

Tasman Nelson Regional Pest Management Plan 2019-2029

Biosecurity Act 1993 Section 72, 73 and 74 Analyses (satisfaction on level of consultation and of Plan requirements)

Executive Summary

This report assesses the Tasman Nelson Regional Pest Management Plan 2019-2029 (the Plan) against the matters specified in sections 72 to 74 (**Fifth step**) of the Act of the Biosecurity Act 1993 (the Act). These observations are made to assist Council toward the final step of making the Plan.

The report begins with a brief summary of the consultative process and makes comment with respect to the matters set out in s. 72 (**Third step: satisfaction on consultation or requirement for more consultation**). The matter set out are considered to have been met.

Section 73 (**Fourth step: approval of preparation of plan and decision on management agency**) has six clauses. This report addresses each in turn.

Section 73(1) states that if the council is satisfied as required by section 72(1) (that there has been sufficient consultation) and is satisfied that the issues raised in all the consultation undertaken on the proposal have been considered, the council may take the fourth step in the making of a plan, which is to approve the preparation of a plan. This report observes that the document titled: **Plan Submissions Councils Decision Report (submissions received on the Proposed Tasman-Nelson Regional Pest Management Plan 2017-2027 and joint committee recommendations)** captures the issues raised during consultation, records the recommendations of the Joint Committee, and references the changes made to the Plan as a result of the consultative process.

Section 73(2) states that if the Council approves the preparation of a plan, the Council must apply section 100 of the Act to decide which body is to be the management agency. Section 3.1 of the draft Plan identifies the Tasman District Council as the Management Agency. The matters set out in section 100 of the Act are considered to have been met.

This report then steps through each of 14 specific matters detailed in Section 73 (3) that set out the matters that must be specified in the Plan, quoting the sections from the Plan and/or supporting documents that address them. These matters are considered to have been met.

This report then briefly discusses the degree to which the Plan provides for compensation for losses incurred as a direct result of the Plan (s 73(4)). The Plan does not provide for any compensation for losses incurred.

The report then discusses matters relating to the rules in the Plan to check that the rules follow the purposes for rules as specified in section 73(5), the application of rules as specified in section 73(6), and the consistency of rules with the policies set out in the National Policy Direction (NPD). The rules are considered to be consistent with the provisions of the Act and the policies in the NPD.

Finally, section 74 (**Fifth step: satisfaction on contents of plan and requirements**) has five clauses that Council needs to consider have been satisfied before progressing to the final step, which is to make a decision on the Plan. This report reviews each of the requirements makes observations to assist the Council through this important process.

Introduction

When the Biosecurity Act was amended in 2012, it introduced six steps into the regional pest management plan-making process. The steps are set out in sections 70 to 75 of the Act and include:

- s. 70 First step: plan initiated by proposal;
- s. 71 Second step: satisfaction on requirements;
- s. 72 Third step: satisfaction with consultation or requirement of more consultation;
- s. 73 Fourth step: approval of preparation of plan and decision on management agency;
- s. 74 Fifth step: satisfaction on contents of plan and requirements;
- s. 75 Sixth step: decision on plan.

Having initiated a proposal (First step) and being satisfied with requirements for a proposal (Second step), the councils publicly notified the proposed Plan and formed a Joint Committee of the two councils to receive and hear submissions and to consider other matters pertaining to Plan formation to the extent that a draft Plan presented back to the two councils for a decision. The culmination of extensive consultation and deliberation has led to the Joint Committee being able to receive a draft amended Plan and accompanying officer reports. The draft Plan and the process to form it are now subject to the consideration that they are complete and consistent with the requirements of sections 72, 73 and 74 of the Act.

This report begins with a summary of the consultative process and works through the matters raised in s. 72. It then steps through each of the clauses under s. 73, observing where those matters have been met in relation to the content of the Plan and/or supporting documents. The report closes with observations to be considered by the Council under s. 74 before a decision on the Plan can be made.

