

**Agenda For The Meeting of Otago Fish & Game Council
On 29th September 2022
At Otago Fish and Game Council office
Cnr Hanover and Harrow Streets Dunedin**

Timetable	Council Meeting
11:45pm	Light Lunch for Councillors
12:30pm	Welcome by Chair, Council Meeting begins
12.35pm	Public Excluded Section
1:00pm	Normal meeting resumes. Address by NZC CEO Corina Jordan
3:00pm	Public Forum
3:15pm	Afternoon Tea
4:30pm	Meeting closes

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1.0 Present and Apologies

2.0 Matters to be raised not on the agenda

3.0 Declarations of Interest

4.0 Confirmation of Previous Minutes

**Draft Minutes of the Meeting of Otago Fish & Game Council
On 21st July 2022
120 Scotland Street, Roxburgh Service Centre**

The meeting opened at 1pm.

1.0 Present and Apologies

Present: Colin Weatherall (Chair), Mike Barker, Rick Boyd, John Highton, Adrian McIntyre, Blair Trevathan, Vicky May

Present via Zoom: Ray Grubb, Richard Twining (Ngai Tahu)

In attendance: Ian Hadland (CE), Bruce Quirey (communications officer/minutes secretary)

Apologies: Ian Cole

2.0 Matters to be raised not on the agenda

Cr Highton asked to discuss the 2021-2022 Wanaka Creel Survey Results and the ORC Takitakitoa Monitoring Report. The Chair indicated the matters would be taken under general business.

The CE discussed an added agenda item about the replacement of the fish transporter and liberation unit. The Otago branch of the NZ Salmon Anglers Association is disposing assets and offered a purpose-built liberation unit for purchase.

Moved (Cr Highton/Cr McIntyre)

That (subject to final staff inspection) the Council spend \$9000 +GST from its Asset Replacement Fund to buy the fish transporter from Otago Salmon Anglers and dispose of the Cromwell liberation unit.

Carried unanimously.

The Chair noted the CE's spending limit authority for asset replacement was too restrictive and should be re-evaluated by the Council.

3.0 Declarations of Interest

Declarations of interest were tabled. See attachment.

4.0 Confirmation of Previous Minutes

Moved (Cr Boyd/Cr Barker)

That the minutes of the Council Meeting of Otago Fish & Game Council held on 26th May 2022 be confirmed as a true and correct record.

Carried unanimously.

5.0 Matters Arising from the Minutes

Cr Highton discussed maintenance of access along fenced and planted riparian areas. He requested staff and rangers monitor these areas and liaise with relevant groups. The CE acknowledged Cr Highton's observation and noted access was prioritised in the Otago Fish and Game Council's 10-year plan.

Moved (Cr Highton/Cr Boyd)

Cr Highton's report to the Council on maintenance of access along fenced and planted riparian areas be noted and brought back to the February planning meeting for further discussion.

Carried unanimously.

6.0 Health and Safety Report June-July 2022

The CE said a ranger who experienced a minor back injury during Opening Day game bird ranging had recovered well.

Councillors discussed whether field staff were adequately equipped with GPS tracking devices. The CE said staff carried personal locator beacons. The Chair noted it was an operational matter for the CE to investigate where appropriate.

Moved (Cr McIntyre/Cr Highton)

That the Health and Safety Report be received.

Carried unanimously.

7.0 Items Requiring Decisions

7.1 Legislative Compliance 2021-22 Financial Year

Otago Fish and Game had complied as far as possible with the Covid health response, the CE advised the Council. Sick leave increases under the Holidays (Increasing Sick Leave) Amendment Bill would not affect staff entitlements, because their employment agreements already provided more sick leave than the legislated minimum.

Moved (Cr Boyd/Cr Barker)

That Council notes that the Council currently complies with the relevant legislation described in the Legislative Compliance Schedule.

Carried unanimously.

7.2 Public Perception and 360 Stakeholder Surveys – Interim Report

The CE said strategic planning had identified public perception and 360 stakeholders surveys were needed to inform development of a communications strategy. However, feasibility work had found funding in the Operational Work Plan budget for a public perception survey was insufficient. Councillors suggested a local stakeholders survey would be potentially more valuable than a public perception survey.

Moved (Cr May/Cr Highton)

Suspend the Public Understanding Survey and transfer the OWP 2021-22 funding to the 360 Stakeholders Survey. Spend additional reserves (\$4K) to complete task as soon as practicable, including the \$8K allocated to the Public Understanding Survey.

Carried unanimously.

7.3 Adoption of 2022/23 Operational Work Plan and Budget

The CE said the Operational Work Plan and Budget for 2022/22 had been approved, noting it was ambitious. He flagged some projects could be challenging due to upcoming staff changes. Otago Fish and Game Council had received NZC approval to spend from reserves, and faced one of its highest levies from NZC. OF&GC needed to ensure it received a fair share from the NZC resource allocation project. The CE took questions from councillors about the NZC levy, budget sums, and external costs. Cr Grubb (NZC chair) noted \$50K came out of Otago reserves in 2020, and \$230K went back into Otago reserves last year. This was largely due to positive licence sales.

Moved (Cr May/Cr Weatherall)

That the Council adopt the 2022/23 Operational Workplan and Budget.

Carried unanimously.

The Chair noted the Council would review work plan progress in February given staff changes.

Moved (Cr Barker/Cr Boyd)

That the meeting move into Public Excluded Items.

Carried unanimously.

8.0 Public Excluded Items

8.1 OF&GC Public Excluded Minutes 24th March 2022

Moved (Cr Weatherall/Cr McIntyre)

That the public excluded minutes of the meeting on 24th March 2022 be confirmed as a true and correct record.

Carried unanimously.

8.2 Contact Energy Trust Update

Moved (Cr May/Cr Highton)

That the subcommittee review the Contact Energy Trust document, and circulate it to lawyers for feedback.

Carried unanimously.

8.3 Wanaka Hatchery Site Update

Moved (Cr Highton/Cr Barker)

1. Council agrees to fund the total cost of fencing in the first instance of \$15,314 from its Historic Property Reserve and allow a spending margin for pest control up to a total value of \$20,000.

2. Staff seek contributions from QE2 and neighbouring landowners to restore that Reserve fund as far as possible.

Carried unanimously.

8.4 Staffing Update – Verbal update from CE**8.5 CE Performance Review – Update from the Chair**

The CE performance review has been completed.

Moved (Cr May/Cr Weatherall)

That the meeting moves out of Public Excluded Items.

Carried unanimously.

9.0 Financial Report

The CE advised the Council that spending was on track on or around budget and income was slightly higher than forecast.

Moved (Cr McIntyre/Cr Boyd)

That the financial report be received.

Carried unanimously.

10.0 Chief Executive's Report July 2022

The CE talked to his July report, noting the Lake Fisheries Workshop was planned to be run by a staff member who had since resigned. Councillors said it was essential allocated funding be carried forward and the workshop went ahead.

Moved (Cr Highton/Cr Boyd)

That the Lake Fisheries Workshop funding of \$22,000 be carried forward into 2022/2023 Financial Year.

Carried unanimously.

The CE discussed staff attendance at the Pioneer Energy – Onslow consent variation hearing and acknowledged the participation of Teviot Angling Club members.

Moved (Cr Weatherall/Cr May)

That the Pioneer Energy - Onslow variation report be noted, and Council acknowledge Teviot Anglers for their support.

Carried unanimously.

CE discussed improvements to angling access on the Taieri River at Strath Taieri. Cr Highton commented on Tiaki Maniototo's aspirations to improve amenities and access. The Chair said the matter could be added to annual discussions.

CE noted the new F&G licensing system would go live in the coming week.

Discussing Compliance, the Chair noted the Council was looking for more volunteer rangers to fill vacancies.

Moved (Cr Weatherall/Cr Boyd)

That the Chief Executive's report be received.

Carried unanimously.

The Chair thanked staff for their contributions.

11.0 RMA Planning and Consents Report

The CE said the Environmental Officer had been busy with pre-hearing discussions for the Regional Policy Statement. The consenting workload was decreasing as the plans came into place. Contracted student staff were continuing to provide support for other consenting matters.

Cr McIntyre queried an ORC application to discharge into Whiskey Gully Creek and effects on lamprey. Mr Twining, for Ngai Tahu, said kanakana/lamprey were an important mahinga kai species.

Moved Cr May/Cr Barker

That the RMA Planning and Consents Report be received.

Carried unanimously.

12.0 Committee & Delegate Reports

12.1 CFT

Cr Boyd, a Clutha Fisheries Trust member, noted Cr Cole's apology of absence and said there was nothing to report.

12.2 NZC

NZC Chair Cr Grubb gave a verbal report on NZC matters including a subcommittee formed to review the Wildlife Act; NZC levies; workload – the staff remuneration project, the communications strategy and branding project, the new licensing system,

and submissions on Land and Water Plans; a signed commitment from DOC that planning staff will work with Fish & Game on land and water plans and freshwater advocacy; a constructive meeting with Ngai Tahu on common interests; the newly appointed NZC CE will relieve the Chair of various duties including RMA work and land and water plan development.

The Otago F&G CE asked the NZC Chair to circulate the DOC commitment and queried how the Ngai Tahu discussions would filter down on a local level.

The NZC Chair noted a discussion paper on the Ministerial Review would be issued to the Minister of Conservation for public consultation.

Moved (Cr May/Cr Highton)

That the report from the NZC chair be noted and received.

Carried unanimously.

12.3 Ngai Tahu

Mr Twining reported he had attended, via video conference, a meeting between Ngai Tahu and Fish & Game governors and managers. The appointment of a Ngai Tahu senior environmental advisor was helping with engagement with F&G.

Mr Twining noted the Lake Onslow Battery Project feasibility study and said Ngai Tahu had a representative on a technical reference group.

Mr Twining noted a consultant's report compiled for Gore District Council which looked at trout fishing in the Mataura River, considering licence fees, female anglers, treble hooks, and fishing guides. He noted trout caught near Gore could not be consumed safely due to poor water quality.

The Chair thanked Mr Twining for his verbal report. The Chair suggested Fish & Game seek feedback from Ngai Tahu into a proposal that the Ngai Tahu representative should hold voting rights on the Otago Fish and Game Council.

Moved (Cr Weatherall/Cr Boyd)

That the Ngai Tahu report be received.

Carried unanimously.

12.4 Conservation Board

Not present

The meeting adjourned at 3.21pm

The meeting resumed at 3.33pm.

13.0 Correspondence

13.1 NZC to Otago

13.1.2 Doc's Priorities Initiating Engagement in Advocacy Processes RMA

13.2 Otago to NZC

13.2.1 Fish and Game Regional Model

The Chair asked the CE about a letter from the Council to NZC in response to proposed licensing fees. The CE said the letter would be added to the next agenda.

13.3 General Correspondence In
Nil

13.4 General Correspondence Out
Nil

Moved (Cr Weatherall/Cr Trevathan)

That correspondence be received and acknowledged.

Carried unanimously.

14.0 Items to be Received or Noted

The CE advised staff reports attached separately to the July agenda were to be noted by the Council for auditing.

14.1 Assisted Habitat – Native Fish Project

14.2 2021 Greenstone Drift Dive Survey Report

Council asked questions about the drift-dive methodology and sought more detail, such as how double counting was avoided and how bank spotters contributed to the survey. The CE said the suggestions would be added to the report.

14.3 2021-2022 Backcountry Compliance Ranging and Controlled Fishery

The CE discussed the backcountry compliance report, acknowledging the work of staff and volunteers. Compliance rates for 2021-2022 had been good. New signs for the Greenstone River controlled fishery beats would be installed before the start of the 2022-2023 season.

14.4 2021-2022 Wanaka Creel Survey Results

The CE said the creel survey results for Lake Wanaka in 2021-2022 did not make good reading. Councillors commented on the possibility of multiple factors affecting the fishery. The CE noted it would be discussed at a lake fisheries workshop proposed in the Operational Work Plan. Other research included lake monitoring buoys, acoustic surveys, and angler interviews. The CE noted a three-year of creel survey programme at Lake Wanaka had concluded, and creel survey efforts would shift to Lake Hawea next fishing season.

14.5 ORC Takitakitoa Monitoring Report

Councillors discussed the game bird harvest rate at Takitakitoa this season, noting numbers were down despite excellent bird populations at the wetland.

The CE said the harvest results were partly due to hunter skill levels, as junior participants were inexperienced, and the magnitude of the water body.

14.6 Investigation into Lake Onslow Spawning Habitat

The CE outlined the Lake Onslow Spawning Habitat report. The spawning survey looked at the amount of spawning area available to lake resident trout at a varying lake heights. This information would inform investigations into the effects of an increase in lake depth and footprint, in the context of the MBIE feasibility study for a proposed hydro battery scheme.

14.7 Thomsons Creek Spawning Report

The CE noted the Thomsons Creek spawning survey did not identify a significant degree of trout spawning in that area of the catchment. He noted Fish and Game's sports fish interaction policy for areas where there was no value for sports fish.

