

Part 1
Plan establishment
Te whakakaupapa I te mahere



1. Introduction

Kupu whakataki

Regional pest management plans (RPMP) are prepared by regional councils under the Biosecurity Act 1993. They are regulatory plans, particular to a region, that identify harmful organisms considered to be pests in that region, with their management governed by rules.

1.1 Waikato Regional Pest Management Plan 2022-2032

This RPMP is the key regulatory document that directs how harmful organisms that have been declared pests by Waikato Regional Council under the Biosecurity Act 1993 (the Biosecurity Act) are managed in the Waikato region.

1.1.1 Purpose

The purpose of the RPMP is to outline the council's regulatory framework for efficient and effective management of specified harmful organisms in the Waikato region to:

- minimise the actual or potential adverse or unintended effects associated with those organisms
- maximise the effectiveness of individual actions in managing pests through a regionally coordinated approach.

Many organisms in the Waikato region, or which could infest the Waikato region, are considered undesirable or a nuisance, creating environmental, economic, social or cultural harm. This Plan identifies those organisms which have been classified as pests to be managed on a regional basis through its rules.

The RPMP empowers Waikato Regional Council to exercise the relevant advisory, service delivery, regulatory and funding provisions available under the Act to deliver the specific objectives identified in *Part 2: Pest management*.

1.1.2 Coverage

The Waikato is the fourth largest region in New Zealand. It stretches from the Bombay Hills and Port Waikato, in the north, down the Kaimai Range and to Mt Ruapehu, in the south, and from Mokau on the west coast across to the Coromandel Peninsula in the east and includes offshore islands. The region has one city (Hamilton) and 10 districts, three of which lie across the regional boundary.

The RPMP operates within the administrative boundaries of the Waikato region (figure 1) which includes a total land and sea area of over 35,000 square kilometres.

1.1.3 Duration

The RPMP will commence on the date on which council fixes its seal (as per section 77 of the Biosecurity Act), and will remain in force for 10 years from that date. The RPMP may cease at an earlier date if Waikato Regional Council declares by public notice that the RPMP has achieved its purpose. It may also cease at an earlier date if, following a review, it is revoked.

1.1.4 Plan review

Waikato Regional Council may review the RPMP or any part of it if they have reason to believe that the RPMP, or part of the RPMP, is failing to achieve its objective or that relevant circumstances have changed since the RPMP commenced. This will enable the council to quickly respond to any new issues that may emerge over the life of this Plan, such as new regional incursions, including where central government responses have not been undertaken or have been discontinued.

The council must review the RPMP if it has not been reviewed for 10 years, or if it is due to terminate in less than 12 months and it is proposed to extend the RPMP's duration. A review must also be initiated if the RPMP is inconsistent with a national policy direction (NPD), and any changes to resolve any inconsistency must not have a significant effect on a person's rights and obligations.