Section 72 Third step: satisfaction with consultation or requirement of more consultation

Summary of consultative process

After public consultation on the content of a draft proposal, the Proposed Tasman Nelson Regional Pest Management Plan was released for public submission on November 4th, 2017. In total eighty six primary submissions were formally received with two further being rejected because they were received well after the close of submissions. Due to the content of some of the submissions potentially requiring new proposals to be formed for certain pests, a further submission period was advertised to submitters to respond in support or opposition to the other submissions. Fourteen further submissions were received. Most submissions had multiple parts so in total many hundred matters were raised by submitters.

A Joint Committee of the two councils received and heard submissions on the Proposal (16th April 2018). Following concerns about the lack of a Maori perspective in Plan process Nelson City Council commissioned advice on how this could be addressed. Key conclusions from this have been considered in a briefing document prepared for the Joint Committee.

In the period between June 2018 and August 2018, the Joint Committee deliberated changes as result of submissions and other matters to be considered when forming a regional pest management plan under the Act. The Joint Committee agreed with the staff observation that there had been sufficient consultation on the proposed plan with the exception of a potential proposal for site-led pest programme in enclaves adjacent to Abel Tasman National Park. The Joint Committee specifically requested that there be further consultation with key stakeholders and landholders involved in or affected by such a proposal. The Joint Committee will hear submissions to this proposal on the 3rd of December 2018 and deliberate changes as a result on the same day.

Observation on matters pertaining to s. 72

72 (1) - If the council is satisfied of the matters in section 71 (second step), the council may take the third step in the making of a plan, which is for the council to consider whether the council is satisfied—

- (a) that, if Ministers' responsibilities may be affected by the plan, the Ministers have been consulted;

The responsible Minister for the Act is the Minister for Primary Industries. The Minister of Conservation also has an active interest with respect to the responsibilities of managing pests on conservation estate and managing certain Unwanted Organisms. Both MPI and DOC submitted on the proposed Plan on behalf of these Ministers. The concerns raised in submission have been deliberated and changes to the Plan made where deemed appropriate.

- (b) that, if local authorities' responsibilities may be affected by the plan, the authorities have been consulted;

The Tasman District Council and Nelson City Council jointly formed the proposed Plan and the effects of the Plan on these councils were considered at that time of proposal formation. NCC also made a staff submission on matters concerning revised proposals that could affect both councils. Marlborough District Council also submitted as a TLA potentially affected with respect to matters along the TLA boundary. Such matters include good neighbour rules for gorse and broom that address

these species trans-regionally. The concerns raised by the TLAs have been deliberated and changes to the Plan made where deemed appropriate.

- (c) that the tangata whenua of the area who may be affected by the plan were consulted through iwi authorities and tribal runanga;

Iwi and tribal runanga were specifically mailed the proposed Plan and invited to submit via the public submission process. The low response rate prompted a special brief to be commissioned. The submissions from iwi and the briefing report have helped shape the draft Plan, particularly with regards to sections that reference Māori values.

- (d) that, if consultation with other persons is appropriate, sufficient consultation has occurred.

The public submission process and further submission process on the proposed Plan captured a variety of opinions, across a range of subjects, including submissions with particular concerns regarding consultation. Further consultation with key stakeholders in the Abel Tasman National Park was undertaken via a separate and full proposal. The concerns raised in submission have been deliberated and changes to the Plan made where deemed appropriate.

72 (2) – In considering whether the council is satisfied as required by subsection (1)(d), the council must have regard to the following:

- (a) the scale of the impacts on persons who are likely to be affected by the plan; and
- (b) whether the persons likely to be affected by the plan or their representatives have already been consulted and, if so, the nature of the consultation; and
- (c) the level of support for, or opposition to, the proposal from persons who are likely to be affected by it.

Anybody potentially subject to a rule in the Plan is likely to be affected. The public submissions and hearings process is a highly democratic way of identifying the most potentially affected parties and does not narrow the level of consultation to pre-selected groups. The further submissions process helped identify levels of support and opposition from those likely to be affected. Further targeted consultation was those likely to be affected by the Abel Tasman Site-led programme is the most appropriate way of assuring they were aware of, and consulted on, the change in proposal.