14.8 Non-Resident Anglers Survey Report 2022

The CE received questions from councillors regarding the non-resident anglers survey, including whether the survey captured charter clients and how non-residents were identified.

(Cr Grubb departed the meeting at 4.12pm.)

Moved (Cr May/Cr Boyd)

That the following staff reports be received and noted, and associated comments be recorded:

Carried unanimously.

15.0 General Business

Cr May sought an update on the Lake Onslow Battery Project. The CE said a Cabinet decision on the feasibility study was expected in December. If approved, the Battery Project proposal would enter another stage of analysis. Fish and Game had identified gaps in the feasibility research, such as koura and cicadas. Potential impacts on the lower Clutha River could not be fully ascertained without data on proposed flow regimes. If Cabinet approved the next phase, more extensive assessment of the fishery would be required.

The Chair noted the next meeting of the Council would be held in Dunedin on 29th September 2022.

The Council AGM would be held in Cromwell on 1st December 2022.

The Chair thanked councillors and staff, and declared the meeting closed at 4.30pm.

5.0 Matters Arising from the Minutes

6.0 Health and Safety Report

August - September 2022

Covid 19

- Several staff and families have now had covid.
- As of 13th September 2022 the traffic light system in NZ has finished.
- Masks are now a choice except in medical rooms and aged care facilities
- 7 day isolation continues if you have covid, but not for house hold contacts
- There is increased access to anti-viral medication
- Rapid Antigen Tests, masks, gloves and sanitizer are still available to all staff.

General Staff have looked at new intentions system for field based work called GetHomeSafe. We will continue with our normal system and will hire satellite phones for projects when out of range. Daily intentions (in/out board) intentions has now been replaced with a new online intentions form which can be used and updated across devices.

Events Adult Learn to fish classes and Take a Kid Fishing days. Health and safety plans have been organised.

OHS Audits

Completed audits:

- Hazardous Chemicals
- Vehicle safety checks
- Ranger safety audit

Next audits:

- Boat audits
- General Main Hazard List audit
- Staff training schedule

Incidents/Accidents/Near Misses/New Hazards

- New larger fish tanker hazards and use of this equipment has been added to the main hazard register.
- Take a Kid Fishing first weekend.
 - A person walked around the slippery wall of the Southern Reservoir. This will now be sign posted as a no-go area in future events.
 - Even with good traffic management the cars were going faster than and requested 30km, past participants walking along the road. Staff are looking at further options to get people to comply with 30kph restrictions including temporary speed humps or additional staffing.

Training

- Rangers and staff attended a refresher CERT (Ranger safety) course in Dunedin August 2022
- One staff member attended a VHF radio course

Recommendation

That this report be received

Sharon Milne
Administration Officer
September 2022

7.0 Items Requiring Decisions

7.1 QEII Covenant of Bullock Creek Hatchery Springs Wetland – Wanaka

Background

At the March 2022 meeting of Otago Fish & Game Council councillors resolved to proceed with a QE2 open space covenant for the area of wetland on the southern side of Bullock Creek at its hatchery site in Wanaka. As you know the wetland area is being actively restored by F&G staff, Friends of Bullock Creek and Dept of Corrections workers.

The draft covenant document has been edited by staff of both organisations and is now presented for Council signoff – subject to a final check by the Councils lawyers. The remaining steps are to have the area surveyed and the deed signed off by the QE2 Trust itself. From there it will be registered against the land title.

The Covenant will have no impact of the area of OF&GC land proposed for subdivision.

QLDC Stormwater pipeline project

The Councils Memorandum of Understanding with Queenstown Lakes District Council for an access easement for the pipeline provides that F&G should alert QLDC to any changes in tenure of the land. While F&G remain the owners staff thought it important to alert them to this proposed covenant and assure them the covenant would not affect their proposed stormwater remediation works. The Covenant document covers off this point very clearly at point 13.

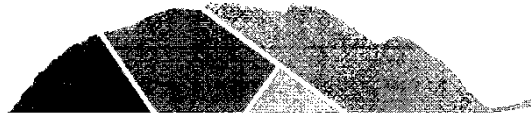
Recommendation

That, subject to final check by the Councils lawyer, the Chair and CE be authorised to sign the QEII Bullock Creek Hatchery Springs Covenant on behalf of the Council.

Ian Hadland

Chief Executive

19.09.22



QEII NATIONAL TRUST

Ngā Kairauhi Papa Forever protected

Bullock Creek Hatchery Springs

Open Space Covenant

16382

Otago Fish and Game Council

Queen Elizabeth the Second National Trust

Parties

Otago Fish and Game Council (the Covenantor)

Queen Elizabeth the Second National Trust (the National Trust)

Background

- A The National Trust is established under the Queen Elizabeth the Second National Trust Act 1977 (the Act).
- B Section 22 of the Act authorises the National Trust to agree and enter into Open Space covenants with private landowners.
- C The Covenantor wishes to protect and preserve certain significant natural environmental values and Open Space Values in the Covenant Area as defined in this deed.
- D The Covenantor and the National Trust now wish to record the agreed objectives, terms and conditions of the Open Space covenant in this deed.

Operative provisions

Part A—Purpose and objectives

1 Creating an Open Space covenant

- 1.1 The Covenantor and the National Trust agree to enter into an Open Space covenant within the meaning of section 22 of the Act in favour of the National Trust on the terms and conditions set out in this deed. The intent is that the covenant created by this deed shall run with and bind the land comprising the Covenant Area in perpetuity.

2 Purpose and objectives

- 2.1 The Covenantor and the National Trust agree that the purpose of this deed is to protect Open Space, maintain and enhance the Open Space Values of the Covenant Area and, in particular, to achieve the following objectives:
- 2.1.1 Protect and enhance the natural character of the Covenant Area with particular regard to native flora and fauna
- 2.1.2 Maintain and enhance the landscape value of the Covenant Area
- 2.1.3 Enhance the contribution that the Covenant Area makes to protecting indigenous biodiversity by restoring indigenous vegetation cover in the Covenant Area
- 2.1.4 Maintain and enhance the use of the Covenant Area for public recreation
- 2.1.5 Protect the habitat and source of Bullock Creek for freshwater fish spawning and rearing
- 2.1.6 Prevent subdivision (within the meaning of the Resource Management Act 1991 or any other equivalent replacement legislation) of the Covenant Area.

Part B—Terms and conditions

3 Selling, leasing, or licensing the Covenant Area

- 3.1 If the Covenantor is selling, leasing, licensing or otherwise disposing of land which includes all or any part of the Covenant Area they must:
- notify the National Trust of the sale, lease, licence or other disposition

- provide the National Trust with the name and contact details of the new owner, lessee or licensee.
- 3.2 If any sale, lease, licence or other disposition of land which includes the Covenant Area occurs before this deed is registered with Land Information New Zealand (LINZ), the Covenantor must:
- 3.2.1 Ensure the sale, lease, licence or other disposition is made expressly subject to the objectives, terms and conditions of this deed
 - 3.2.2 Obtain the agreement of the purchaser, lessee, licensee or other party to comply with and be bound by the objectives, terms and conditions of this deed.
- 3.3 If the Covenantor sells or otherwise disposes of all or any part of the Covenant Area to a company, the covenants contained in this deed will bind a mortgagee in possession, receiver, the official assignee, liquidator, statutory manager or statutory receiver to the fullest extent permitted by law.
- 4 Appearance and condition of the Covenant Area**
- 4.1 No act or thing may be done, placed, or allowed to be done or remain in the Covenant Area if, in the reasonable opinion of the National Trust, the act or thing materially alters the appearance or condition of the Covenant Area, or is prejudicial to the Covenant Area as Open Space as defined in the Act.
- 4.2 In particular, the Covenantor must not do, or allow others to do, any of the following activities on or in the Covenant Area without the prior written consent of the National Trust:
- 4.2.1 Fell, remove, burn, or take any native tree, shrub, plant, or other organism of any kind or in any state whatsoever
 - 4.2.2 Plant any tree, shrub, or plant, or scatter or sow any seed of any tree, shrub, or plant, other than local native species sourced from the ecological district of the Covenant Area
 - 4.2.3 Introduce any substance that is noxious or otherwise injurious to any organism, except in the control of pest plants and animals
 - 4.2.4 Move or remove any rock or stone, or blast, mark, paint, deface, or otherwise disturb the ground
 - 4.2.5 Construct or erect any building or structure or undertake any exterior alterations to any existing building or structure
 - 4.2.6 Erect or display any sign, notice, hoarding, or advertising material of any kind, except for signs identifying the Covenant Area or indicating walking tracks
 - 4.2.7 Carry out any prospecting or exploration, mining, or quarrying of any minerals, petroleum or other substance or deposit
 - 4.2.8 Deposit any rubbish, debris, or other materials, except in the course of maintenance or undertaking approved construction, provided that on completion of any such maintenance or construction all rubbish, debris and other materials are removed as promptly as possible and the Covenant Area is left clean and tidy
 - 4.2.9 Allow any livestock in the Covenant Area
 - 4.2.10 Affect the movement, distribution, or quality of water that affects the Covenant Area. This includes affecting water in a dryland, groundwater, river, stream, lake, pond, marsh, and wetland.

- 4.3 The National Trust's consent will not be unreasonably withheld, and may include reasonable conditions, if the National Trust is satisfied that such activity does not conflict with the purpose and objectives of this deed.

5 Third party access to the Covenant Area

- 5.1 If the Covenantor is notified by any person or authority of an intention to erect any structure or infrastructure, or carry out any other works in the Covenant Area, the Covenantor must as soon as reasonably possible:
- 5.1.1 Inform the person or authority of the existence of this deed
 - 5.1.2 Inform the National Trust of the proposed intentions of any such person or authority
 - 5.1.3 Not consent to or otherwise allow the undertaking of the proposed works or any other works by such person or authority without the prior written consent of the National Trust.
- 5.2 Any such person or authority will be the responsibility of the Covenantor during the course of any approved works being carried out within the Covenant Area.

6 Managing the Covenant Area

- 6.1 The National Trust may provide technical advice or assistance to the Covenantor as is appropriate and practical to help meet the purpose and objectives of this deed.
- 6.2 The Covenantor and the National Trust may agree on a Management Plan for the Covenant Area. The Covenantor and the National Trust may revise the Management Plan from time to time and will do so if reasonably required by the other party.
- 6.3 If any question arises in relation to managing the Covenant Area or any other matter concerning this deed then the Covenantor and the National Trust will use their best endeavours and act in good faith to promptly resolve the question amicably by conference and negotiation, provided that any resolution does not in any way diminish the purpose and objectives of this deed.
- 6.4 If the Covenantor is in default of their obligations under this deed (including any agreed Management Plan), the following will apply:
- 6.4.1 The National Trust may give notice (Default Notice) to the Covenantor stating:
 - the nature of the Covenantor's default
 - the reasonable actions required to remedy the default
 - a reasonable timeframe within which the Covenantor must remedy the default.
 - 6.4.2 If, on expiry of the Default Notice timeframe, the default has not been remedied, the National Trust will give further notice to the Covenantor:
 - requiring the remedial work to be done
 - specifying a further reasonable timeframe
 - explaining that if the default has not been remedied within the further timeframe the National Trust may arrange for the remedial work to be done and may recover full costs from the Covenantor as a debt payable on demand.

- 6.4.3 If, on the expiry of the further timeframe the default has not been remedied, the National Trust may arrange for the remedial work to be done and may recover full costs from the Covenantor as a debt payable on demand.

7 Pest plants and animals

- 7.1 It is the Covenantor's responsibility to control all pest plants and animals in the Covenant Area as required by any statute and, in particular, to comply with the provisions of, and any notices given under, the Biosecurity Act 1993 and the Wild Animal Control Act 1977.
- 7.2 The Covenantor must keep the Covenant Area free from any exotic species specified in any agreed Management Plan for the Covenant Area.

8 Fire

- 8.1 If fire threatens the Covenant Area the Covenantor must, as soon as practical, notify the appropriate fire authority.

9 Fences and gates

- 9.1 The Covenantor and the National Trust will agree from time to time on fencing requirements on the boundary of the Covenant Area as reasonably required to protect the Covenant Area from stock.
- 9.2 The fence on the boundary of the Covenant Area must protect the Covenant Area from stock types and/or stock levels on land adjacent to any boundary of the Covenant Area. If an adjacent land use has, or is likely to have, a detrimental effect on the Covenant Area, then the Covenantor must, at their own cost, erect and maintain appropriate stock-proof fencing on the affected boundary of the Covenant Area.
- 9.3 It is the Covenantor's responsibility to keep and maintain all covenant boundary fences and gates in good order, repair, and condition, including replacement, when reasonably required. The provisions of the Fencing Act 1978 apply on title boundaries.

