

## Attachment F - Biosecurity Act Assessments

### S100D(5) The proposal—

Requirement	Comment on compliance
(a) must state whether the proposal is to amend, revoke, revoke and replace, or leave unchanged the plan or part of the plan; and	As stated in paragraphs 1 and 2 of the committee report, the proposal is to revoke the Regional Pest Management Plan (previously Strategy) 2007-2017 and replace it with the Proposed Regional Pest Management Plan 2017.
(b) must give reasons for the proposal; and	The proposal is required following determination that the Regional Pest Management Strategy 2007-2012 is inconsistent with the National Policy Direction for Pest Management. Furthermore, due to changes in the nature of pest infestations in the Auckland region since the previous strategy was developed, an updated proposal is required to adequately provide for current pest management requirements in the region.
(c) must,— (i) if the proposal is to amend the plan or part of the plan, set out any proposed amendments in full; or (ii) if the proposal is to revoke and replace the plan or part of the plan, set out the replacement plan or part; and	The proposed replacement plan is set out in the Proposed Regional Pest Management Plan contained within Attachment A to this report.
(d) must comply with <a href="#">section 61, 70, 81, or 90</a> to the extent to which the sections are relevant and reading in any necessary modifications; and	Section 70 applies to a Proposed Regional Pest Management Plan. See assessment below.
(e) may propose that a pest or pathway, as appropriate, be added to the plan, whether or not the review is of the whole plan.	Council proposes that 267 pest taxa be added to the plan (including those taxa previously included in the RPMS 2007-2012), set out in the Proposed Regional Pest Management Plan contained within Attachment A to this report.

### Section 70

Requirement	Comment on compliance
(1)The first step in the making of a plan is a proposal made by— (a)the council; or (b)a person who submits the proposal to the council.	The proposal is made by Auckland Council.
(2)The proposal must set out the following	Auckland Council is making the proposal

<p>matters:</p> <p>(a)the name of the person making the proposal:</p>	
<p>(b)the subject of the proposal, which means—</p> <p>(i)the organism proposed to be specified as a pest under the plan or the organisms proposed to be specified as pests under the plan; or</p> <p>(ii)the class or description of organism proposed to be specified as a pest under the plan or the classes or descriptions of organisms proposed to be specified as pests under the plan:</p>	<p>The organisms proposed to be specified as pests in the plan are set out in Proposed Regional Pest Management Plan contained within Attachment A to this report.</p>
<p>(c)for each subject,—</p> <p>(i)a description of its adverse effects:</p> <p>(ii)the reasons for proposing a plan:</p> <p>(iii)the objectives that the plan would have:</p> <p>(iv)the principal measures that would be in the plan to achieve the objectives:</p> <p>(v)other measures that it would be reasonable to take to achieve the objectives, if there are any such measures, and the reasons why the proposed measures are preferable as a means of achieving the objectives:</p> <p>(vi)the reasons why the plan is more appropriate than relying on voluntary actions:</p> <p>(vii)an analysis of the benefits and costs of the plan:</p> <p>(viii)the extent to which any persons, or persons of a class or description, are likely to benefit from the plan:</p> <p>(ix)the extent to which any persons, or persons of a class or description, contribute to the creation, continuance, or exacerbation of the problems proposed to be resolved by the plan:</p> <p>(x)the rationale for the proposed allocation of costs:</p> <p>(xi)if it is proposed that the plan be funded by a levy under <a href="#">section 100L</a>, how the proposed levy satisfies section 100L(5)(d) and what matters will be specified under <a href="#">section 100N(1)</a>:</p> <p>(xii)whether any unusual administrative problems or costs are expected in recovering the costs allocated to any of the persons whom the plan would require to pay the costs:</p>	<p>For each subject, the Proposed Regional Pest Management Plan contained within Attachment A to this report sets out:</p> <p>(i)a description of its adverse effects:</p> <p>(ii)the reasons for proposing a plan:</p> <p>(iii)the objectives that the plan would have:</p> <p>(iv)the principal measures that would be in the plan to achieve the objectives.</p> <p>For each subject, the Cost: Benefit Analysis contained within Attachment D to this report sets out:</p> <p>(vi)the reasons why the plan is more appropriate than relying on voluntary actions:</p> <p>(vii)an analysis of the benefits and costs of the plan.</p> <p>For each subject, the Cost Allocation Analysis contained within Attachment E to this report sets out:</p> <p>(viii)the extent to which any persons, or persons of a class or description, are likely to benefit from the plan</p> <p>(ix)the extent to which any persons, or persons of a class or description, contribute to the creation, continuance, or exacerbation of the problems proposed to be resolved by the plan</p> <p>(x)the rationale for the proposed allocation of costs.</p> <p>(xi) It is not proposed that the plan be funded by a levy under section 100L.</p> <p>(xii) No unusual administrative problems or costs are expected in recovering the costs</p>