72 (3) – If the council is satisfied by subsection (1) the council must apply section 73 [Fourth step].

Section 73 is considered in depth below, satisfying this s. 72 matter.

72 (4) – If the council is not satisfied as required by subsection (1), the council may require consultation to be undertaken on the proposal.

This matter has been addressed by way of further targeted consultation as directed by the Joint Committee

72 (5) - If the council requires consultation to be undertaken, the council must determine the way or ways in which the consultation must be undertaken, including, but not limited to, ways such as—

- (a) consultation with persons likely to be affected by the plan or with their representatives:
- (b) the appointment by the council of 1 or more persons to carry out an independent inquiry into the proposal on terms of reference set by the council:
- (c) public notification of the proposal and the receipt of submissions.

(6) After the consultation required by the council has been undertaken, the council must apply subsection (1) again.

These matters have been addressed by way of further targeted consultation as directed by the Joint Committee.

Section 73 Fourth step: approval of preparation of plan and decision on management agency

Introduction

The fourth step is for Council to approve the formation of the Plan in its final form and to decide on the Management Agency (the agency primarily responsible for the delivery of the Plan to the satisfaction of both Councils). Section 73 contains many matters for Council to consider prior to acceptance of the draft Plan, and this chapter steps through each of those matters in turn.

Section 73 (1) – If the council is satisfied as required by section 72(1) and is satisfied that the issues raised in all the consultation undertaken on the proposal have been considered, the council may take the fourth step in the making of a plan, which is to approve the preparation of a plan.

All of the issues raised by submitters, the Joint Committee’s recommended response to them, and changes made to form the draft Plan are summarised on the document titled: *Plan Submissions Councils Decision Report (submissions received on the Proposed Tasman-Nelson Regional Pest Management Plan 2017-2027 and joint committee recommendations)*.

This document sets out a summary of each submission point made by each submitter. Submitters were effectively given the opportunity during the further submission process to review the submission summary document. None of the submitters complained that the summary did not reflect their submissions. Staff are therefore very confident that issues raised have been properly recorded in this document.

The submission points are grouped into themes of issues so that supporting and opposing submissions on similar themes can be addressed together. A staff observation is made on each submission point with a record of the recommendation of the Joint Committee. There is a cross reference to the sections of the Plan that have been amended as a result of these deliberations on each submission point.

The Council can be confident that the Joint Committee has been presented, and has considered, all of the issues raised during the consultative stages of forming the draft Plan.

73 (2) – If the council approves the preparation of a plan, the council must apply section 100 to decide which body is to be the management agency.

Section 3.1 of the draft Plan identifies the Tasman District Council as the Management Agency and the existing satisfaction of Council with this arrangement. The applicable matters of s. 100 are that:

- (1) The management agency specified in a plan must be 1 of the following bodies: ... (b) a council: or (c) a territorial authority: ...

and

- (2) In deciding which body is to be the management agency, the (councils in this case) must take the following into consideration:
 - (a) the need for accountability to those providing the funds to implement the plan; and
 - (b) the acceptability of the body to—

- (i) those providing the funds to implement the plan; and
- (ii) those subject to management provisions under the plan; and
- (c) the capacity of the body to manage the plan, including the competence and expertise of the body's employees and contractors.

The matters of accountability and competence of TDC to itself and NCC (as funding agencies) were taken into consideration when the proposed Plan was formed. There is also strong level of submitter support, with none of the opposition to the proposed Plan directed toward TDC being the Management Agency. The submission responses suggest (by and large) those subject to the management provisions under the Plan accept TDC as the Management Agency.

The matters set out in section 100 of the Act are considered to have been met.

Section 73 (3) – Matters to be specified in the Plan

Section 73 clause (3) has 14 sub-clauses (a to n) that require the Plan to specify particular matters. These are addressed below, cross referencing the relevant section(s) of the Plan. The Council can be satisfied that the Plan contains all of the relevant matters to specified, once the Plan receives the Common Seals of the two Councils.