10 Entry and access

Trust access

- 10.1 On giving reasonable notice to the Covenantor, the National Trust may through its officers, employees, contractors, or agents enter the Covenant Area for the purposes of:
- 10.1.1 Viewing the state and condition of the Covenant Area
- 10.1.2 Ascertaining Covenantor's compliance with the objectives, terms and conditions of this deed and any approved Management Plan
- 10.1.3 Remedying any default by the Covenantor pursuant to clause 6.4.

Public access

- 10.2 The Covenantor may, in their sole discretion, permit members of the public to enter and access the Covenant Area provided that in giving any such permission the Covenantor:
- 10.2.1 Gives due consideration to any specific management issues relating to the Covenant Area
- 10.2.2 Ensures that regard is had to the purpose and objectives of this deed during such access
- 10.2.3 In particular, ensures that the prohibitions set out in clause 4.2 are complied with during such access.

11 Survey of the Covenant Area

- 11.1 The Covenantor and the National Trust agree that the Covenant Area will be defined by survey and this deed will be registered on the title to the land containing the Covenant Area. The Covenantor authorises the National Trust to attach the survey plan approved by the Covenantor to this deed and to update the Schedule of Land with survey details after signing of this deed.
- 11.2 The Covenantor and the National Trust may agree to make amendments to the surveyed boundaries of the Covenant Area from time to time. This clause is subject to clause 12—any amendment to a survey of the Covenant Area shall be a variation to a term of this deed.

Part C—General provisions**12 Variations**

- 12.1 The National Trust and the Covenantor may vary the terms of this deed provided that any variation is in accordance with section 22A of the Act, which states that a variation cannot be contrary to the purpose and objectives of this deed.
- 12.2 No variation to the terms of this deed will have any force or effect unless it is in writing, signed by the National Trust and the Covenantor, and registered with LINZ.
- 12.3 The Covenantor and the National Trust agree that a variation to the terms and conditions of this deed under section 22A(1)(a) of the Act includes a variation to any term and condition in the deed, any schedule, and any term or condition in any schedule attached to this deed.

13 Privacy

- 13.1 The National Trust recognises the Covenantor's privacy rights and the close relationship of trust, co-operation, and partnership existing between the Covenantor and the National Trust.
- 13.2 The National Trust will keep confidential all information in its possession relating to:
- the Covenantor
 - the Covenantor's activities in the Covenant Area
 - management of the Covenant Area by the Covenantor
 - National Trust monitoring of the Covenant Area.
- 13.3 The National Trust will not disclose any private information without the prior written approval of the Covenantor except:
- 13.3.1 Where that is necessary to carry out the National Trust's obligations and enforce its rights under this deed
- 13.3.2 To the extent required by law or the order of any court of competent jurisdiction.
- 13.4 If the National Trust is required by law or court order to disclose any information referred to in clause 13.2, the National Trust shall seek to avoid or limit disclosure on whatever grounds are available to fully protect the Covenantor's rights to privacy.

14 Costs

- 14.1 If there is a need for the National Trust Board to enforce its duties or powers as the trustee of this covenant, the National Trust may require the Covenantor to pay for the National Trust's legal costs (as between solicitor and client).
- 14.2 The National Trust may require the Covenantor to pay the National Trust's costs associated with any variation to this deed requested by the Covenantor, including registration and administration costs.

15 Notices

- 15.1 Any consent, approval, authorisation, or notice given by the National Trust or its Board may be given in writing, signed by the Chief Executive, and delivered or sent by ordinary post to the last known residential or postal address of the Covenantor, or to the solicitor acting on behalf of the Covenantor.

16 Severability

- 16.1 If a clause or part of a clause of this deed can be read in a way that makes it illegal, unenforceable, or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- 16.2 If any clause or part of a clause of this deed is illegal, unenforceable, or invalid, that clause or part is to be treated as removed from this deed, but the rest of this deed will not be affected.

17 Governing law

- 17.1 This deed is governed by the law of New Zealand. The Covenantor and the National Trust submit to the non-exclusive jurisdiction of its courts and will not object to the exercise of jurisdiction by those courts on any basis.

18 Waiver

- 18.1 A waiver of any right, power or remedy under this deed must be in writing and signed by the party granting it. A waiver is only effective in relation to the particular obligation or breach for which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.
- 18.2 If a party is entitled to do something under this deed but fails or delays to do so, the entitlement is not waived.

19 Limitation of liability—trustees

- 19.1 If any Covenantor is a trust, then the trustees of that trust undertake that
- 19.1.1 The trust has approved entering into this deed
 - 19.1.2 The terms of that trust allow the trustee to enter that trust into this deed
 - 19.1.3 The deed is properly signed in accordance with the terms of that trust
 - 19.1.4 They have the right to be indemnified from the assets of that trust if that right has not been lost or impaired by any action of the trustee entering into this deed
- 19.2 If the trustee of that trust has no right to or interest in any of the assets of that trust except in that trustee's capacity as trustee of that trust, that trustee's liability under this deed shall not be personal and unlimited but shall be limited to the value of the assets of the trust that are available to meet that trustee's liability.

20 Counterpart deeds

- 20.1 This deed may be signed in any number of counterpart deeds (duplicate deeds). All counterparts, when taken together, will constitute one and the same deed. An approved party may enter into this deed by signing any counterpart.

21 Electronic communication

- 21.1 The National Trust and the Covenantor agree that this deed, or any other document associated with this deed, has legal effect whether it is received in electronic or paper form.
- 21.2 An electronic communication from the Covenantor allowing final agreed changes to the deed will have legal effect.
- 21.3 The paper original of any document provided in electronic form or by electronic communication must be made available to the National Trust on request.
- 21.4 Both parties to this deed agree that an original document is defined as either a paper original or as an electronic copy of the paper original.

22 Definitions and interpretation

- 22.1 In this deed, unless the context requires otherwise, the following definitions apply:
- Act** means the Queen Elizabeth the Second National Trust Act 1977
- Board** means the Board of directors of the National Trust in terms of section 4 of the Act
- Chief Executive** means the person appointed under section 18(1)(a) of the Act
- Covenant Area** means the area or areas of the land described in Schedule 2—Land as outlined and indicated on any plan in this deed
- Covenantor** means the person, persons, or other entity that from time to time are registered as the proprietor of the land that contains the Covenant Area
- Management plan** means a signed agreement between the Covenantor and the National Trust on managing the Covenant Area
- Open Space** has the meaning given to it in section 2 of the Act
- Open Space Values** are particular values on the land that are protected and maintained as Open Space.
- 22.2 In the event of any inconsistency between the general terms and conditions contained in Parts B and C of this deed and the special conditions contained in Schedule 1 annexed to this deed, Schedule 1 will prevail. In the event of any conflict between this deed, the special conditions contained in Schedule 1, and the Act, the Act will prevail.
- 22.3 In this deed, unless the context otherwise requires:
- 22.3.1 A reference to any law or legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision
- 22.3.2 A reference to any agreement or document is to that agreement or document as amended, novated, supplemented or replaced from time to time
- 22.3.3 A reference to a prohibition against doing anything includes a reference to not permitting, suffering, or causing that thing to be done
- 22.3.4 An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency

- 22.3.5 A reference to a clause, part, schedule, or attachment is a reference to a clause, part, schedule or attachment of or to this deed unless otherwise stated
- 22.3.6 All schedules and attachments to this deed form part of this deed.

Schedule 1—Special conditions

Special conditions relating to the Covenant Area

The following special conditions will apply in respect of the Covenant Area:

1 Naming

- 1.1 The Covenantor and the National Trust agree that the Covenant Area shall be known as Bullock Creek Hatchery Springs.

2 Walking tracks

- 2.1 The Covenantor, after consultation with the National Trust as to the designated route, may form safe walking tracks no wider than one and a half metres through the native vegetation on the Covenant Area provided that no live native vegetation with trunks or stems over 100 millimetres in diameter is cleared where that is practicably possible.

3 Enhancement planting

- 3.1 Within the Covenant Area, the Covenantor may:
- 3.1.1 Plant site-appropriate eco-sourced native species from within the Wanaka Ecological District.
 - 3.1.2 Relocate seedlings and small native plants.
 - 3.1.3 Gather seed from native plants.
- 3.2 If in the reasonable opinion of the National Trust, activities carried out under this clause are having or are likely to have a detrimental effect on the Covenant Area the Covenantor will adjust them in accordance with the reasonable direction of the National Trust.

4 Walking access easement

- 4.1 The terms of this Covenant are subject to walking access easement 11288983.1, which provides for pedestrian public access over Area A DP 525175. The Covenantor may approve works in the easement area which are provided for by the easement terms.
- 4.2 The Covenantor may formalise additional pedestrian public access, subject to the prior written approval of the National Trust.

5 Public recreation

- 5.1 The Covenantor and the National Trust acknowledge that this deed intends to provide for pedestrian public access as set out in objective 2.1.4 in Part A—Purpose and objectives, and that this access will generally be over the following areas:
- 5.1.1 Amenity areas as defined in clause 7 of this Schedule;
 - 5.1.2 The pedestrian public access over Area A DP 525175 as provided in easement 11288983.1; and
 - 5.1.3 Any additional areas as agreed by the Covenantor and the National Trust.
- 5.2 Despite clause 10.2 “Entry and access” in Part B—Terms and conditions, pedestrian public access shall be permitted on the Covenant Area, provided:
- 5.2.1 The Covenantor acknowledges that the provision of public access is the responsibility of the Covenantor alone, and that the Covenantor remains responsible for meeting their obligations under this deed.

- 5.2.2 In particular, the Covenantor will use reasonable endeavours to ensure that the prohibitions set out in clause 4.2 “Appearance and condition of the Covenant Area” in Part B—Terms and conditions, are complied with during public access.
- 5.3 If the Covenantor and the National Trust agree, public access to the Covenant area may be temporarily restricted for maintenance or health and safety purposes for the minimum time reasonably necessary.
- 5.4 If in the reasonable opinion of the National Trust based on general observations and findings from monitoring, public access is having or is likely to have a detrimental effect on the Covenant Area, the Covenantor will adjust public access over the Covenant Area in accordance with the reasonable direction of the National Trust.
- 5.5 The terms of this Covenant are subject to walking access easement 11288983.1. The Covenantor may approve works in the easement area which are provided for by the easement terms.
- 6 Amenity structures**
- 6.1 For the purpose of this clause, ‘amenity structures’ include:
- 6.1.1 Signage related to the Covenant Area;
 - 6.1.2 Board walks;
 - 6.1.3 Bridges;
 - 6.1.4 Viewing platforms;
 - 6.1.5 Interpretation panels; and
 - 6.1.6 Seating and other small structures.
- 6.2 The Covenantor may install, maintain, and replace amenity structures to enhance public recreation, provided:
- 6.2.1 The structures are installed for the better use or enjoyment of the Covenant Area;
 - 6.2.2 The National Trust is consulted prior to construction of any structures not listed in clause 6.1; and
 - 6.2.3 The Covenantor obtains all other necessary consents and permissions from other responsible authorities.
- 7 Amenity areas and exotic species**
- 7.1 The Covenantor and the National Trust agree that as of the date of this deed, the Covenant Area contains areas with exotic grasses and trees that provide amenity for public recreation (‘amenity areas’), specifically:
- 7.1.1 The northwestern side of Bullock Creek that is largely covered in exotic grasses; and
 - 7.1.2 Mature exotic trees including oaks (*Quercus*), silver birch (*Betula pendula*), weeping willows (*Salix babylonica*), and gums (*Eucalypteae*).
- 7.2 The Covenantor and the National Trust agree that amenity areas may be retained and maintained until the Covenantor wishes to restore these areas to indigenous vegetation.
- 7.3 In accordance with clause 4 “Appearance and condition of the Covenant Area” in Part B—Terms and conditions, the Covenantor shall:

- 7.3.1 Take all reasonable steps to control weed species including willows (*Salix*) (excluding weeping willows) and Douglas fir (*Pseudotsuga menziesii*) on the Covenant Area; and
- 7.3.2 Not plant any exotic species on the Covenant Area (excluding planting of the trees specified in clause 7.1.2. in amenity areas)
- 7.4 If an amenity area becomes established in native vegetation, it may no longer be retained or maintained as an amenity area, and the Covenantor must allow the area to revert to indigenous vegetation or revegetate the area in accordance with clause 3 of this Schedule.

8 Service shed

- 8.1 The Covenantor may construct and maintain a shed on the Covenant Area for the purposes of servicing the Covenant Area on the following conditions:
 - 8.1.1 That the Covenantor obtains the written approval of the National Trust as to the location of the shed within the amenity area on the south side of Bullock Creek;
 - 8.1.2 Clearance of native vegetation is kept to the minimum necessary to contain the shed dimensions;
 - 8.1.3 All relevant consents and permissions are obtained from other responsible authorities;
 - 8.1.4 The footprint of the shed does not exceed 4 square metres in total;
 - 8.1.5 The shed is constructed of natural materials to harmonise with the surrounding environment of the Covenant Area and does not comprise any permanent utility services; and
 - 8.1.6 The shed and the surrounding area are kept tidy and free of rubbish.