	allocated to any of the persons whom the plan would require to pay the costs.
(d)any other organism intended to be controlled:	The Proposed Regional Pest Management Plan contained within Attachment A to this report sets out other organisms that may be controlled on a cost recovery basis to support programmes delivered by the Ministry of Primary Industries.
(e)the effects that, in the opinion of the person making the proposal, implementation of the plan would have on— (i)economic wellbeing, the environment, human health, enjoyment of the natural environment, and the relationship between Māori, their culture, and their traditions and their ancestral lands, waters, sites, wāhi tapu, and taonga: (ii)the marketing overseas of New Zealand products:	For each subject, the Cost: Benefit Analysis contained within Attachment D to this report sets out the effects that, in the opinion of Auckland Council, implementation of the plan would have on: (i)economic wellbeing, the environment, human health, enjoyment of the natural environment, and the relationship between Māori, their culture, and their traditions and their ancestral lands, waters, sites, wāhi tapu, and taonga: (ii)the marketing overseas of New Zealand products:
(f)if the plan would affect another pest management plan or a pathway management plan, how it is proposed to co-ordinate the implementation of the plans:	The plan may affect implementation of Regional Pest Management Plans of nearby regions, particularly Northland and Waikato regions. Co-ordination among regions has occurred during the drafting of the proposed plan to maximise alignment. Operational coordination will also be implemented following plan adoption, particularly with respect to the Hunua ranges.
(g)the powers in <a href="#">Part 6</a> that it is proposed to use to implement the plan:	Auckland Council may use any of the powers in Part 6 to implement the plan.
(h)each proposed rule and an explanation of its purpose:	For each proposed programme, the Proposed Regional Pest Management Plan contained within Attachment A to this report sets out each proposed rule and an explanation of its purpose.
(i)the rules, if any, that are intended to be good neighbour rules:	For each proposed programme, the Proposed Regional Pest Management Plan contained within Attachment A to this report sets out the rules, if any, that are intended to be good neighbour rules.
(j)the rules whose contravention is proposed to be an offence under this Act:	The Proposed Regional Pest Management Plan contained within Attachment A to this report sets out that all rules within the proposed plan

	are proposed to be an offence under this Act.
(k)the management agency:	Sub-section 4.1 of the Proposed Regional Pest Management Plan contained within Attachment A to this report identifies that Auckland Council is the management agency
(l)the means by which it is proposed to monitor or measure the achievement of the plan's objectives:	Section 8 of the Proposed Regional Pest Management Plan contained within Attachment A to this report sets out the means by which it is proposed to monitor or measure the achievement of the plan's objectives.
(m)the actions that it is proposed 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:	As the management agency, Auckland Council will contribute the costs of the relevant service delivery, advisory, enforcement and other components of implementing the plan. It is also proposed that Auckland Council will contribute costs towards implementing the plan in respect of meeting Council's obligations as a land manager subject to rules in the plan , including on land managed by Community Facilities and Council-Controlled Organisations. As Auckland Council is a Unitary Authority, no other local authority is proposed to take any action under the plan.
(n)the basis, if any, on which the management agency is to pay compensation for losses incurred as a direct result of the implementation of the plan:	Section 4.2 of the Proposed Regional Pest Management Plan contained within Attachment A to this report sets out that the management agency does not propose to pay any compensation for losses incurred as a direct result of the implementation of the plan.
(o)information on the disposal of the proceeds of any receipts arising in the course of implementing the plan:	Section 4.2 of the Proposed Regional Pest Management Plan contained within Attachment A to this report sets out that should the disposal of a pest or associated organism provide any net proceeds, a person will be paid disbursement in the manner noted under s100I of the Biosecurity Act.
(p)whether the plan includes portions of road adjoining land it covers, as authorised by section 6, and, if so, the portions of road proposed to be included:	<p>The Proposed Regional Pest Management Plan contained within Attachment A to this report sets out that the plan includes portions of road adjoining land the plan covers, as authorised by section 6, and for the purposes of the plan includes all or any of the portions of road bounded by:</p> <p>(a) the boundary of that land abutting that road; and</p> <p>(b) lines extended from the end of that portion of boundary to the middle line of the road; and</p> <p>(c) the middle line of the road connecting those</p>