- (a) The pest or pests to be eradicated or managed:

The pests are listed in Table 1 of the Plan. This table also describes the type of management programme and the lead agent responsible for controlling these pests (management agency). The management programme types are synonymous with the programme types listed in the NPD. Each pest is described and their effects classified in Table 2 to Table 9, and Table 11.

- (b) The Plan's objectives:

Section 5.1 (Objectives) provides the introduction to the Objectives, outlining the specifications that have been applied to each pest or class of pests in Section 6 (Programme Descriptions). In section 6, the objectives and intermediate outcome for each pest or class of pest are provided in sub-sections that describe the management regime for the pest or class of pest. For instance, the objective that applies to the pests classed under the "Exclusion Pests Programme" is set out in section 6.1. The objective highlights that over the duration of the Plan, pests under this management regime will be prevented from establishing in the Tasman-Nelson region to avoid their effects on economic wellbeing, the natural environment, human health, recreational values, or cultural values. The objective identifies that it applies to each of the pests listed in Table 2, thereby linking each of the pests to be excluded from the Region to the Exclusion Programme objective.

The objectives for each pest or class of pest appear in sections 6.1 (Exclusion Pests Programme); 6.2 (Eradication Pests Programmes); 6.3 Progressive Containment Pest Programme); 6.4 (Sustained control Pests Programme), and 6.5 (site-led Pests Programme). The objectives have been written in accordance with the specifications for objectives under the NPD.

- (c) The principal measures to be taken to achieve the objectives:

Section 5.3 (Principal Measures) provides an overview of the types of principal measures that may be used over the course of implementing the Plan to achieve the objectives. The principal measures are largely aligned with the collective regional council template for pest management plans, thus keeping the Plan consistent with the principal measures of other regional councils. This gives effect to the tenet of the NPD to improve plan consistency among councils.

Section 6 (Programme Descriptions) has sub-sections that list the principal measures principal measures for each pest or class of pest, describe against the management regime in that sub-section. For instance, the principal measures that apply to the pests classed as “exclusion programme” pests are listed as *Requirement to act: Inspections; Advocacy and education; and Service Delivery*; – each of these being the main actions TDC believes will result in the pests listed in Table 2 being excluded from the Region.

The principal measures for each pest or class of pest appear in sections 6.1 (Exclusion Pests Programme); 6.2 (Eradication Pests Programmes); 6.3 Progressive Containment Pest Programme); 6.4 (Sustained control Pests Programme), and 6.5 (site-led Pests Programme).

- (d) The means by which the achievement of the Plan’s objectives will be monitored or measured:

Section 7.1 (Measuring What the Objectives are Achieving) provides the list of monitoring techniques that will be undertaken to monitor the effectiveness of the Plan. Table 12 matches monitoring indicators and methods against each pest programme type.

- (e) The sources of funding for the implementation of the Plan:

Section 9.4 (Funding Sources and Reasons for Funding) describes that the Plan is principally funded from the general rates of the Tasman District and Nelson City Councils. Occupiers (as exacerbators) also fund the implementation of the Plan in the form of their direct expenditure to control pests as directed by the Plan. This analysis is contained in the supporting document titled: *Revised Tasman-Nelson Proposed RPMP - Supporting Document - Cost Benefit Analysis*. That report is incorporated into Section 9 of the Plan by reference.

- (f) The limitations, if any, on how the funds collected from those sources may be used to implement the Plan:

Section 9.5 (Anticipated Costs of Implementing the Plan) identifies that there are no specific limitations on how the funds may be used under the Plan.

- (g) The powers in Part 6 to be used to implement the Plan:

Section 8 (Powers Conferred) lists all of the powers from Part 6 of the Act that may be used to implement the Plan.

- (h) The rules, if any:

Section 5.4 (Rules) outlines the Act requirements of rules. In Section 6 (Programme Descriptions), each subsection describing each pest or class of pest has a further sub-section specifically called *Rule* or *Specific Rule*, or *Rules* to identify the rule suite for each pest or class of pest.

(i) The rules, if any, that are Good Neighbour Rules:

Section 5.4 (Rules) specifically identifies that there are two good neighbour rules (one each for Broom Outside the St Arnaud-Howard Area and Gorse Outside the St Arnaud-Howard Area). The good neighbour rules appear in sections 6.4.18 and 6.4.19.