9 Fencing

- 9.1 The Covenantor and the National Trust agree that as of the date of this deed, the covenant boundaries are fenced as follows:
 - 9.1.1 The public access entrances are unfenced; and
 - 9.1.2 All other boundaries are fenced to a rabbit-proof standard,
- 9.2 The Covenantor and the National Trust agree that this fencing is appropriate as at the date of this deed, and that fencing shall otherwise be managed in accordance with clause 9 "Fences and gates" in Part B—Terms and conditions.

10 Dogs

- 10.1 As required by walking access easement 11288983.1, the Covenantor may allow members of the public to bring dogs on the Covenant Area, provided that the dogs are:
 - 10.1.1 Registered;
 - 10.1.2 Kept on a leash; and
 - 10.1.3 Kept under control at all times.
- 10.2 If in the reasonable opinion of the National Trust, activities carried out under this clause are having or are likely to have a detrimental effect on the Covenant Area, the Covenantor will adjust them in accordance with the reasonable direction of the National Trust.

11 Existing structures

- 11.1 The Covenantor and the National Trust acknowledge that as of the date of this deed, the Covenant Area contains structures (including a pump house, concreted areas, and pipes) that were used as part of the historic Bullock Creek trout hatchery.
- 11.2 The Covenantor may retain or remove these structures provided that the Covenantor take all reasonable steps to minimise damage to the Covenant Area.

12 Existing interests

- 12.1 The terms of this Covenant are subject to existing interests, in particular:
- 12.1.1 Water rights to take water over part marked spring on DP 9632 and BB on DP 406387 in Instrument 226616; and
 - 12.1.2 Drainage rights to drain stormwater, household drainage and effluent from a septic tank drain marked I on DP 406387 in Instrument 228976.
- 12.2 The Covenantor may approve works in the easement area which are provided with the easement terms subject to the Covenant Area being repaired and restored and in accordance with any reasonable direction of the National Trust.

13 Stormwater facility

- 13.1 The Covenantor and the National Trust agree that the Queenstown Lakes District Council may construct, maintain, and upgrade a stormwater facility on the north side of Bullock Creek, provided:
- 13.1.1 The Covenantor ensures that Queenstown Lakes District Council takes all reasonable steps to minimise damage in accordance with clause 5 "Third party access to the Covenant Area" in Part B—Terms and conditions.
 - 13.1.2 All relevant consents and permissions are obtained from other responsible authorities;

Open space covenant

Schedule 2—Land

Estate: Fee Simple

Area: Area [A] being [to be inserted] hectares DP [to be inserted]
(part Record of Title [to be inserted])

Total area being [to be inserted] hectares

Execution and date

Dated this day of 20 .

The common seal of the Otago Fish and Game Council

was affixed in the presence of:

Signature.....
Authorised signatory

Name

Signature.....
Authorised signatory

Name

The common seal of Queen Elizabeth the Second National Trust

was affixed in the presence of:

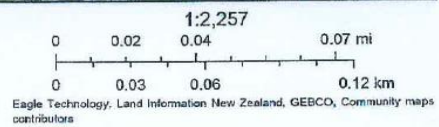
Chief Executive

16382 Otago Fish and Game Council - Bullock Creek



13/09/2022, 11:20:17 am

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|-------------------------------------|--------------------------------------|------------------------------|-------------------------------|
| QEII_NT_Covenant_Points_view_5311 | ● Gentianella calcis subsp. talko | QEII_NT_Fence_Lines_9069 | QEII_PreRegCovenants_8973 |
| ● Proposed | ● Ranunculus callianthus | — Existing fence | ■ Proposed |
| ● QEII_NT_Covenant_Blocks_view_7779 | ● QEII_NT_Notable_Site_5428 | **** Fence requiring upgrade | ■ LINZ_Property_Titles_1444 |
| ESL_Species_Locations_1120 | ● Gentianella calcis subsp. manahune | ----- Proposed fence | ■ LINZ_NZ_Primary_Parcel_4614 |
| | | Unfenced | |



QEII National Trust

Eagle Technology, Land Information New Zealand, GEBCO, Community maps contributors | Bay of Plenty Regional Council | The digital layer of open space covenant block locations has been derived from the QEII National Trust covenant database QUIC. The data is created by QEII National

7.2 Draft Meeting Schedule 2022-2023

The following meeting schedule has been developed based on previous years but also considering the NZC meeting schedule (inwards correspondence from NZC in this agenda).

Planning meeting clash

One clash with NZC meeting dates was noted which was for the February planning meeting. The option of the weekend of the 18th and 19th February 2023 has been proposed and circulated to you. Fortunately, the February planning meeting is to be held in Dunedin so the need to book a meeting venue is not necessary.

Several other items need further discussion – A potential meeting at Otakou Marae, a joint meeting with Southland and what (if any) policy Council would like to review.

Final note is that it is all subject to change and we should remain flexible. This will be especially important as aspects of the Ministerial Review roll out and Council feedback is required between these dates.

Recommendation

That Council adopt the draft meeting schedule for 2022-2023

Ian Hadland
Chief Executive
21.09.22

DRAFT Meeting Schedule 2022-2023

Date	1st December 2022 (+AGM)	18th & 19th Feb 2023	23rd March 2023	18th May 2023	20th July 2023	28th September 2023	30th Nov 2023 (+AGM)
Venue	Cromwell	Dunedin	Roxburgh	Marae (TBC) or Dunedin	Roxburgh	Dunedin	Tapanui?
Time	11:45am Lunch 12:30pm Meeting 3pm AGM	12pm Saturday to 1pm Sunday	12:00pm Lunch 12:30pm meeting	TBC	11:45am Lunch 12:30pm meeting	11:45am Lunch 12:30pm meeting	11:45am Lunch 12:30pm Meeting 3:00pm AGM
Planning, Licence fees and Budgets	Adopt Annual Report	Strategic Planning session	Approve draft Operational Workplan and budget	Final Licence fee recommendation	Adopt final OWP and Budget	Approve draft set of accounts for audit	Adopt Annual Report
Governance		Election of officers		Executive meeting (CE review)	Exec meeting - Finalise CE review	Confirm meeting schedule for following year	
Regulations	3:00pm AGM	Approve Game Gazette Draft report on Anglers Notice changes		Approve Anglers Notice			
Health and safety		H&S self Audit report	Bi monthly report	Bi monthly report	Bi monthly report	Bi monthly report	Adopt H&S policy
Policy Review and other		Select policy for review? Governance and standing orders?			Schedule of legislative compliance	Compliance Guidelines	Joint meeting with Southland in evening?

Note: Elections and Ministerial Review implementation may require additional meetings.

Adopted by Council **September 2022**

Otago Fish and Game Council Meeting 29th September 2022

7.3 Offence Guidelines For Otago Region – September 2022

The purpose of these guidelines is to guide staff and rangers on the relative seriousness of fish and game offences as the Council sees them. In establishing the guidelines it is important to stress that each case will be considered on its individual merits. The Council has delegated decisions on enforcement action to the Chief Executive.

Offending by minors

Offences relating to children are very difficult to deal with. In the field, rangers are instructed to be very cautious in their approach to them when investigating any offending. An explanation of what they are doing wrong and asking them to stop is ordinarily all that is required.

For more serious offences, rangers and staff are asked to request their name, address and telephone number so that the Council can follow the matter up with a parent or guardian. The Children, Young Persons and their Families Act 1989 requires that persons under 17 years of age must have their rights explained including not having to make a statement and having a legal guardian or lawyer present when they do.

OF&GC has never taken prosecutions against minors since establishment in 1990.

Offending by adults

Offences by adults can be dealt with in three ways:

a) Prosecution through the Courts

This is appropriate for more serious offences and for ones where significant non co-operation is encountered. Court action is expensive and fines, court costs and legal fees rarely do more than cover lawyers costs and staff time. There is also a degree of uncertainty over the outcome. A judge may accept an offenders excuses or perceive fish and game offences as relatively trivial. In going to Court we have to weigh up the chances of success and risks from failure.

All Court prosecutions must meet the provisions of the 'Solicitor- Generals Prosecution Guidelines - July 2013.'¹

b) Diversion through the Courts

This may be appropriate for single offences or for offences where there are no aggravating circumstances such as obstruction. The prosecution prepares charging documents and submits these to the registrar. A hearing date is fixed. In the time ahead of the fixture date a

¹ <http://www.crownlaw.govt.nz/assets/Uploads/Prosecution-Guidelines/prosecution-guidelines-2013.pdf>

diversion arrangement is agreed to and completed and then the prosecution is withdrawn. If diversion is not completed, the matter carries right through to full court prosecution.

c) Warnings

Warnings can be given where there are clear mitigating circumstances or for less serious offences. While not encouraged, rangers have the ability to give an on the spot warning. If they have any doubts they should complete an offence notice. In those cases a more formal written warning may be given or alternative action taken.

Diversion

For practical reasons, a simple financial contribution to the Councils Habitat Enhancement and Research Fund (HERF) is requested. (see schedule below) If the diversion offer is accepted and the contribution is made, the matter is resolved quickly saving considerable Fish & Game and Court time. It also saves the offender from having a conviction recorded against their name. However, their details are recorded on our national compliance database so they are not given the same opportunity to resolve offending by diversion at some future point, or in another Region.

Diversion is appropriate for offenders who:

- Are first time offenders against Conservation or Wildlife Act
- Fully cooperated with Ranger at time of apprehension
- Were not involved in any aggravating circumstances eg. obstruction, false details or misleading information
- Have not committed 3 or more regulation offences or, in the case of fishing/hunting without a licence, any additional offences.

Diversion may also be offered to other offenders under special circumstances on a case by case basis. Examples might include:

- Young adult offenders (university students for instance)
- Overseas tourists
- Offenders intending heading overseas before a potential court date

Diversion Amount

The size of the diversion payment is graduated according to the seriousness of the offence and where possible is largely based on the average fines handed down by the court for the same or similar offences. A table below contains a scale of payments for various offences. These figures have been set after discussion with compliance staff in other regions and will be reviewed and adjusted periodically.

Use of Diversion Payment Funds

Any diversion payments made are receipted and will be banked into a dedicated Habitat Enhancement and Research Fund and not used for general operational expenses and must be used within Otago Region. The fund will be distributed by grants or used for projects in three areas:

- **Sportsfish Habitat Enhancement** e.g. streamside restoration projects, subsidised plantings, fencing of spawning areas.
- **Gamebird Habitat Enhancement** e.g. wetland creation projects, grants to private landowners, wetland fencing and plant subsidies
- **Sportsfish or gamebird research** eg Seed funding for MSc or PhD students dedicated to research of sportsfish or gamebirds or their habitats.

Grants are to be made from the fund in accordance with the Otago Councils HERF application and approval process. A document containing 'preferred criteria' has been established to help guide applicants.

Failure to complete Diversion

Failure or refusal to complete Diversion will result in court prosecution. As such, in all cases where diversion is offered a prima facie case must first be established.