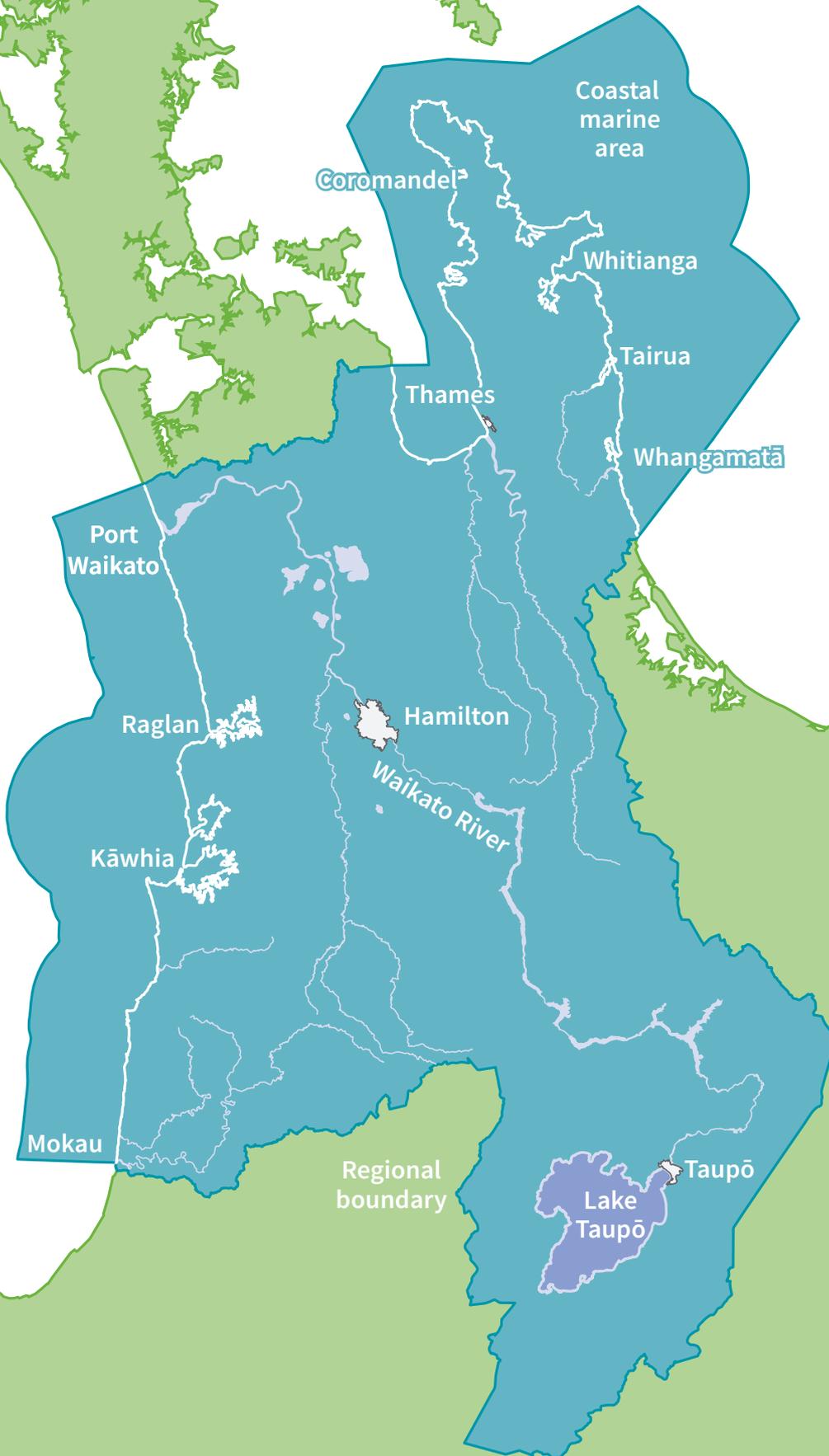
The council may make minor amendments to the RPMP without needing a review (section 100G(4) of the Biosecurity Act). Any minor amendment:

- must not have a significant effect on any person's rights and obligations
- must not be inconsistent with a national policy direction.

A review may result in no change to the RPMP, the RPMP being amended, or may extend its duration.