(j) The management agency:

Section 3.1 (The Management Agency) identifies that Tasman District Councils is the Management Agency for the Plan.

(k) The actions that local authorities, local authorities of a specified class or description, or specified local authorities may take to implement the Plan, including contributing towards the cost of implementation:

Section 3.3.3 (Territorial local authorities) names the local authorities who are contained or partly contained within the region. As a group, the local authorities are affected by requirements under the Plan to manage pests on the land that they administer either as roading authorities or as owners or occupiers of lands in the region. As their share of the cost of implementing the Plan, this section states that each territorial authority will be responsible for meeting its costs of complying with this Plan.

Section 3.3.4 (Occupiers of road reserves) describes the extent of the road reserve which roading authorities (including TLAs) are responsible for controlling pests.

The actions arising from being bound by rules in the Plan are specifically listed against the *Requirement to Act* under each of the sub-sections on Principal Measures for each pest or class of pest. There are no specific rules directed at TLAs alone, with TLAs being covered as if they were any other occupier of lands.

(l) The portions of road, if any, adjoining land covered by the Plan and, as authorised by section 6 [of the Act], also covered by the Plan:

Section 3.3.4 (Occupiers of road reserves) describes the situations where portions of a road are to be managed by the occupier, in accordance with the specification listed in s 6(1) of the Act.

(m) The Plan's commencement date and termination date:

Section 1.3 (Duration) describes that the Plan takes effect when it becomes operative under section 77(5) of the Act. That date is not yet known as it depends of the appeals process under the Act, so it cannot be written into the Plan at this stage. The date will effectively be attached to the cover of the Plan once it is affixed with the common seals of Tasman District Council and Nelson City Council. This will be the commencement date. The termination date is implied within the statement that the Plan has a duration of 10 years from the commencement date.

(n) Any matters required by the national policy direction:

The relevant sections of the National Policy Direction (NPD) are covered in specific detail in this report in the BSA s.74 analysis below. The table below summarises the steps taken to comply with the NPD.

NPD requirements	Steps taken to comply
Programme is described	Checked that the types of programmes in 5.2 of the revised Plan Proposal comply with Clause 5 of the NPD.
Objectives are set	Checked that the contents of 5.1 and consequential sections 6.1 to 6.5 of the revised Plan Proposal comply with Clause 4 of the NPD.
Benefits and costs are analysed	Checked that the costs and benefits have been analysed in a manner that is consistent with the Directions in Clause 6 of the NPD. That analysis has been published as an attachment to this revised Proposed Plan.
Funding rationale is noted	Checked that the funding rationale described in Section 9 of the revised Plan Proposal has been developed in line with Clause 7 of the NPD and is adequate for implementation.
Good Neighbour Rules (GNRs) are described	Checked that the descriptions of GNRs in section 6.4 are in line with Clause 8 of the NPD.

Council can be satisfied that the Plan is not inconsistent with the matters set out in the NPD.

Section 73 (4) – Compensation

Section 73 (4) states that a plan:

- (a) *May provide for the payment of compensation for losses incurred as a direct result of the implementation of the plan:*
- (b) *Must not provide for the payment of compensation for the following losses: [etc].*

Section 3.2 of the Plan (*Compensation and disposal of receipts*) states that the Plan does not provide for any compensation for losses incurred as a direct result of the implementation of the Plan or for the losses listed in section 73(4), thereby meeting these requirements of the Act.

Section 73 (5) – Rules (purposes)

Section 73(5) sets out that a Plan may include rules for all or any of 19 purposes (a to s) listed in that section. All of the rules in the Plan meet one or both of the following purposes:

- (a) requiring a person to take specified actions to enable the management agency to determine or monitor the presence or distribution of the pest or a pest agent.
- (h) requiring the occupier of a place to take specified actions to eradicate or manage the pest or a specified pest agent on the place.

There are no rules with purposes that are not otherwise specified in the Act (or rules without purpose).