Action guidelines table for common offences

Sports Fisheries Offences

Offence	Act/Regulations	Course of Action
Fishing without a sportsfish licence	Conservation Act s26ZI	Diversion
Fishing without a backcountry licence	Conservation Act s26ZI	Diversion
Fishing outside of nominated region	Conservation Act s26ZI	Diversion
Non-compliance with Anglers Notice (eg Using more than one rod)	Conservation Act s26 R (6)	Diversion
Failure to produce licence	Fresh.Fish. Regs s20	Warning
Disturbing spawning fish/grounds	Conservation Act s26ZJ(1)	Court Prosecution
Obstruction	Conservation Act s41	Court Prosecution
Fishing out of season	Conservation Act s26ZP	Diversion
Failure to give name & address	Fresh.Fish. Regs. s20	Court Prosecution
FWL when coupled with other offences (Obstruction etc) three or more regulations offences	Conservation Act	Court Prosecution

Gamebird Offences

Offence	Act/Regulations	Course of Action
Hunting without a licence	Wildlife Act s19(1)	Diversion
Breach of Game Gazette conditions (eg. Over bag limit, lead shot)	Wildlife Act s6(3)	Diversion
Failure to produce licence	Wildlife Act s61(2)	Warning
Using more than one shotgun	Wildlife Act s18	Diversion
Obstruction	Wildlife Act s40	Court Prosecution
Hunting out of season	Wildlife Act s67	Court Prosecution
Taking absolutely protected wildlife	Wildlife Act s63	Court Prosecution
Taking (<2) partially protected wildlife (eg Grey Teal)	Wildlife Act s63	Diversion
Failure to give name & address	Wildlife Act s66 (2)	Court Prosecution
HWL when coupled with other offences (obstruction etc) or three or more regulations offences	Wildlife Act	Court Prosecution

Diversion levels for common categories of offences

Offence	Section	Diversion Fee	Average Fine	Range
Fishing without a licence	Conservation Act s26ZI	\$500*	\$513	\$200 - \$700
Fishing without a backcountry licence	Conservation Act s26ZI	\$200*	No cases	No cases
Fishing outside of area named on Local Area licence	Conservation Act s26ZI	\$200*	No cases	No cases
Non-compliance with Anglers Notice (eg Using more than one rod etc)	Conservation Act s26 R (6)	\$200*	No cases	No cases
Fishing out of season	Conservation Act s26ZP	\$200*	No cases	No cases

Hunting without a licence	Wildlife Act s19(1)	\$600*	\$510	\$300-\$700
Breach of Game Gazette conditions (eg. Over bag limit, lead shot)	Wildlife Act s6(3)	\$500*	\$487	\$250 -\$700

- Plus summons service fee of \$100 (if summons served in person)

Additional Notes:

- Diversion levels are in line with Southland and Central South Island Region levels.
- Average fines do not include court costs (generally \$130) or solicitors fees (range between \$75 and \$250) or the forfeiture of shotguns or fishing equipment
- Information based on last 10 years of prosecutions in Otago and Southland Region.
- Prosecution guidelines and diversion donation levels last approved by Council in November 2021

Recommendation

- A. That the prosecution guidelines be adopted, and the schedule of diversion payment levels be confirmed for use from this point onwards.***

Or

- B. That the prosecution guidelines be adopted, and the schedule of diversion payment levels be adjusted upwards (to be confirmed) noting that these have not changed since their first adoption in 2016.***

**Ian Hadland
Chief Executive
September 2022**

8.0 Public Excluded Items

- 8.1 Public Excluded minutes of Otago Fish and Game Council meeting held 21st July 2022**
- 8.2 NIWA Contract for Lakes Acoustic Surveys**
- 8.3 MOU Friends of Bullock Creek**
- 8.4 Habitat Enhancement Fund Application – Pinders Pond**
- 8.5 Wanaka Hatchery Site Update**
- 8.6 Contact Energy Trust Deed and Funding agreement Update**

9.0 Financial Report

Draft Finance and Licence Sales 31st August 2022

9.1 Draft Finance Reports

The draft financial Profit and Loss report and Balance sheet for the period from 1st September 2021 to 31st August 2022 is below.

Adjustments may yet be made ahead of the Audit but the Council is being asked to adopt the enclosed Profit and Loss statement as a draft for the Auditors.

Draft expenditure at the 31st August 2022 for the 2021/22 financial year is \$2,307,644 (including levies \$959,241, agent commission \$85,709, depreciation \$60,101.

This also includes \$71,102 of spending from our reserves.

The annual expenditure budget \$2,137,042.

Budget and expenditure figures are exclusive of GST.

The draft accounts show a surplus at 31st August 2022 of \$13,007

Bank Funds Position at 31st August 2022

ANZ 00 account \$265,234.77

ANZ 70 account \$166,626.29

Term Investments as at 31st August 2022

ASB 0079 \$371,049 @ 2.85% Maturing on 11th January 2023

ANZ \$501,110 @ 2.35% Maturing on 16th November 2022

Donations and Grants (not in budget)

Who	For	Amount GST excl
General	Donation	9
QLDC	Bullock Creek Plantings	470
Rippon Vineyard	Bullock Creek Planting	300
Kaiwhakahaere Kaupapa Taiao	Bullock Creek Planting	519
Soho McCulloch	Bullock Creek Planting	600
Donation Tin Bullock Creek	For Bullock Creek	331
Otago Community Care Trust	Take Kid Fishing Events	2,020
Total		\$4,249

Doubtful Debtors

nil

Capital Expenditure and Sales

Purchased a fish transporter trailer from NZ Salmon Anglers Association for fish deliveries.

Two cellphones and two docking stations for laptops also replaced

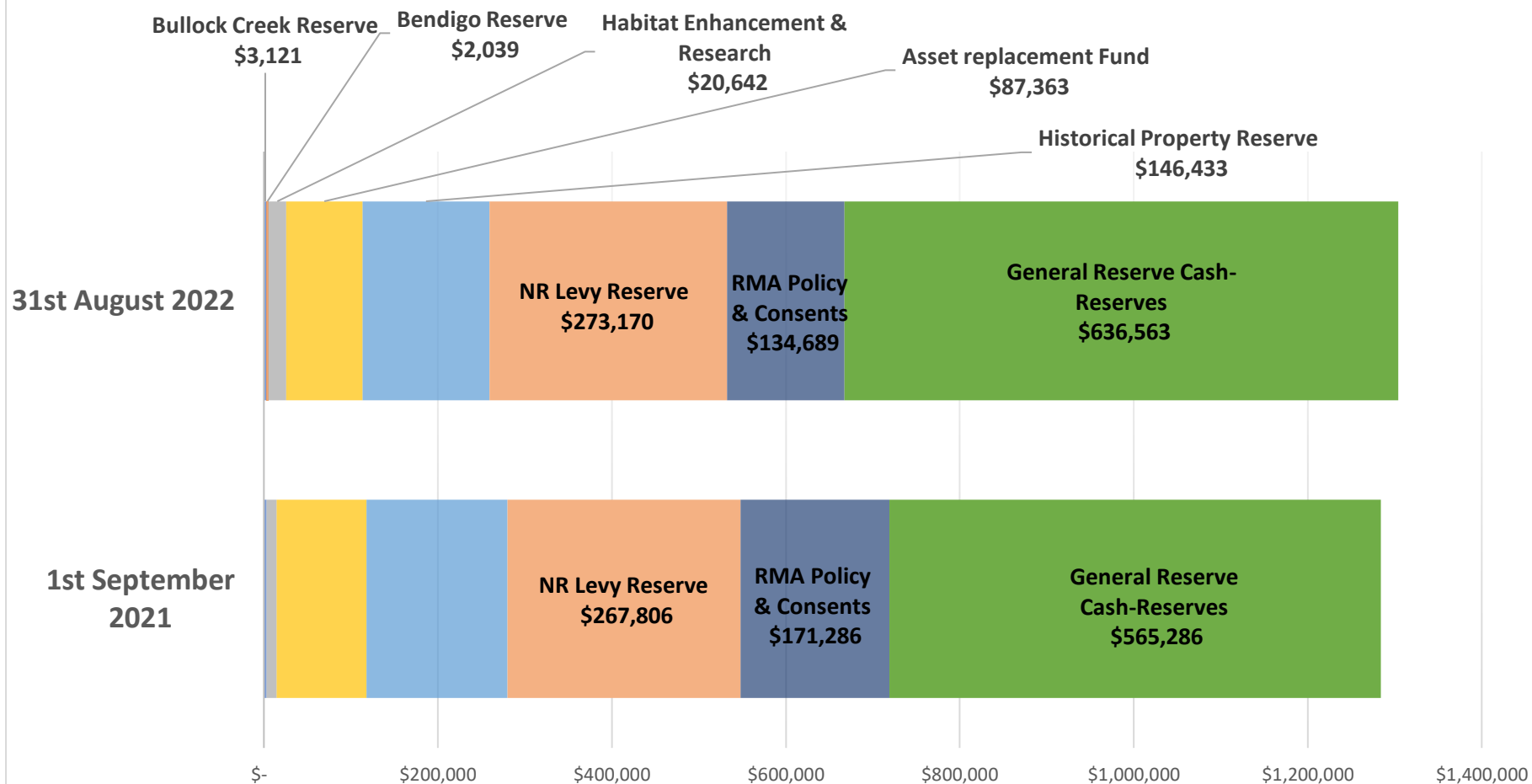
Otago Fish and Game Reserves 31st August 2022

Otago Fish and Game Council Meeting 29th September 2022

Otago Reserves Movements	Balance August 2021	Income (To) Reserve	Note	Outgoing (From) Reserve	Balance Sept 2022
Back Country Non-resident Levy	\$267,806	\$10,364	1	\$5,000	\$273,170
Habitat Enhancement & Research	\$11,756	\$14,700	2	\$5,814	\$20,642
Bullock Creek Reserve	\$2,806	\$4,620		\$4,305	\$3,121
Bendigo Reserve		\$3,414	9	\$1,375	\$2,039
Mining Rights Reserve	\$17,537		3	\$	\$17,537
Priority Consents Reserve	\$55,507		7	\$13,809	\$41,697
Historical Property Reserves	\$161,678		4	\$15,245	\$146,433
Renovation Reserves	\$2,767			\$2,767	\$0
Regional Policy Statement Reserve	\$59,349		5	\$14,970	\$44,379
Priority Plan Changes	\$38,893		6	\$7,817	\$31,076
Total	618,099			\$71,102	\$580,094
NZC RMA/Legal Funding					
Regional Policy Extra		\$60,000	8	\$	\$60,000

- Note 1 \$5000 a year for five years is to be taken from the Non resident fund for the Dr Donald Scott University Fund beginning. Agreed by Council May 2021. 2021/22 is year two.
- Note 2 Balance is \$20,642. Less committed but not yet paid out of \$9,500 so balance of \$11,142 is available for dispersal by way of grants.
- Note 3 \$150,000 (Mining Rights) approved prior to 2018 by NZC from our reserves. Includes \$80,000 of Lindis expenses, agreed by Council July 2019.
- Note 4 Historical Property Reserve, used on development of the Wanaka site
- Note 5 OF&GC agreed to \$60,000 May 2020. NZC notified.
- Note 6 OF&GC agreed to \$120,000 May 2020. NZC notified. \$81,000 agreed to be spent by council September 2020.
- Note 7 OF&GC agreed to \$60,000 May 2020. NZC notified.
- Note 8 August 2021 NZC approved the use of \$60,000 to be reimbursed by the Regional RMA legal fund towards our Regional Policy Planning Costs
- Note 9 May 2022 council agreed to Habitat Enhancement funds for Bendigo

MOVEMENT IN RESERVES FROM 1ST SEPTEMBER 2021 TO 31ST AUGUST 2022



Profit and Loss

Otago Fish and Game Council For the year ended 31 August 2022

	JUL 2022	AUG 2022	YTD ACTUAL	YTD BUDGET	VARIANCE	% OF YTD BUDGET	ANNUAL BUDGET	LAST YEAR
Income								
Licence Sales								
Fish Licence Sales	8,636	(134,557)	1,750,886	1,690,619	60,267	104%	1,690,619	1,682,748
Non-Resident Licence Revenue	1,815	2,484	10,364	-	10,364	-	-	6,839
Game Licence Sales	332	451	340,189	323,364	16,825	105%	323,364	341,516
Total Licence Sales	10,783	(131,621)	2,101,439	2,013,983	87,456	104%	2,013,983	2,031,103
Other Income								
Contact Energy Mitigation Income	-	-	94,109	-	94,109	-	-	53,911
Govt Grants	-	-	1,210	-	1,210	-	-	-
Interest Income	2,338	5,499	14,008	4,840	9,168	289%	4,840	5,064
Fines - Fishing & Game Offences	23	39	265	2,000	(1,735)	13%	2,000	1,714
Rent Received	7,591	3,111	60,320	50,590	9,730	119%	50,590	68,479
Fishing Competitions	-	35	493	-	493	-	-	1,526
Profit on Sale of Fixed Assets	-	-	22,080	-	22,080	-	-	21,198
Donations & Grants	250	-	4,249	-	4,249	-	-	2,674
Merchandise Sales/Other	-	3,588	196	-	196	-	-	(249)
RMA Costs Reimbursed	-	-	-	-	-	-	-	49,853
Sundry Income	1,000	-	7,582	-	7,582	-	-	1,537
Diversion - Habitat Enhancement and Research Fund	3,900	-	14,700	-	14,700	-	-	6,500
Total Other Income	15,102	12,272	219,212	57,430	161,782	382%	57,430	212,207
Total Income	25,885	(119,349)	2,320,651	2,071,413	249,238	112%	2,071,413	2,243,309
Gross Profit	25,885	(119,349)	2,320,651	2,071,413	249,238	112%	2,071,413	2,243,309