	extended lines
(q)the anticipated costs of implementing the plan:	The Cost: Benefit Analysis contained within Attachment D to this report sets out the anticipated costs of implementing the plan on a programme by programme basis. Further, these costs are summarised in the Summary Document in Attachment B to this report.
(r)how it is proposed that the costs be funded:	The Cost Allocation Analysis contained within Attachment E to this report sets out how it is proposed that the costs be funded.
(s)the period for which it is proposed the plan be in force:	The plan is proposed to be in force for a period of 10 years unless reviewed prior.
(t)the consultation, if any, that has occurred on the proposal and the outcome of it:	The Consultation Summary contained within Attachment C to this report sets out the consultation that has occurred on the proposal and the outcome of it, including with elected members, mana whenua, council staff, key stakeholders and interest groups, and the public.
(u)any matter that the national policy direction requires be specified in a plan:	The proposed plan and supporting documentation set out all matters that the national policy direction requires be specified in a plan.
(v)the steps that have been taken to comply with the process requirements in the national policy direction, if there were any.	<p>The Proposed Regional Pest Management Plan contained within Attachment A, the Cost: Benefit Analysis contained within Attachment D and the Cost Allocation Analysis contained within Attachment E comply with the process requirements in the national policy direction, including:</p> <p>Clause 4: Directions for setting objectives. All objectives used in the Proposed Regional Pest Management Plan cover all components required in sub-clause 4.1 of the NPD.</p> <p>Clause 5: Directions for programme descriptions. The only programme types used in the Proposed Regional Pest Management Plan are those listed in sub-clause 5.1 of the NPD.</p> <p>Clause 6: Directions for analysing benefits and costs. When choosing the appropriate level of analysis, consideration was given to the factors listed in sub-clause 6.1 of the NPD. Issues listed in sub-clauses 6.2, 6.3 and 6.4 of the NPD are considered in the Cost: Benefit Analysis contained within Attachment D, which will be made publically available during consultation on the Proposed Regional Pest</p>

	<p>Management Plan in accordance with sub-clause 6.5 of the NPD.</p> <p>Clause 7: Directions on proposed allocation of costs for Pest and Pathway Management Plans. The Cost Allocation Analysis contained within Attachment E itemises each of the considerations set out in Clause 7 of the NPD.</p> <p>Clause 8: Directions on Good Neighbour Rules. The rule structures and Cost: Benefit Analysis contained within Attachment D have had consideration to the factors set out in Clause 8 of the NPD.</p> <p>The process requirements of Clause 9: Directions on timing of inconsistency determination were complied with, through council resolution (resolution ENV/2017/7) determining inconsistency of the legacy Auckland Regional Pest Management Plan 2007-2012 with the National Policy Direction for Pest Management on 14 February 2017.</p>
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**Section 71**

If the council is satisfied that [section 70](#) has been complied with, the council may take the second step in the making of a plan, which is to consider whether the council is satisfied—