Section 73 (6) – Rules (application)

Section 73 clause (6) is presented in this report for completeness and to provide reassurance that a rule may:

- (a) Apply generally or to different classes or descriptions of persons, places, goods, or other things;
- (b) Apply all the time or at 1 or more specified times of the year;
- (c) Apply throughout the region or in a specified part or parts of the region, with, if necessary, another rule on the same subject matter applying to another specified part of the region;
- (d) Specify that a contravention of the rule creates an offence under section 154N(19).

The Plan makes use of these allowances under the Act. The inclusion of such matters is consistent with the Act and NPD.

Section 74 Fifth step: satisfaction on contents of plan and requirements

Section 74(a) through (e) of the Act requires the Council to be satisfied of certain matters in relation to the Plan prepared under section 73, as set out below.

Section 74 (a) – that the plan is not inconsistent with -

S.74(a)(i) the national policy direction;

The NPD **Directions on Setting Objectives** (s.4) clause (1) requires that, for each subject (pest or pests) in the Plan, the objectives in the Plan must:

(a) *state the particular adverse effect or effects of the subject on the matters listed in section 54(a) of the Act that the plan addresses;*

The adverse effects being addressed are covered in the Objective and Intermediate Outcome statements for each pest or class of pest. These descriptions of adverse effects are derived from s 54(a) of the Act, thereby making the objectives entirely consistent with this NPD requirement.

The objectives must also:

(b) *state the pest management intermediate outcomes that the plan is seeking to achieve, being one or more of the following intermediate outcomes:*

- (i) *“exclusion” which means to prevent the establishment of the subject that is present in New Zealand but not yet established in an area;*
- (ii) *“eradication” which means to reduce the infestation level of the subject to zero levels in an area in the short to medium term;*
- (iii) *“progressive containment” which means to contain or reduce the geographic distribution of the subject to an area over time;*
- (iv) *“sustained control” which means to provide for ongoing control of the subject to reduce its impacts and its spread to other properties;*
- (v) *“protecting values in places” which means that the subject that is capable of causing damage to a place is excluded or eradicated from that place, or is contained, reduced, or controlled within the place to an extent that protects the values of that place; and...*

The Plan adopts the NPD 4 narratives that describes each of the terms in parentheses above within the Objectives and Intermediate Outcomes statements for each pest or class of pests, thus satisfying this requirement of the NPD.

For each of the applicable outcomes described above (these being sub clauses (1)(b)(i) to (iv) of the NPD), sub clause (1) (c) requires that the objectives specify:

- (i) *the geographic area to which the outcome applies; and*
- (ii) *the extent to which the outcome will be achieved (if applicable); and*
- (iii) *the period within which the outcome is expected to be achieved;*

Each of the objectives and their associated aims provides for the particular geographic area within which outcome applies, either by reference to the whole region or reference to the maps for specific pests in Appendix 1 of the Plan. The Objective and Intermediate Outcome statement also states the extent to which the outcome will be achieved and the period over which the outcome is expected. The Plan therefore contains the information required by the NPD.

For the outcomes described for site-led pest programmes (these being in sub clause (1)(b)(v) (if applicable), s.4(1) (d) of the NPD requires that the Plan specify -

i) one of the following:

(A) the geographic area to which the outcome applies (if practicable); or

(B) a description of a place to which the outcome applies; or

(C) the criteria for defining the place to which the outcome applies; and

(ii) the extent to which the outcome will be achieved (if applicable); and

(iii) the period within which the outcome is expected to be achieved;

Following process 4 (1)(d) i) (A), Table 10 of the Plan describes the geographic area of the sites to which the outcome applies. The Objective and Intermediate Outcome statement for site-led programmes in Section 6.5 describes the extent to which the outcome will be achieved and the period within which the outcome is expected to be achieved. The Plan therefore contains the information required by the NPD.

Section 4 (1) (e) of the NPD (which requires sufficient certainty of place if sub clauses (1)(d)(i)(B) or (C) are used to describe the sites for site-led programmes) does not apply.