	JUL 2022	AUG 2022	YTD ACTUAL	YTD BUDGET	VARIANCE	% OF YTD BUDGET	ANNUAL BUDGET	LAST YEAR
Expenses								
Species Management								
Population Monitoring	-	-	12,844	31,000	(18,156)	41%	31,000	10,568
Harvest Assessment	-	3,500	3,500	3,000	500	117%	3,000	2,704
Hatchery Operations	1	(17,424)	1,792	9,000	(7,208)	20%	9,000	7,983
Releases	(48)	136	911	1,800	(889)	51%	1,800	585
Game Bird Control compliants	-	-	750	-	750	-	-	-
Total Species Management	(47)	(13,788)	19,797	44,800	(25,003)	44%	44,800	21,840
Habitat Protection & Mngt								
Contact Sports Fish Management Plan	5,748	1,185	53,487	-	53,487	-	-	36,219
Resource Mngt Act	170	-	57,010	2,000	55,010	2,850%	2,000	1,266
Works & Management	-	1,685	3,131	5,000	(1,869)	63%	5,000	7,277
Habitat Enhancement Research Fund Grants	-	-	3,414	-	3,414	-	-	5,739
Total Habitat Protection & Mngt	5,918	2,870	117,042	7,000	110,042	1,672%	7,000	50,501
Participation								
Access and Signage	1,005	177	2,681	2,500	181	107%	2,500	1,892
Back Country Surveys/Monitoring	-	-	-	-	-	-	-	822
OF&G Training Events	-	174	2,023	2,000	23	101%	2,000	804
Club Relations and Grants	-	667	1,132	1,000	132	113%	1,000	918
Total Participation	1,005	1,018	5,836	5,500	336	106%	5,500	4,437
PUBLIC INTERFACE								
World Wetlands	-	-	-	1,000	(1,000)	-	1,000	-
Liaison	-	-	566	9,000	(8,434)	6%	9,000	111
Media Releases	470	(310)	1,215	7,000	(5,785)	17%	7,000	833
Total PUBLIC INTERFACE	470	(310)	1,781	17,000	(15,219)	10%	17,000	944
COMPLIANCE								

	JUL 2022	AUG 2022	YTD ACTUAL	YTD BUDGET	VARIANCE	% OF YTD BUDGET	ANNUAL BUDGET	LAST YEAR
Ranger Training and Expenses	-	1,567	6,543	6,500	43	101%	6,500	1,795
Compliance	26	-	26	5,000	(4,974)	1%	5,000	8,621
Total COMPLIANCE	26	1,567	6,569	11,500	(4,931)	57%	11,500	10,415
LICENCING								
Agent Servicing	-	188	441	500	(59)	88%	500	177
Commission/Fees	501	1,593	85,709	90,629	(4,920)	95%	90,629	81,876
Total LICENCING	501	1,781	86,150	91,129	(4,979)	95%	91,129	82,054
COUNCIL								
Elections Council	-	-	-	500	(500)	-	500	-
Council Meetings	361	1,304	14,080	15,000	(920)	94%	15,000	8,080
Total COUNCIL	361	1,304	14,080	15,500	(1,420)	91%	15,500	8,080
PLANNING & REPORTING								
Reporting/Audit	-	13,000	15,519	16,000	(481)	97%	16,000	17,689
National Liason	-	-	248	2,000	(1,752)	12%	2,000	421
Total PLANNING & REPORTING	-	13,000	15,767	18,000	(2,233)	88%	18,000	18,110
ADMINISTRATION								
Salaries	59,740	81,513	745,060	776,272	(31,212)	96%	776,272	675,407
Staff Expenses	1,805	8,341	20,914	19,000	1,914	110%	19,000	23,279
Office Premices	10,449	4,669	105,980	95,600	10,380	111%	95,600	100,740
Office Equipment	38	327	2,802	2,500	302	112%	2,500	5,409
Communications	1,274	1,916	20,367	22,800	(2,433)	89%	22,800	20,836
General Exp (incl Insurance)	87	282	2,794	3,900	(1,106)	72%	3,900	3,173
General Field Equipment	10	47	2,962	3,300	(338)	90%	3,300	1,334
Vehicles	3,651	5,658	55,113	44,000	11,113	125%	44,000	43,901
Total ADMINISTRATION	77,054	102,753	955,993	967,372	(11,379)	99%	967,372	874,079
Approved Reserve Expense	512	8,686	60,289	-	60,289	-	-	141,000

	JUL 2022	AUG 2022	YTD ACTUAL	YTD BUDGET	VARIANCE	% OF YTD BUDGET	ANNUAL BUDGET	LAST YEAR
Depreciation	5,338	5,391	60,101	-	60,101	-	-	61,476
Loss on Disposal	-	-	-	-	-	-	-	188
NZ Fish & Game Levies	239,810	-	959,241	959,241	-	100%	959,241	711,804
Office General (was Petty cash)	-	-	-	-	-	-	-	51
Wanaka Subdivision	-	-	-	-	-	-	-	10,366
University of Otago Research Grant	-	-	5,000	-	5,000	-	-	5,000
Total Expenses	330,947	124,272	2,307,644	2,137,042	170,602	108%	2,137,042	2,000,346
Net Profit	(305,062)	(243,621)	13,007	(65,629)	78,636	-20%	(65,629)	242,964

Balance Sheet

Otago Fish and Game Council As at 31 August 2022

	31 AUG 2022	31 AUG 2021
Assets		
Current Assets		
Bank	432,082	720,937
Receivables		
Accounts Receivable	77,117	23,078
Total Receivables	77,117	23,078
GST	43,274	28,120
Investments	872,159	563,977
Inventory	21,151	17,222
Accrued Interest	4,959	803
Total Current Assets	1,450,741	1,354,137
Fixed Assets		
Property Plant & Equipment	1,348,413	1,359,279
Total Fixed Assets	1,348,413	1,359,279
Credit Card SM 6180	(3,799)	-
Total Assets	2,795,356	2,713,416
Liabilities		
Current Liabilities		
Accounts Payable	74,951	45,252
Other Payables	192,013	163,393
Employee Entitlements	60,441	53,331
Salmon Endorsement	91	-
Total Current Liabilities	327,496	261,977
Total Liabilities	327,496	261,977
Net Assets	2,467,860	2,451,439
Equity		
Accumulated Funds		
Accumulated Funds	1,607,045	1,364,081
Current Year Earnings	13,007	242,964
Transfer (To)/From Reserves	180,351	122,678
Total Accumulated Funds	1,800,403	1,729,722
Dedicated Reserves		
Non Resident Levy Reserve	273,170	267,806
Habitat Enhancement & Research	20,642	11,756
Priority Plan Changes Reserve	31,076	38,893
Priority Consents Reserve	41,697	55,507
Regional Policy Statement Reserve	44,379	59,349
Mining Privileges Reserve	17,537	17,537

	31 AUG 2022	31 AUG 2021
Historical Property Reserve	146,433	161,678
Renovation Reserve	-	2,767
Asset Replacement Funding	87,363	103,618
Total Dedicated Reserves	662,296	718,910
Restricted Reserves		
Bullock Creek Reserve	3,121	2,806
Bendigo Reserve	2,039	-
Total Restricted Reserves	5,161	2,806
Total Equity	2,467,860	2,451,439

9.2 Licence Sales

In July 2022 a new sales platform was installed for both agency and online public sales of fishing and hunting licences.

Fish Licence Sales 2021/22 Season to 31st August 2022

See appendix 1 for a table showing fish licence sales categories and volumes. This table shows fish licences sales for seasons 2021/22 and 2020/21 to the end of August of the season.

In summary, fishing licence sales in whole season licence equivalents (LEQs) 14,743.72 LEQs compared with 14,498.17 LEQs for the same period last year

Fish licence revenue from the Profit and Loss statement for the 2021/22 season recorded to 31st August 2022 total \$1,761,250 compared with \$1,689,587 for the 2020/21 season. These figures include both resident and non resident sales. Figures exclude GST and commission to agents.

The 2021/22 budget for fish licence sales is \$1,690,619 exclusive of GST.

Fish Licence Sales 2022/2023 Season to 31st August 2022

The new season fishing licences went on sale on the 18th August 2022. The income from these sales has been moved into the new years financial statements as income in advance.

Game Licence Sales 2022

See table following for game licence sales categories and numbers. Comparing seasons 2022 and 2021.

In summary, game licence sales in whole season licence equivalents (LEQs) 4,076.87 LEQs for the 2022 season compared with 4,178.76 LEQs for the full 2021 season.

Game licence revenue from the Profit and Loss statement for the 2022 season recorded to 31st August 2022 totals \$340,189 compared with \$341,516 for the 2020/21 season. Figures exclude the Game Bird Habitat Fund fee of \$4 per licence, GST and commission to agents. The 2022 budget for Game Licence Sales is \$323,364 exclusive of GST.

9.5 Agents Debts

Nil

9.6 Recommendations

- 1. That the profit and loss statement provided above be adopted as a draft set of account for Audit.***
- 2. That the Financial Report be received.***

Sharon Milne
Administration Officer
21/09/2022

Fishing Licence Sales Till the 31st August of the Season

2021/22

Sales Ch	FWFA	FWA	FWNA	FSLA	FLAA	FWIA	FLBA	FSBA	FDA	FDNA	FWJ	FWNJ	FDJ	FDNJ	FWC	FWNC	FDNC	Total	Fish LEQ
Public	2123	2567	94	306	418	227	25	432	2605	239	467	13	276	9	1381	6	14	11202	6,883.65
Agency	2415	3494	16	749	171	150	10	232	760	127	410	1	74	9	26	0	14	8658	7,825.46
ESL	11	10	0	5	1	2	1	9	1	0	0	0	0	0	2	0	0	42	34.61
Total	4549	6071	110	1060	590	379	36	673	3366	366	877	14	350	18	1409	6	28	19902	14,743.72

2020/21

Sales Ch	FWFA	FWA	FWNA	FSLA	FLAA	FWIA	FLBA	FSBA	FDA	FDNA	FWJ	FWNJ	FDJ	FDNJ	FWC	FWNC	FDNC	Total	Fish LEQ
Public	1966	2499	90	282	415	186	28	426	2385	196	436	4	251	9	1195	1	8	10377	6,508.43
Agency	2499	3497	27	711	177	156	14	253	913	57	415	0	124	5	41	0	3	8892	7,956.9
ESL	8	13	0	9	0	0	0	1	8	1	0	0	0	0	6	0	0	46	32.83
Total	4473	6009	117	1002	592	342	42	680	3306	254	851	4	375	14	1242	1	11	19315	14,498.17

FWF (Family), FWA (Adult), FWNA (Non Resident), FSLA (Senior Loyal), FLAA (Local Area),

FWJ (Junior), FWNJ (Junior non resident), FLBA (Long Break), FSBA (Short Break), FDA (Adult Day), FDJ (Junior Day)

FDNJ (day non resident Junior), FWNC (non resident Child), FDNC (day non Resident child day)

Otago Game Season Sales for 2022 and 2021

2022								
Channel	GWA	GWJ	GWC	GDA	GDJ	fishTotal	Total	Game LEQ
Public	815	82	25	35	1	0	958	838.2
Agency	3183	240	68	16	0	0	3507	3,233.67
ESL	5	0	0	0	0	0	5	5
Total	4003	322	93	51	1	0	4470	4,076.87

2021								
Channel	GWA	GWJ	GWC	GDA	GDJ	fishTotal	Total	Game LEQ
Public	709	87	35	41	2	0	874	734.96
Agency	3384	262	82	18	0	0	3746	3,440.6
ESL	3	1	0	0	0	0	4	3.2
Total	4096	350	117	59	2	0	4624	4,178.76

GWA Full Season Adult, GWJ Full season Junior, GWC Full season Child
 GDA Adult Day, GDJ Junior Day

10.0 Chief Executives Report

10.1 Chief Executives Report - September 2022

Progress Against Councils 3 Year Strategic Priorities

Staff will shortly be reporting fully on the outcomes against the strategic objectives via the annual report so will not duplicate that here. The year isn't sufficiently advanced to make reporting against the objectives for the current year worthwhile so will simply update the Council on work areas below. Regular reporting will resume at the December meeting.

10.2

10.2.1 SPECIES MANAGEMENT

Pukeko and Shoveler monitoring

Reports for both shoveler and pukeko monitoring are attached to this agenda. Neither suggest changes to the regulations for those species will be required to maintain sustainable populations. In saying that, there is some national concern about the slight decreasing abundance of shoveler and this could be taken up in December when the draft Game Gazette notice is considered.

Gamebird Harvest

The gamebird harvest survey is complete for the season and has been reported on in this agenda. Hunter effort continues to decrease over time and is increasingly focused on opening weekend. Staff are discussing ways to ensure gamebird hunters get value from their licences by making better use of the three month season.

Lakes Fisheries Monitoring

Surveys have begun on Lake Hawea and this will continue at a rate of 4 days per month for the season. Plans are in place for an opening weekend ranging event at Poolburn Reservoir.

Hatchery and Liberations

Liberations of yearling class fish to approved waters is underway and will be completed by months end. Eggs are also being harvested at the hatchery for next years stock.

Regulations

There has been a further permit application for Tenkara fishing (fishing with a fixed line rather than a running line). It's for a limited range of waters. Staff will need guidance on how to reply.

For discussion

10.2.2 HABITAT PROTECTION AND MANAGEMENT

Contact Energy – Lower Clutha Sportsfish Management Plan Implementation

The sportsfish and habitat projects funded by Contact Energy have been reported in this agenda and a similar programme of works has been agreed this year. One of the larger projects is to have a student analyse the otoliths gathered from Lower Clutha Trout and match the life histories to tributary streams. That should provide an interesting insight into which tributaries of the lower Clutha are the highest value.

An item in the Public Excluded part of the agenda will cover the draft Trust Deed and funding agreement.