<p>(a)that the proposal is not inconsistent with—</p> <p>(i)the national policy direction; or</p> <p>(ii)any other pest management plan on the same organism; or</p> <p>(iii)any pathway management plan; or</p> <p>(iv)a regional policy statement or regional plan prepared under the <a href="#">Resource Management Act 1991</a>; or</p> <p>(v)any regulations; and</p>	<p>The Proposed Regional Pest Management Plan contained within Attachment A is not inconsistent with:</p> <p>(i)the national policy direction; or</p> <p>As outlined in the previous table, the Proposed Regional Pest Management Plan is consistent with all clauses of the National Policy Direction, including in setting of objectives and programmes, and in analysis of costs, benefits and cost allocation.</p> <p>(ii)any other pest management plan on the same organism; or</p> <p>Council is not aware of any other management plans with which proposed RPMP provisions are inconsistent.</p> <p>(iii)any pathway management plan; or</p> <p>No such pathway plan exists within the</p>
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	<p>Auckland region, therefore there is no inconsistency.</p> <p>(iv) a regional policy statement or regional plan prepared under the <a href="#">Resource Management Act 1991</a>; or</p> <p>The Auckland Unitary Plan Regional Policy Statement section B7 identifies that animal and plant pests threaten the viability of indigenous ecosystems and species. Regional Plan provisions further detail this threat, and identify that indigenous biodiversity should be enhanced, including through encouraging and enabling the control and eradication (where possible) of plant and animal pests. Rules generally permit without resource consent the removal of pest plants, and promote the inclusion of pest control measures as a condition of resource consent in appropriate circumstances. Provisions are also included to address marine biosecurity issues, in relation to boat hulls and structures in the CMA. The specific threat of kauri dieback disease is identified, with policy and rules directing that works in the vicinity of kauri are managed to prevent the spread of soil and kauri plant material. All of these provisions are consistent with, and complement, those in the RPMP.</p> <p>(v) any regulations</p> <p>Council is not aware of any regulations with which proposed RPMP provisions are inconsistent</p>
<p>(b) that, during the development of the proposal, the process requirements for a plan in the national policy direction, if there were any, were complied with; and</p>	<p>During the development of the Proposed Regional Pest Management Plan contained within Attachment A, the Cost: Benefit Analysis contained within Attachment D and the Cost Allocation Analysis contained within Attachment E, the process requirements for a plan in the national policy direction were complied with, including:</p> <p>Clause 4: Directions for setting objectives. All objectives used in the Proposed Regional Pest Management Plan cover all components required in sub-clause 4.1 of the NPD.</p> <p>Clause 5: Directions for programme descriptions. The only programme types used in the</p>

	<p>Proposed Regional Pest Management Plan are those listed in sub-clause 5.1 of the NPD.</p> <p>Clause 6: Directions for analysing benefits and costs. When choosing the appropriate level of analysis, consideration was given to the factors listed in sub-clause 6.1 of the NPD. Issues listed in sub-clauses 6.2, 6.3 and 6.4 of the NPD are considered in the Cost: Benefit Analysis contained within Attachment D, which will be made publically available during consultation on the Proposed Regional Pest Management Plan in accordance with sub-clause 6.5 of the NPD.</p> <p>Clause 7: Directions on proposed allocation of costs for Pest and Pathway Management Plans. The Cost Allocation Analysis contained within Attachment E itemises each of the considerations set out in Clause 7 of the NPD.</p> <p>Clause 8: Directions on Good Neighbour Rules. The rule structures and Cost: Benefit Analysis contained within Attachment D have had consideration to the factors set out in Clause 8 of the NPD.</p> <p>The process requirements of Clause 9: Directions on timing of inconsistency determination were complied with, through council resolution (resolution ENV/2017/7) determining inconsistency of the legacy Auckland Regional Pest Management Plan 2007-2012 with the National Policy Direction for Pest Management on 14 February 2017.</p>
<p>(c)that the proposal has merit as a means of eradicating or effectively managing the subject of the proposal, which means— (i)the organism proposed to be specified as a pest under the plan or the organisms proposed to be specified as pests under the plan; or (ii)the class or description of organism proposed to be specified as a pest under the plan or the classes or descriptions of organisms proposed to be specified as pests under the plan; and</p>	<p>For each subject contained within the proposed plan, the proposal has merit as a means of eradicating or effectively managing the subject, as all programmes have been drafted with regard to technical considerations relating to the pest organism, available control methods, and alternative management options as they relate to outcomes sought.</p>
<p>(d)that each subject is capable of causing at some time an adverse effect on 1 or more of the following in the region:</p>	<p>As set out in the Cost: Benefit Analysis contained within Attachment D to this report, each subject contained within the proposed</p>