NPD s4 sub clause (1)(f) requires that:

(f) if the period within which the pest management intermediate outcome is expected to be achieved is more than 10 years, state what is intended to be achieved in the first 10 years of the plan, or during the current term of the plan prior to next review (as applicable).

As the Plan is a 10 year Plan, the Objectives and Intermediate Outcome statement covers this requirement.

NPD s.4 clauses (2) **Pathway management plan** and (3) **Small-scale management programme** do not apply, as the Plan does not specifically contain these types of programme.

The NPD **Directions on Programme Description** (s.5) clause (1) requires that...

For each subject in a pest management plan or pathway management plan, the plan must contain one or more of the following programmes, and may not contain any other types of programmes:

(a) "Exclusion Programme" (if applicable) in which the intermediate outcome for the programme is to prevent the establishment of the subject, or an organism being spread by the subject, that is present in New Zealand but not yet established in an area:

(b) "Eradication Programme" (if applicable) in which the intermediate outcome for the programme is to reduce the infestation level of the subject, or an organism being spread by the subject, to zero levels in an area in the short to medium term:

(c) "Progressive Containment Programme" (if applicable) in which the intermediate outcome for the programme is to contain or reduce the geographic distribution of the subject, or an organism being spread by the subject, to an area over time:

(d) "Sustained Control Programme" (if applicable) in which the intermediate outcome for the programme is to provide for ongoing control of the subject, or an organism being spread by the subject, to reduce its impacts on values and spread to other properties:

(e) "Site-led Pest Programme" (if applicable) in which the intermediate outcome for the programme is that the subject, or an organism being spread by the subject, that is capable of causing damage to a place is excluded or eradicated from that place, or is contained, reduced, or controlled within the place to an extent that protects the values of that place:

(f) for pathway management plans, if none of the programmes in subclause (a) to (e) are applicable, the plan must contain a "Pathway Programme" in which the intermediate outcome for the programme is to reduce the spread of harmful organisms.

Plan Sections 6.1 to 6.5 list these programme types (respectively: Exclusion; Eradication; Progressive Containment; Sustained Control; and Site-led). The intermediate outcomes of the objective of these programmes match the programme type descriptions.

NPD Section 5 (2) requires that:

The specific names for programmes as set out in sub clause (1)(a) to (f) must be used as appropriate in all pest management plans and pathway management plans.

The Plan is entirely consistent with the NPD in this regard.

NPD Section 5 (3) requires that:

The programme selected for a subject in a plan under sub clause (1) must be consistent with the pest management intermediate outcome stated for the subject in the plan under clause 4 of this national policy direction.

The Plan is entirely consistent with the NPD in this regard.

The NPD **Directions on Analysing Benefits and Costs** (s.6) and **Directions on Proposed Allocation of Costs for Pest and Pathway Management Plans** (s.7) are addressed in a separate revised benefits and costs report titled: *Revised Tasman-Nelson Proposed RPMP - Supporting Document - Cost Benefit Analysis*. That report covers the NPD expectations. This document is incorporated into Section 9 of the Plan by reference.

The NPD **Directions on Good Neighbour Rules** (s.8) are addressed in the supporting document titled: *Analysis of Good Neighbour Rules for Broom and Gorse in the Proposed Tasman Nelson Regional Pest Management Plan*. That analysis finds that the good neighbour rules in the Plan are consistent with the NPD.

In summary, Council can be satisfied that the Plan is not inconsistent with the NPD.

S.74(a)(ii) any other pest management plan on the same organism;

The Plan contains species that are managed by other regional and unitary authorities in their respective regions through their management Plans, with the most significant effect being with neighbouring councils where objectives for the same pest butt together at the regional boundary. The submission from Marlborough District highlighted that, with few exceptions, that the Plan is consistent with their objectives.

With respect to the possum, which is managed as a pest agent by OSPRI under the national Plan for bovine TB (BvTB), the Plan is complementary to, and not inconsistent with, the objectives of that Plan.

The Council can be satisfied that the Plan is not inconsistent with other plans for the same species.

S.74(a)(iii) any pathway management plan;

The only pathway management plan known is the Fiordland Marine Regional Pathway Management Plan, and the Plan is not inconsistent with its policies and objectives.