10.2.3 USER PARTICIPATION

Access

A road stopping proposal in the Clydevale area of the Clutha River which went before the Clutha District Council has been halted pending further negotiations with the landowner. The unformed legal road is used by anglers at present but this has evidently become a health and safety issue for the landowner. Staff have communicated the Councils policy of 'like for like' swaps of unformed legal roads but unfortunately the owners provided a rather substandard option as mitigation. Staff will continue to work alongside the Walking Access commission to reach a net positive outcome.

F&G Magazine

The angling season magazine has been distributed and the Otago pages were well received. Attention will soon turn to content for the game season issue.

Backcountry Fisheries

NZC adopted a Pressure Sensitive fisheries regime as 'Policy' recently and have asked regions to consider what, if any, fisheries will be added to the Designated Waters list. That will be an item for the December meeting when the structure of the designated waters is more tightly defined.

Take a Kid Fishing Events

The Councils flagship event has gone very well with over 500 kids plus their parents attending the 4 events. The media has also taken an interest and it drives considerable traffic to our social media platform.

10.2.4 PUBLIC INTERFACE

Media

Media coverage is picking up with the start of the angling season and will continue to build over this month. The reports to be adopted in this agenda will no doubt generate media interest.

10.2.5 COMPLIANCE

Prosecutions

Most of the hunting offences and the backlog of angling offences gathered over the summer have been now been cleared with all being resolved by way of Council approved Diversion. A full report attached to this agenda.

The Prosecution Guidelines are also in this agenda for adoption 7.4.

Rangers

Training for ranger safety has been completed with two new rangers also able to take part. Both have since been recommended for appointment to the NZC Chief Executive. We are still looking for more volunteers to fill a few vacancies in our ranger team, especially in Central Otago.

10.2.6 LICENCING

Licence system upgrade

An upgraded licencing system went live in late July and has been running efficiently enough. Any bugs are being quickly ironed out. Although delayed, the roll out has gone better than expected and most agents have been quick to learn the new system.

10.2.7 COUNCIL

Organisational Review and Amalgamations

Very little has happened since the last meeting but with the NZC CE attending our meeting we can seek an update.

Staffing

As you will be aware, the Operations Manager role has been filled and David Priest will start mid October. That allows a tidy overlap with Paul van Klink who departs at the start of November. Advertising for the F&G officer role in the Cromwell office will begin shortly and that should bring the staffing back to full strength.

10.2.8 PLANNING AND REPORTING

Audit

End of year audit is presently underway with the first step being the adoption of the draft set of accounts. The annual report will be written in the next month as well. The timelines for audit visit and finalising the Annual Report have been established. The AGM is proposed for the 1st December 2022.

Recommendation

That this report be received

Ian Hadland

Chief Executive

September 2022

11.0 RMA Planning and Consents Report

Planning and Consenting Report 11 July – 8 September 2022

Current Legislation, Policy and Planning Processes

Proposed Otago Regional Policy Statement (PORPS)

In the last reporting period, staff received a decision from the High Court on whether the PORPS is a freshwater instrument in its entirety. The High Court found that it is not, and that the PORPS will need to be split across a typical and streamlined planning process. The latter would be a Freshwater Planning Process and should contain everything relating to water. It remains to be seen how the Otago Regional Council (**ORC**) will split the document, so it's unclear to what extent Fish and Game will need to be involved in each process. If Fish and Game is required to be involved in both processes, it is likely that costs will be greater than if going through a combined process.

Lake Onslow variation to drawdown rate

A decision was released on this hearing, with the variation to the drawdown rate being granted. The decision was sympathetic to Fish and Game concerns; however, it noted that without a supporting legal opinion it was difficult to find in favour of Fish and Game. This was not entirely unexpected and the highlights the resource bias faced by not-for-profit organisations when working within the Resource Management Act.

In debriefs with the Teviot Angling Club, club members seemed appreciative that Fish and Game supported them in this case.

Draft Waitaki District Plan feedback

The Waitaki District Council (**WDC**) sought feedback on its draft district plan. Staff from the Otago and Central South Island Fish and Game Councils provided feedback. The bulk of the feedback was to embed modern planning concepts (like Te Mana o te Wai) into the plan, provide more clear direction on environmental protection and create practical pathways for angling and hunting activities to occur – particularly the building of maimai.

Queenstown Lakes District Council Variation to introduce Schedules of Landscape Values

The Queenstown Lakes District Council (**QLDC**) has notified a variation to specify landscape schedules in the district. The areas identified include a number of significant sports fisheries and spawning streams as well as other recreational and environmental features. Staff supported their inclusion where angling, hunting and environmental values relevant to licence holders were already identified and requested those which had been missed were included.

The QLDC had previously sought informal feedback to develop the schedules, which staff submitted on. Much of the original feedback by staff had already been adopted into the plan change.

Forest Stewardship Council Certification for Landcorp Ltd forests in Otago

Staff received an invitation to provide feedback on proposed forestry developments around Otago by Landcorp Ltd. These sites were located around Lake Mahinerangi, in the Deep Creek catchment and south-west of Balclutha. Because of the scale of the indicated development, particularly around Mahinerangi where the entirety of the lake was indicated to be converted to forestry, substantial feedback was submitted. The submission sought that landscape values be preserved at Mahinerangi and that water quality and quantity concerns be addressed.

Fortunately, in return correspondence the agent for Landcorp Ltd stated that they will consider Fish and Game's feedback carefully and that *"...all of the properties are working farms and there are no plans to convert them fully to plantation forests; rather to retire the areas that are unsuitable for farming and either convert those selected area to plantation, or retire them fully and let them revert back to native vegetation."* This seems to be a much more palatable proposition.

QLDC Land Development and Subdivision Code of Practice

The QLDC sought feedback on its Land Development and Subdivision Code of Practice. This document has already been updated in recent years and is undergoing further changes. From the staff review, it seemed likely that the alterations may be due in part due to the continuing issues with Bullock Creek. Staff provided feedback encompassing the need to incorporate the concept of te Mana o te Wai into the document's direction and provide more directive guidance on the aims of stormwater management.

Current Notification processes

Applicant	Activity	Outcome
<i>Otago Regional Council applications</i>		
Clutha District Council	To discharge water containing contaminants to Whiskey Gully Creek for the purpose of operating the Tapanui Water Treatment Plant	Since the last reporting period, the parties have convened for a pre-hearing meeting. A pathway was agreed at this meeting to investigate the long-term avoidance of discharging contaminants to Whiskey Gully Creek from the water treatment plant. This involved a further three years of discharging in the interim, while the investigation took place. Staff have withdrawn Fish and Game's request to be heard as a result of the agreement.

Written approval provided during the period

Applicant	Activity	Outcome
Otago Regional Council applications		
Central Otago Queenstown Trail Network	To construct 3 bridges and discharge soil and rock debris associated with the construction, operation and maintenance of a cycling and walking trail along the margins of the Kawarau Gorge between Nevis Bluff and Bannockburn Bridge	Affected party approval had been provided to this consent back in December 2021 but the application had been revised since and a new approval was sought. Affected party approval was provided.

No written approvals were provided during the period for consents from the following bodies:

- Queenstown Lakes District Council
- Central Otago District Council
- Dunedin City Council
- Clutha District Council
- Waitaki District Council

Statistics for annual reporting

In the last year the consenting workload has dropped dramatically due to the deemed permit workload being taken up by Plan Change 7 provisions. Staff turned their attention to Plan Change 8 and the large body of work coming with the PORPS and the Land and Water Regional Plan development.

This can be seen in the annually reported statistics, which shows both affected party approvals and hearing activities being depressed on recent years.

Indicator	Count
Submissions	23
Hearings, pre-hearing meetings and mediation	9
Affected party approval letters issued	21
Consents investigated without a need to issue an affected party approval	10

Staff had been concerned that the depressed number of affected party approval requests they had received this year could also be due to a change in the way the ORC considers effects on Fish and Game. To test this, staff have been reviewing the applications received and consents granted by the ORC and requested any which seemed relevant to Fish and Game but where the organisation had not yet been approached. This work showed that for the vast

majority of cases, Fish and Game agrees with the ORC's assessment of whether it should be considered an affected party. Unfortunately, this work takes a significant amount of time and effort but is difficult to report upon.

Similarly, a significant amount of difficult to report effort has been placed into working with other parties to achieve mutually beneficial goals. For example, fostering a cooperative team structure between policy and planning staff at Fish and Game Councils around the country or working with Iwi, the Department of Conservation and the ORC to develop a framework for protecting aquatic habitat, including that of trout and salmon.

Recommendation:

- 1. That this report be received**

**Nigel Paragreen
Environmental Officer
8 September 2022**

12.0 Committee & Delegate Reports

12.1 CFT

12.2 NZC

12.3 Ngai Tahu

12.4 Conservation Board

13.0 Correspondence

13.1 NZC to Otago

13.1.1 Outcomes of the 159th NZ Council meeting August 2022



5 September 2022

Kia ora koutou katoa,

I am writing to update you on the outcomes of the 159th New Zealand Council Meeting on the 23rd and 25th of August 2022.

Meeting timetable

The New Zealand Council is undertaking consultation with regions on the meeting timetable for Fish and Game Councils. The attached document has been approved by NZC as a draft timetable, subject to regional consultation. The decision will be made in the November 2022 meeting, so we are asking for you to provide any feedback you may have by the 1st of November.

Pressure Sensitive Fisheries

The New Zealand Council has approved the pressure sensitive fishery options paper as national policy. Accordingly, there are a number of changes that will be recommended to the Minister of Conservation through the Anglers Notice and Sports Fish Licences Fees and Forms Notice next year:

- The Backcountry licencing scheme will be renamed as Designated Waters.
- Resident anglers will be required to purchase an annual Designated Waters licence for all regions other than the region in which they purchase their licence (which will be free).
- Non-resident anglers will be required to purchase per-diem licences for each day they fish a Designated Water in peak summer periods. They will be limited for four of these licences per Fish and Game region. Outside of peak periods they will be required to purchase an annual licence at a higher fee than residents.

The next steps from here are:

- NZC staff are to brief the Minister on the proposed changes.
- NZC staff are to work with DOC and PCO (Parliamentary Counsel Office) to draft regulations to build the framework for actioning the recommendations of regions in the Anglers Notice & Sports Fish Licences Fees and Forms Notice 2023.
- NZC & regional staff will work with ESL to prepare the licence sales infrastructure.
- Regional Councils to determine which waters they wish to designate as Designated Waters.
- Regional Councils to undertake consultation with licence holders through the Anglers Notice consultation process.

There are two steps still to be determined:

- The specific fees for both resident and non-resident anglers, which will be set through the licence fee recommendation process; and
- The funding mechanism for the IT system changes.

To streamline the drafting process NZC staff are also seeking an indicative (non-binding) view from regional staff on which water they are likely to recommend to their Councils for designation next year. If this list could be provided to us by the 1st of October that would be very helpful.

Other decisions

We are able to provide an update on a number of further decisions of Council. Two applications to the research fund were granted at this meeting; an application for Hawke's Bay Fish and Game Council for a Sustainable Food Harvest school curriculum development and an application from Southland Fish and Game Council for a Fishing for Mental Health research project. One application to the RMA/Legal Fund was granted to Southland Fish and Game Council for proceedings in Waituna Lagoon. Two regions notified NZC regarding the use of their non-resident reserves.

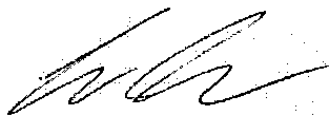
NZC received correspondence on the use of lead in fishing tackle and following discussion have commissioned staff to undertake a review of this for the next NZC meeting after which regional consultation will be undertaken if any draft position is reached.

Upcoming consultation

The non-resident levy consultation paper is in the final stages and will be sent out to your Councils for consultation shortly.

We are also in the process of finalising the draft minutes from the NZC meeting and expect these to be with you all in the coming days.