<p>(i) economic wellbeing;</p> <p>(ii) the viability of threatened species of organisms;</p> <p>(iii) the survival and distribution of indigenous plants or animals;</p> <p>(iv) the sustainability of natural and developed ecosystems, ecological processes, and biological diversity;</p> <p>(v) soil resources;</p> <p>(vi) water quality;</p> <p>(vii) human health;</p> <p>(viii) social and cultural wellbeing;</p> <p>(ix) the enjoyment of the recreational value of the natural environment;</p> <p>(x) the relationship between Māori, their culture, and their traditions and their ancestral lands, waters, sites, wāhi tapu, and taonga;</p> <p>(xi) animal welfare; and</p>	<p>plan is capable of causing at some time an adverse effect on 1 or more of the following in the region:</p> <p>(i) economic wellbeing;</p> <p>(ii) the viability of threatened species of organisms;</p> <p>(iii) the survival and distribution of indigenous plants or animals;</p> <p>(iv) the sustainability of natural and developed ecosystems, ecological processes, and biological diversity;</p> <p>(v) soil resources;</p> <p>(vi) water quality;</p> <p>(vii) human health;</p> <p>(viii) social and cultural wellbeing;</p> <p>(ix) the enjoyment of the recreational value of the natural environment;</p> <p>(x) the relationship between Māori, their culture, and their traditions and their ancestral lands, waters, sites, wāhi tapu, and taonga;</p> <p>(xi) animal welfare</p>
<p>(e) that, for each subject, the benefits of the plan would outweigh the costs, after taking account of the likely consequences of inaction or other courses of action; and</p>	<p>As set out in the Cost: Benefit Analysis contained within Attachment D to this report, for each subject contained within the proposed plan the benefits of the plan would outweigh the costs, after taking account of the likely consequences of inaction or other courses of action.</p>
<p>(f) that, for each subject, persons who are required, as a group, to meet directly any or all of the costs of implementing the plan—</p> <p>(i) would accrue, as a group, benefits outweighing the costs; or</p> <p>(ii) contribute, as a group, to the creation, continuance, or exacerbation of the problems proposed to be resolved by the plan; and</p>	<p>As set out in the Cost Allocation Analysis contained within Attachment E to this report, for each subject, persons who are required, as a group, to meet directly any or all of the costs of implementing the plan—</p> <p>(i) would accrue, as a group, benefits outweighing the costs; or</p> <p>(ii) contribute, as a group, to the creation, continuance, or exacerbation of the problems proposed to be resolved by the plan</p>
<p>(g) that, for each subject, there is likely to be adequate funding for the implementation of the plan for the shorter of its proposed duration and 5 years; and</p>	<p>For each subject, there is likely to be adequate funding for the implementation of the plan for the shorter of its proposed duration and 5 years, as the proposal is being consulted on in alignment with the Long-term Plan. The proposal may be amended following consultation if the outcome of those processes does not align funding with proposed outcomes. At such time, further consultation may be required.</p>
<p>(h) that each proposed rule—</p>	<p>Each proposed rule—</p>