S.74(a)(iv) a regional policy statement or regional plan prepared under the Resource Management Act 1991;

The Tasman and the Nelson regional plans and policy statements generally permit the activities regarded as the “normal” pest plant and animal control that would be required of occupiers to achieve the objectives of the Plan. Consents issued under the RMA allow Council staff to perform the full range of more specialised pest control activities anticipated during the implementation of the Plan. In this regard, Council can be satisfied that the (pest) Plan is not inconsistent with the regional plans and policy statements.

S.74(a)(v) any regulations;

Section 2.2 of the Plan covers the legislative background to the Plan. Every effort was made to ensure that the Plan is consistent with or does not derogate from other regulations. In its submission, the Department of Conservation made useful observations about the Biosecurity Act and Wildlife Act and other statutes that DOC administer. These observations have been embraced in the draft Plan. No other submissions raised concern about the consistency of the Plan to other legislation or regulations. Council can be satisfied that the Plan is not inconsistent with other regulations.

Section 74 (b) – that for each subject of the plan, the benefits of the plan outweigh the costs, after taking account of the likely consequences of inaction or other courses of action

As noted above, the NPD **Directions on Analysing Benefits and Costs** (s.6) clauses have been covered in the supporting analysis of benefits and costs report. That document concludes that for each of the pests in the Plan, the benefits of the Plan outweigh the costs.

Council can be satisfied that, the Plan is cost beneficial for each subject, after taking into account the likely consequences of inaction or other courses of action, where the objectives are being met.

Section 74 (c) – that for each subject of the plan, persons who are required, as a group, to meet directly any or all of the costs of implementing the Plan -

S.74(c)(i) will accrue, as a group, benefits outweighing the costs; or

S.74(c)(ii) contribute, as a group, to the creation, continuance, or exacerbation of the problems proposed to be resolved by the plan;

As noted above, the NPD **Directions on Proposed Allocation of Costs for Pest and Pathway Management Plans** (s.7) clauses have been covered in the supporting analysis of benefits and costs report. That document describes both the beneficiaries that are benefiting from outweighed costs and the measure of their share (thus addressing s.74(c)(i)) and the exacerbators who are required to contribute (thus addressing s.74(c)(ii)).

Overall, for each subject of the plan, this requirement is satisfied.

Section 74 (d) – that for each subject of the plan, there is likely to be adequate funding for the implementation of the plan for the shorter of its proposed duration and 5 years;

Section 9 of the Plan explains that the objectives of the Plan have been written with awareness of the current and near future funding requirements and potential limitation to budget expansion. The formation of funding scenarios under the Biosecurity Act does not preclude or affect the ability for councils to forecast and plan for future pest plan activity following the Long Term Plan forming process, however, attention will need to be turned to those scenarios to check that there is adequate funding to achieve the stated objectives. Council can be satisfied that the mechanisms that are in place to serve the formation of the Long Term can operate to ensure that the Plan is adequately catered for.

Section 74 (d) – that each rule -

S.74(e)(i) will assist in achieving the plan’s objectives;

The rules can be grouped by their purposes in considering this requirement, where:

- Rules that require occupier to inform TDC of the presence of the pest will assist in the detection and control of the pest. Early intervention is critical to the success of the Plan.
- Rules that require occupiers to allow access so that investigations may be undertaken on the places that they occupy, will assist in the detection and control of the pests.
- Rules that require the occupier to act will assist by imposing on occupiers the requirement to manage these pests expeditiously and fairly. While TDC could undertake to control these pests through service delivery, the analysis of benefits shows the occupier as the exacerbator who benefits the most.
- The “Good Neighbour” rules assist by imposing on occupiers the responsibility to reduce the spread of pests from the place they occupy on to their neighbours. This places some of the weight of responsibility for managing the spread of pests on to the exacerbators.

Council can be satisfied that the rules will assist in meeting the objectives of the Plan.

S.74(e)(ii) will not trespass unduly on the rights of individuals;

Staff do not believe the Plan trespasses unduly on the rights of individuals.