

Marlborough Regional Pest Management Amendment Proposal

Minute 4

Fifth Step Assessment against sections 73(3), 73(4), 74(5), 73(6) and section 74 of the Biosecurity Act 1993

1. The Hearings Panel have completed deliberations and finalised their recommendations for submissions received on the Proposal to amend the Regional Pest Management Plan (RPMP) to incorporate a programme for pest conifers.
2. These recommendations have been provided to staff as part of the direction to prepare the RPMP. The recommendations are now able to be viewed via Council website.

<https://www.marlborough.govt.nz/environment/biosecurity/regional-pest-management-plan-2018/amendments-and-rpmp-reviews/stage-3-hearings-and-decision-making>

3. An amended RPMP has been prepared that incorporates the recommendations. During drafting some minor wording corrections were identified and corrected to the satisfaction of the Panel. These were minor and were not associated with Rules, Objectives or other legislative alignment matters.
4. We are satisfied that the amended RPMP meets the requirements of section 73 in that it addresses the following:

Section 73(3) Matters to be specified

Matter	Assessment
(a) the pest or pests to be eradicated or managed:	Part Two of the RPMP has been amended to contain the new programme for pest conifers, that details the organisms to be managed as pests.
(b) the plan's objectives:	The new pest conifer programme contains as objectives that when read together, with all others, make up the plan's objective.
(c) the principal measures to be taken to achieve the objectives:	The new pest conifer programme details the principal measures to be taken to achieve the objective.
(d) the means by which the achievement of the plan's objectives will be monitored or measured:	Section 6 of the RPMP has been amended to detail the means by which the new pest conifer programme will be monitored or measured against respective objective.
(e) the sources of funding for the implementation of the plan:	Section 9 of the amended RPMP has been amended to detail the anticipated sources of funding for the implementation of the plan.
(f) the limitations, if any, on how the funds collected from those sources may be used to implement the plan:	There have not been any limitations identified associated with funds as to how they are to be used to implement the plan.
(g) the powers in Part 6 to be used to implement the plan:	Section 8 of the amended RPMP details the powers conferred under Part 6 to be used to implement the plan.
(h) the rules, if any:	Rules are contained within the new programme for pest conifers and have been identified and given unique identifiers
(i) the rules, if any, that are good neighbour rules:	There is one new good neighbor rule, clearly identified within in the new pest conifer

	programme.
(j) the management agency:	The management agency has been determined (see Minute 3) and continues to be identified in Section 2.1 of the RPMP.
(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 costs of implementation:	N/A There are no local authorities with jurisdiction in the area the amended RPMP will be operative in that the management agency itself is a unitary authority and in effect is also a local authority.
(l) the portions of road, if any, adjoining land covered by the plan and, as authorised by section 6, also covered by the plan:	Section 2.3.2 in the amended RPMP addresses this as authorised by section 6 of the Act.
(m) the plan's commencement date and termination date:	Section 1.3 of the RPMP addresses the plan's commencement and termination date. In addition, the commencement date will also be specifically outlined on the inside cover of the RPMP document.
(n) any matters required by the national policy direction.	Section 3 of the RPMP outlines the matters required by the national policy direction.

Section 73(4) Compensation

This Proposal did not amend matters in relation to compensation. Section 2.2 of the amended RPMP addresses compensation by way of the following statement:

"The Plan does not provide for compensation to be paid to any persons meeting their obligations under its implementation. However, should the disposal of a pest or associated organism provide any net proceeds, a person will be paid disbursement in the manner noted under section 100I of the Act."

Section 73(5) Rules

The amended RPMP contains a number of rules detailed within each respective programme. On each occasion, the rule has been drafted in accordance with a single purpose detailed in section 73(5)(a)-(s). The purpose has also been referenced in the amended RPMP in an explanation of the rules within each programme.

