July (later changed to 21st July) at Clinton for a meal & meeting, times would be advised nearer the date.

Cr Cochrane said that Otago had just completed their tenth season of back country management and a report on that had been prepared. It would be timely for Southland to see their model in view of the possible management issues that could arise in the future at the Upper Oreti. He would like to see this as an agenda item for the meeting.

Zane Moss said Otago were also interested in our mallard research so that would also be added as an agenda topic.

Cr Stenning would like to see making common regulations for fish and game, where appropriate also discussed.

Governance Policies & Standing Orders – Robert Sowman:

Governance Policies & Standing Orders documents were circulated to the meeting with the agenda. The Governance Policies were modelled from the Institute of Directors and the Standing Orders were moulded from the Local Government NZ model.

Robert Sowman gave a presentation on governance & standing orders.

Governance:

The presentation included the legislation that Councils were controlled by. Mr Sowman noted that the Conservation Act required that we establish by notice in the gazette the rules on how we conducted meetings. This had not been done in the past but would be done in the future.

He also noted the Wildlife Act 1953 & Conservation Act 1987, which were very out of date now & had requirements that were no longer relevant and needed updating. However it was unlikely to happen in the near future as there was no political will to do so at this stage.

He suggested the most important Act for Council to read was the Election Regulations & the Local Government Official Information & Meetings Act. He went over the importance of those. He reminded regional Councillors that they represented the interests of anglers & hunters in their region and that the NZ Council represented nationally the interests of anglers & hunters. It was important for Councillors to act in the best interests of anglers & hunters as a whole and not just to represent any particular group or constituency.

Good governance was to ensure things were well managed without doing the managing. This required acting collectively and avoiding too much faith in one person .i.e. manager or chairperson.

The job of the Council was to employ and manage the manager. Set the vision and direction – strategic goals, ten year management plan and define policies for governance & management. Make sure of ongoing financial viability and monitor performance targets and compliance with relevant laws & ethical practices – e.g H&S. The Council was accountable to licence holders.

Mr Sowman suggested that over the year the Council should take one of the components of the job and spend a half hour at each meeting on them. E.g. strategic direction, financial viability & governance, performance of the Manager etc. The meetings needed to focus on efforts that would give the most value and Councillors needed to question, monitor and challenge.

Authority and accountability lay with Council as a group. The Council should speak as one voice or not at all. "One voice" did not require unanimity, but it did require all council members to respect any decision made by the majority.

Council needed collective ownership of their actions and minutes were important, as they were the legal protection and proof that Council had acted responsibly. They provided structure and rationale and justification of actions and records for those who could not attend.

To summarise Council & staff roles:

Council:

- Sets vision and direction.
- Establishes policies and criteria.
- Determines service levels.
- Monitors implementation of Council decisions.
- Is accountable to licence holders.

Staff:

- Provides objective professional advice to Council.
- Implements Council's decisions according to policy established by Council.
- Is accountable to Council.

Conflicts of Interest:

Councillors must not vote or discuss on any matter in which they had a direct or indirect financial interest in. They must not have bias when making decisions, all decision making had to be procedurally fair.

NZC Auditors had recommended that Council have a declaration register, this was common practice in organisations. The register recorded any interests that Councillors may have in connection to fish & game matters & the recreation of that. That register was then held in the Office.

Then there was the conflict of interest with any items on the agenda that were to be discussed. Only individual Councillors could make the decision that they had a conflict of interest and needed to advise the Chairman of that conflict before any discussions began.

Standing Orders:

Mr Sowman referred to the Standing Orders which all Councils needed for the conduct of proceedings at meetings. In reality common sense usually prevailed but they were there to use if there were disputes, disagreements, disorder or uncertainty occurring.

Standing Orders covered key rules for motions & amendments, key topics for Council meetings, mistakes to be avoided at meetings, open to the public rules, public excluded items, rules for business outside of meetings, and meeting reviews.

Council briefly discussed the governance & standing order documents and agreed that they should be added to the next agenda for further discussion and adoption. This would give Councillors more time to read them through and make notes on any changes they would like.

It was also agreed that Southland Council would have a Declaration Register, which would be kept in the office and updated at each three year election. A form would be emailed to each Councillor to fill in their interests and this would be added to the Register and available at the next meeting for Councillors individual signatures. Councillors would still have to notify the Chairman if they had any conflicts of interest with items on the agenda at each meeting before discussions occurred, but it would be good to have Councillor interest's recorded.

Health & Safety:

With the changes to NZ Health & Safety legislation (Health & Safety at Work Act) which came into effect on 4th April 2016, Cr Hartstonge asked Mr Sowman what was now required with the new Health & Safety legislation for each meeting of the Council, as it appeared that Councillor's responsibilities had increased under the new legislation.

Mr Sowman replied that Council had to have confidence that staff had a good Health & Safety Plan and that all hazards were fully disclosed in it and the process to assess those hazards was robust, but Councillors did not need direct involvement with that.

Mr Sowman said that Councillors, because they were not paid, were not responsible, like private companies were and further, that under the Conservation Act it specified that Council were not individually responsible for anything that went wrong. However as a Council, who employed a Manager, who then employed staff, it was important to know the processes that had been put in place and that you were happy with them.

Zane Moss said that an amended Health & Safety Plan under the new legislation was currently being worked on and would hopefully be available at the next meeting for Councils view.

Council Workshop:

Cr Owen reiterated what he had brought up at earlier meetings that he would like Council to have a three year goal or vision that could be aspired to in the Councils current three year term. He would like to have that explored further by way of a workshop so ideas could be discussed fully. He said the strategic meeting Council held last year did not have any outcomes he was happy with.

Cr Hartstonge said he understood that the 10 year Management Plan was going to be based on the outcomes of that earlier strategic meeting. That plan was due for renewal in 2017 and review would begin in 2016..

Mr Sowman said that it was important that any three year aspirations by Council were achievable and that licence holders could relate to it.

After discussion it was agreed that a separate workshop would be held to help decide what was achievable and what was not for Council over the next three years and also incorporate the Council ten year goals as well for the Management Plan review. It was very timely to have a workshop on Council goals & vision. The workshop was scheduled for Thursday 23rd June 2016.

General Business:

Te Anau Downs congestion:

Cr Inder reported he had anglers complaining in the last ten days or so about the Te Anau Downs congestion at the slipway. There was nowhere to leave trailers & vehicles for boats as it was congested with private vehicles being left there.

Zane Moss said that it may be because of the Wapiti ballot Easter period, which was busier than usual for vehicles being left there.

Cr Inder would look into it further and see whose responsibility it was.

Proposed Gore to Mataura walkway/cycleway:

Cr Fiveash queried if the office had received any approach about a proposed walkway/cycleway between Gore and Mataura.

Zane Moss said he had been queried about it going next to an old oxbow between two properties. He said he had no issue with that but had not been given much info on the project. The only conflict he could see would be during duck hunting season if it followed the river.

The Chairman said he had some dealings on the legal requirements of it, but nothing had come about it to his knowledge over the last three years.

Cr Inder updated the Council on the Upper Waiau cycleway. He said it was now 90% completed to Queens Reach, with the rest underway.

Items for the next Council meeting Agenda:

- Discussion and any amendments to Governance & Standing Orders documents before adoption.
- Copy of amended Health & Safety Plan under the new legislation.

There was no further business and the meeting was closed at 8.30pm.

The Council then had a quick review of the meeting just held.

Chairman _____ Date _____ -