Ngā mihi nui,



Corina Jordan
Chief Executive
New Zealand Fish and Game Council

2022-23 Annual Budget & Meeting Timetable For Consultation with Regional Councils

Colour Key:

	Public Holidays
	NZ Council Meetings
	Meetings of Managers
	NZGBHT Board
	Governors Meetings

Month	Date & Day	Subject
September 2022	1st Thursday	New Financial Year for Fish & Game
	8th Thursday	Managers meeting 10-12.30pm by ZOOM
	16th Friday & 17th Saturday	NZC Strategic Planning workshop
	23rd Friday & 24th Saturday	GBHT Board Meeting in Christchurch – including field trip on Friday
October 2022	1st Saturday	Sport Fishing Opening
	21st Friday	Applications Close for Staff Development Grant
	24th Monday	Labour Day
November 2022	1st Monday	High country sports fishing opening (Otago & Southland)
	2nd Tuesday	Licence Working Party to meet re 2023/24 Forecasts
	4th Thursday	Managers meeting by zoom to feed into the NZC meeting 25 th
	5th Saturday	High country sports fishing opening (North Canterbury and CSI)
	25th & 26th Friday - Saturday	NZ Council Meeting – Wellington
December 2022	17th Thursday	Managers meeting 10-12.30 by Zoom
	25th Sunday	Christmas Day
	26th Monday	Boxing Day
	27th Tuesday	Christmas Day observed
	30th Friday	All Annual meetings must be completed
	30th Friday	All Variance report and Reserves Schedules to CV - Finance
January 2023	1st Sunday	New Year's Day
	2nd Monday	New Year's Day observed
	3rd Tuesday	Day after New Year's Day
	20th Friday	CV to return summary of Variance Reports to Managers with queries
	19th Thursday	Managers Meeting -zoom to feed into NZC 10 th Feb meeting
	27th Friday	Final Day for regulation details from Fish & Game Councils for Game Notice
February 2023	2nd Thursday	World Wetland Day, release of 2023 Habitat Stamp
	3rd Friday	Final circulation of Variance Reports to Managers
	6th Monday	Waitangi Day – observed
	10th Friday	Final day for game regulation guide content to be sent to NZC
	10th to 12th Friday to Sunday	NZ Council meeting in Wellington
	11th Saturday	Governors – NZC and Chairs. Planning and Governance
	24th Friday OR following week	Publish Game Notice in NZ Gazette
March 2023	9th Thursday	Game Bird hunting licences go on sale
	20th Monday	Magazine Out (Game)
	22nd Wednesday	Final date for receipt of draft budgets and contestable fund applications

Month	Date & Day	Subject
	31 st Friday	Applications Close for Staff Development Grant
April 2023	2 nd Sunday	Mark-up or Pegging Day
	6 th Thursday	Circulation of budgets, contestable funding applications and budget summaries
	7 th Friday	Good Friday
	8 th Sunday	Easter Day
	9 th Monday	Easter Monday
	20 th Thursday	Meeting of Managers in Wellington
	21 st Friday	Joint NZ Council & Managers Meeting in Wellington in am
	22 nd Saturday	NZ Council Meeting in Wellington
May 2023	6 th Saturday	Game Bird Season Opening
	25 th Thursday	Managers meeting zoom to feed into NZC June 15 th meeting
June 2023	5 th Monday	Queen's Birthday
	12 th Wednesday	Final date for receipt of Fish & Game regional responses to licence fee proposals
	15 th Thursday	NZ Council Meeting – ZOOM 7pm to 9pm
	19 th Monday	Licence fee submission to MOC
	23 rd Friday	Final Day for Anglers Notice & SFLFFN backcountry/sea run salmon content to be sent to NZC
	30 th Friday	Final day for sports fishing regulation guide content to be sent to NZC
	30 th Friday	Final Day for submissions for NZGBHT Grant applications
	7 th Thursday	Managers meeting 10-12.30pm by ZOOM
	11 th Tuesday	Send out grant submissions to GBHT Board members
	14 th Friday	Matariki
	19 th Wednesday	GBHT Board Zoom 11am
	25 th Tuesday	Publish Anglers Notice in NZ Gazette
	27 th Thursday	Managers meeting 10-12.30pm ZOOM – to feed into NZC 15 th August
	August 2023	17 th Thursday
28 th Monday		Magazine out (Fish)
15 th & 17 th Tuesday & Thursday		NZ Council Meeting by Zoom 7pm to 9pm
25 rd & 26 th Friday & Saturday		GBHT Board Meeting in ?? First meeting of new Trustees
31 st Thursday		End of Financial Year Fish & Game
September 2023		
October 2023	1 st Sunday	Sport Fishing Opening (Eastern Lakes 7 th)
	23 rd Monday	Labour Day
November 2023	1 st Wednesday	Back country sports fishing opening (Otago and Southland)
	2 nd Thursday	Managers meeting by zoom -10-12.30 to feed into the NZC meeting 24 th
	4 th Saturday	Back country sports fishing opening (North Canterbury and CSI)
	24 th & 25 th Friday - Saturday	NZ Council Meeting – Wellington

To Whom it may concern

I've sent two similar letters to the Taupo Advisory Fishery Committee via the TALTAC club over the last few years but never had a reply and recently I saw some newsletters from it that followed my sending of the letter and it was not even mentioned in the correspondence so I thought perhaps it was time to send such an important issue further up the chain so to speak !

And really the issue applies to all freshwater fisheries in NZ -not just Taupo.

It beggars belief that in these environmentally aware days of recycling (and banned lead shot for those hunting waterbirds in New Zealand) that we are still happily allowing the pumping of lead shot (and wire and lines) into our waterways via our fishing methods .

Lead split shot was not allowed in the Lake Taupo fishery prior to 2004 . Just as other overseas authorities were banning lead in freshwater the Lake Taupo Fishery expanded it !!!... and well that was a BIG mistake but past is past and its time to correct that mistake .

Lead accumulates in waterways and then concentrates in greater quantities as it files its way up the food chain to its apex which is humans of course .Along the way birds and mammals are also affected (ref3)

"Lead is a metal with no known biological benefit to humans. Too much lead can damage various systems of the body including the nervous and reproductive systems and the kidneys, and it can cause high blood pressure and anemia. Lead is especially harmful to the developing brains of fetuses and young children and to pregnant women. Lead interferes with the metabolism of calcium and Vitamin D. High blood lead levels in children can cause consequences which may be irreversible including learning disabilities, behavioral problems, and mental retardation. At very high levels, lead can cause convulsions, coma and death."(ref 1.)

Lead slowly dissolves at about 1% per annum (ref 2.) and accumulates in waterways and then concentrates in greater quantities as it files its way up the food chain in increasing concentrations to its apex predator-which is humans of course.

There is no benefit to the body of lead **and no minimum known safe level** .

That **no minimum known safe level** is worth repeating as its at the heart of why this is so important.

A review of the effects of lead toxicity and the reasons for its continual increase in the environment can be found in the "Journal of Interdisciplinary Toxicology" 2015 Jun; 8(2): 55-64

Its all downside and more health issues relating to humans ingesting lead and other heavy metals are emerging all the time i.e heavy metals such as lead are being recognized as one of the causes of brain deterioration that leads to Alzheimers (ref 4.)

If nothing is done at the very least it is certain that at some point consumption of taupo water and fishery trout will be unsafe and that will do wonders for both local and overseas tourism as the "clean ,green image" of the fishery goes west forever .Yes that will take a long time to develop because of the size of Lake Taupo and the slow rate of lead dissolution but once lead is in that system you can't get it out .Remember there is no known safe environmental level .Any is bad ,more is worse.

The reason for popular use of lead in fly fishing flies ,terminal tackle, lures and lines is that it is cheap and very dense so it helps fishing hooks ,lures and flies sink to the level the fish are at so we can catch them .However now plenty of alternatives for lead shot,wire and lines now exist .Yes they are a little more expensive but so are recyclable plastic bags and that doesn't mean we shouldn't use non toxic alternatives Think of what our descendents and accompanying birds (ref3) and wildlife in the catchment are facing if we do nothing .

Lead shot is now banned for gamebird shooting in NZ so why is Lead split shot still allowed????

I'm a mad keen fly fisherman ,haven't used the stuff for many years and have represented the NZ fly fishing team over the years so there definitely are alternatives on the fishing side .Tungsten and non toxic lead wire or other weights are good alternatives in the fly fishing sphere .

In lake trolling down riggers can replace lead lines. If lead balls are still needed for the downriggers they should have to be coated with rubber so if lost they are at least not dissolving into the environment..Alternatively concrete weights or mixes can be used can be used . For other fishing application weight in the form of tin ,copper or bismuth (around 80-90% of the density of lead) mixes and other materials are widely sold overseas as non toxic lead .

Links to lead free tackle are best found on the internet such as :

<https://www.northland.edu/wp-content/uploads/2015/06/Non-lead-tackle-suppliers.pdf>

and so lead free alternatives for all modes of fishing are available .

All it needs is the will to do the right thing....

In Summary

Lead is toxic to birds mammals and Humans.

There is no known safe level.

There are alternatives to its use in freshwater fishing.

It now banned for gamebird use NZ wide ,so why is are fisheries still advocating it use?? .

We have a responsibility to our descendents to stop its use NOW.

Refs

1. World Health organization newsroom /factsheet "Lead poisoning and Health"
2. Boreal Environment Research 2001 "Lead Emissions from lost sinkers" Jacks, Westholm and Bystrom
3. State of Washington publication Dec 2006 "Fish and Wildlife Issues related to the use of lead fishing gear"
4. "Journal Of Alzheimers 22 December 2019
5. Ecotoxicology "The ecotoxicology of lead shot and lead fishing weights "October 1996 Scheuhammer and Norris

Dr Mark Clasper BVSC .

August 2022



National Policy on Pressure Sensitive Fisheries Management

The Pressure Sensitive Fisheries Management Policy covers:

- the national framework for managing pressure sensitive fisheries;
- the transition of the backcountry fisheries scheme within the Designated Waters scheme;
- the expansion of the Designated Waters scheme to a broader range of waters; the establishment of a new Designated Waters licence category with;
 - (1) annual fees for resident and off-season non-resident licence holders;
 - (2) daily fees for peak season non-resident licence holders and a limit of four day Designated Waters licences per Fish and Game region per season.

Draft approved by NZC: 18th February 2022

Regional Consultation: March-July 2022

Approved as National Policy: 23rd August 2022

13.2 Otago to NZC

13.2.1 Feedback on 2022/2023 Licence Fee Recommendations



30th May 2022

Mr Brian Anderton
Acting Chief Executive
New Zealand Fish & Game Council
Via email

Re: Feedback on 2022/2023 licence fee recommendation

Dear Brian,

Otago Council considered the NZC Licence Fee recommendation paper at its meeting held on the 26th May 2022.

Council **agreed** to the following as feedback to New Zealand Council:

- That both the fishing and gamebird hunting whole season adult fish Licence be set at **\$2 less than proposed** ie \$143 for fish and \$105 for game (including \$5 GBH Stamp fee) with all other fees to move according to their ratio's **with the exception of Senior Loyal, Local Area and Family licences which should remain unchanged**. The council noted that some demographics of society have been hit very hard with increasing costs and it was important to signal that the Council was sympathetic to that.
- Council **agrees with the \$5 fee for the Searun Salmon endorsement**. This seemed to be a pragmatic solution to people clicking on all free endorsements when they don't in fact need them.
- Council **recommends that the fee for Non Resident adult whole season be set at \$350** rather than \$250 as proposed. **All other Non resident categories to remain at present ratios**. I.e. the fee for short term categories shouldn't move in line with the new NR whole season licence price. It was noted that these short term licences largely serve a different market and that short term NR licences are very elastic (sensitive to pricing). Day licence sales to non residents in Otago plummeted by 20% when the licence differential was raised without consultation by NZC in 2018/19.
- Otago Council is **not opposed to the concept of a Designated Waters Licence but does not intend to recommend any for this season**. It would rather wait until the full Pressure Sensitive Fisheries management framework is in place. It respectfully asks

NZC to have this expedited through the consultation phase so it is well and true ready for the 23/24 season.

OF&GC also asked that;

1. The NZC investigate a Non Resident Game Licence option for parity with the NR fishing licence.
2. NZC continue to push along the Guides licence with an aim to get this in place as soon as possible.

Research

Council were positive towards the proposed licence holder research on categories and ratios and asks if NZC can get this body of work underway ASAP. It noted that it was not particularly professional to be setting licence fees and adjusting categories without first quantifying the likely consumer behaviour and impacts on revenue.

Yours sincerely



Ian Hadland
Chief Executive
Otago Fish & Game Council

13.3 General Correspondence In

13.3.1 Tenkara Method of Fishing Request

To Fish and Game Otago,

I wish to be given the opportunity to fish Tenkara Method in the Queenstown Lakes district as well as Central Otago area.

I've become extremely fascinated with the method of Tenkara, with my main objective to catch the elusive Brook Trout (Char), my main purpose is to catch and release.

I wish to be able to do this from November through to March.

The areas wish to target are

Lake Wakatipu

Lake Dispute

Lake Hayes

Lake Wanaka

Dimond Creek

Dimond Lake

Dingle Burn

Manuherikia River

Falls Dam

Lake Luna

Happy to report back on my findings of the method used and my hopeful successes.

Regards,

Rob Barnes

13.4 General Correspondence Out
Nil

14.0 Items to be Received or Noted

Presented in a separate file

- 14.1 Contact Energy Lower Clutha Sports Fish Management Plan**
- 14.2 Upper Clutha Catchment Land-locked Salmon Spawning Surveys**
- 14.3 Otago Pukeko Monitoring 2022**
- 14.4 Macraes Flat Trout Hatchery Stocking Schedule 21/22 Season**
- 14.5 Shoveler and Grey Teal Trend Monitoring August 2022**
- 14.6 2022 Game Bird Harvest and Activity**
- 14.7 Compliance Summary Report 2022**

15.0 General Business