<p>(i)would assist in achieving the plan’s objectives; and  (ii)would not trespass unduly on the rights of individuals; and</p>	<p>(i)would assist in achieving the plan’s objectives, because all rules have been drafted to align with the objectives and outcomes sought be the corresponding programme; and(ii)would not trespass unduly on the rights of individuals, because the Cost:Benefit and Cost Allocation analyses (as set out in Attachments D and E respectively) have identified qualitative as well as quantitative costs that may arise from the proposed programmes and concluded that those costs are reasonably and fairly allocated according to the extent to which parties are beneficiaries or exacerbators.</p>
<p>(i)that the proposal is not frivolous or vexatious; and</p>	<p>The proposal is not frivolous or vexatious as all programmes contained therein have been subject to rigorous Cost:Benefit and Cost Allocation analyses as set out in Attachments D and E respectively, and all programmes have been created to achieve outcomes that contribute to public good.</p>
<p>(j)that the proposal is clear enough to be readily understood; and</p>	<p>The proposal is clear enough to be readily understood, and is supported by a shorter Summary Document in Appendix B to this report, to aid understanding.</p>
<p>(k)that, if the council rejected a similar proposal within the last 3 years, new and material information answers the council’s objection to the previous proposal.</p>	<p>Council has not rejected a similar proposal within the last 3 years.</p>

## Section 72

<p>(1) If the council is satisfied of the matters in <a href="#">section 71</a>, 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; and  (b)that, if local authorities’ responsibilities may be affected by the plan, the authorities have been consulted; and  (c)that the tāngata whenua of the area who may be affected by the plan were consulted through iwi authorities and tribal runanga; and  (d)that, if consultation with other persons is appropriate, sufficient consultation has</p>	<p>(a) The Minister’s responsibilities are not affected by the proposed plan because no rules in the Proposed Regional Pest Management Plan set out in Appendix A either add or remove any responsibilities affecting the Minister.  (b) As Auckland Council is a Unitary Authority, no other Auckland territorial authorities have been consulted. Consultation has been undertaken with Waikato Regional Council with respect to the Hunua ranges.  (c) The tāngata whenua of the area who may be affected by the plan were consulted through iwi authorities, as outlined in the Consultation Summary contained within Attachment C to this report.</p>
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<p>occurred.</p>	<p>(d) The consultation undertaken to date, as outlined in the Consultation Summary contained within Attachment C to this report, is not yet appropriate and sufficient. Further consultation on the proposed plan is scheduled for 2018.</p>
<p>(2) In considering whether the council is satisfied as required by subsection (1)(d), the council must have regard to the following:</p> <p>(a) the scale of the impacts on persons who are likely to be affected by the plan; and</p> <p>(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</p> <p>(c) the level of support for, or opposition to, the proposal from persons who are likely to be affected by it.</p>	<p>The consultation undertaken to date, as outlined in the Consultation Summary contained within Attachment A to this report, is sufficient to propose a plan under ss 105D and 70 of the Biosecurity Act, but further consultation on the proposed plan is appropriate at this stage because persons likely to be substantially affected by the proposed Regional Pest Management Plan have not yet been consulted on the full detail of the proposed plan.</p>
<p>(3) If the council is satisfied as required by subsection (1), the council must apply <a href="#">section 73</a>.</p>	<p>Not yet satisfied.</p>
<p>(4) If the council is not satisfied as required by subsection (1), the council may require consultation to be undertaken on the proposal.</p>	<p>Council is not yet satisfied that appropriate and sufficient consultation has taken place with persons in relation to the full detail of the proposed plan, and so requires further consultation on the full proposed plan to be undertaken.</p>
<p>(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—</p> <p>(a) consultation with persons likely to be affected by the plan or with their representatives;</p> <p>(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;</p> <p>(c) public notification of the proposal and the receipt of submissions.</p>	<p>Council considers that the following consultation on the proposed plan is appropriate:</p> <p>(a) consultation with persons likely to be affected by the plan or with their representatives;</p> <p>and</p> <p>(c) public notification of the proposal and the receipt of submissions.</p> <p>Public notification of the proposal is appropriate as the details of the proposed plan have not to date been made available to the public, members of whom may be substantially affected by the proposal.</p> <p>Public notification of the proposal is to be aligned with consultation on the Long-term Plan.</p>

<p>(6)After the consultation required by the council has been undertaken, the council must apply subsection (1) again.</p>	<p>To be addressed following consultation.</p>
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