Section 73(6)

On each occasion, the rules using in the amended RPMP clearly articulate whether the rule:

- (a) applies generally or to different classes or descriptions of persons, places, goods, or other things:
- (b) applies all the time or at 1 or more specified times of the year:
- (c) applies 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) specifies that a contravention of the rule creates an offence under section 154N(19).

5. We are also satisfied that the RPMP prepared by staff meets the requirements of section 74 in that it addresses:

	Assessment
(a) that the plan is not inconsistent with –	(i) We are satisfied that the amended

<p>(i) the national policy direction; or (ii) any other pest management plan on the same organism; or (iii) any pathway management plan; or (iv) a regional policy statement or regional plan prepared under the Resource Management Act 1991; or (v) any regulations; and</p>	<p>RPMP is not inconsistent with the national policy direction.</p> <p>(ii) Numerous other pest management plans seek to manage the same organisms. Even though the management approach may be different, this may be entirely appropriate in that particular context. We are satisfied that the amended RPMP is not materially inconsistent with those other pest management plans with respect to generating a conflict.</p> <p>(iii) The amended RPMP is not inconsistent with an pathway management plan. The only two operative plans in NZ are regional pathways management plans for Fiordland and Northland. The amended RPMP in effect is consistent with and support these plans.</p> <p>(iv) No provision within the amended RPMP generates an inconsistency with a regional policy statement or regional plan prepared under the Resource Management Act 1991.</p> <p>(v) No provision within the amended RPMP generates an inconsistency with any regulations.</p>
<p>(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;</p>	<p>(b) the analysis undertaken in the development of the RPMP Proposal have not had to be revised or altered during consultation. As a result, for the new pest conifer subjects, we are satisfied that the benefits of the plan as a whole.</p>
<p>(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—</p> <p>(i) will accrue, as a group, benefits outweighing the costs; or (ii) contribute, as a group, to the creation, continuance, or exacerbation of the problems proposed to be resolved by the plan; and</p>	<p>(c) we are satisfied that the amended RPMP addresses section 74(c) through the summary of funding within section 9.</p> <p>Costs for the pest conifer programme for were prepared for the Proposal and used in the analysis of benefits/costs and cost allocation. For Council costs as part of that analysis, the geographic rating districts and rate allocation model used by Council under the Local Government Act (Rating) Act 2002 was also used to allocate costs.</p>
<p>(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;</p>	<p>(d) We are satisfied that for pest conifer programme subjects in the plan, there is likely to be adequate funding to meet section 74(d).</p> <p>The cost for the programme for the pest conifer subjects, detailed as part of the Proposal, were calculated to meet the respective programme objective. With respect</p>

	<p>to programmes where costs were allocated to Council, the decision on Council funding via the Long Term Plan 2018-2028 process meant that the programmes will be adequately resourced.</p> <p>However, given the pet conifer programme relies heavily on the National Wilding Conifer Control Programme, variation in Central Government funding may have an impact on the level of resources from FY 2021/22 onwards. This will need to be monitoring through annual reporting on the amended RPMP.</p>
<p>(e) that each rule— (i) will assist in achieving the plan's objectives; and (ii) will not trespass unduly on the rights of individuals.</p>	<p>(e) We are satisfied that each rule in the amended RPMP will assist in achieving the plan's objective and will not trespass unduly on the rights of individual.</p>

6. The Hearing Panel's recommendations on submissions and the amended RPMP will be tabled at Council's Environment Committee on Thursday 10 June 2020. The Committee papers will be available on or about 5 June 2020 on the Council website below.

<https://www.marlborough.govt.nz/your-council/meetings>

7. Recommendations made at this meeting will include a decision to be made by Council under section 75 of the Biosecurity Act 1993. This decision will be ratified by full Council on 25 June 2020, after which the public notice regarding the decision will be made, including specific notice to submitters.

Dated: 21 May 2020



Councillor Cynthia Brooks

Chair of the RPMP Proposal Hearing Panel