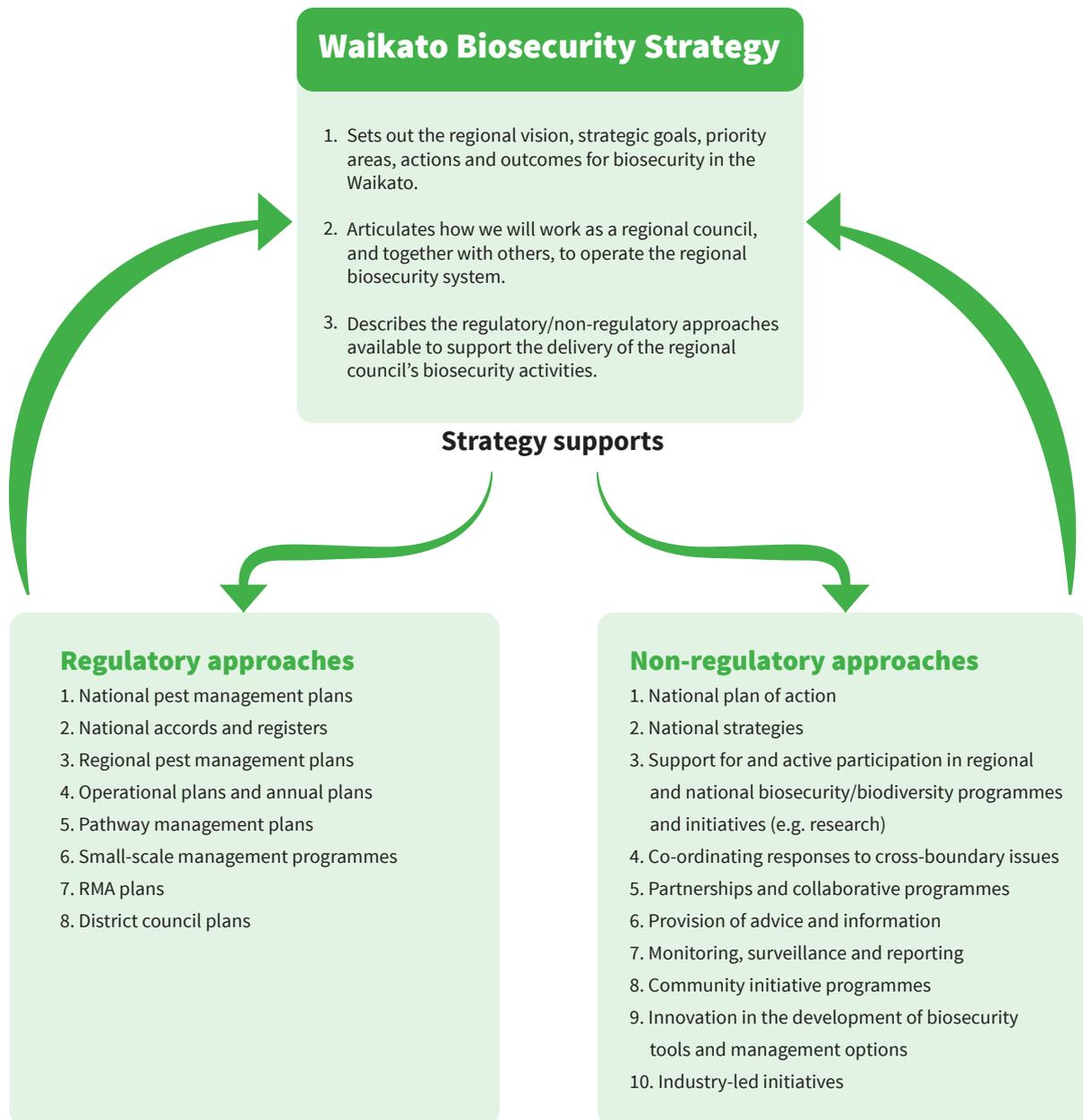
Figure 1: The Waikato region.



1.2 Waikato Biosecurity Strategy 2022-2032

Our *Waikato Biosecurity Strategy 2022-2032*, which sits above the RPMP, is a non-regulatory document. The strategy sets out the council's vision and priorities for the regional biosecurity system, and the actions we will take to deliver biosecurity outcomes within the Waikato. As the overarching framework for biosecurity in the region, it provides a roadmap for how we will work together to operate the biosecurity system. It articulates how we will use regulatory and non-regulatory approaches to manage harmful organisms (including those declared as pests under this RPMP) to protect the broad range of values important to us all (refer figure 2).

Figure 2: Waikato Regional Council's Biosecurity System



2. Planning and statutory background

Te mahere me te horopaki ā-ture

2.1 Legislative background

Regional councils undertake local government activities and actions under several legislative mandates. While managing pests is not dependent on one particular statute, effectiveness is connected to the purpose of a particular statute. All regional councils in New Zealand prepare and operate RPMPs under the Biosecurity Act 1993 (the Act).

2.1.1 The Biosecurity Act 1993

A regional council can use the Biosecurity Act to exclude, eradicate or effectively manage pests in its region, including unwanted organisms. A regional council is not legally obliged to manage a harmful organism unless it chooses to do so. As such, the Act's approach is enabling rather than prescriptive.

Part 5: Managing pests and harmful organisms

Part 5 of the Biosecurity Act sets out the statutory scheme for pest management, including regional pest management. The primary purpose is to provide for the eradication or effective management of harmful organisms. A harmful organism is assigned pest status if it is included in a pest management plan (also see the prerequisites in sections 69-78 of the Biosecurity Act).

Part 5 includes a requirement for ongoing monitoring to determine whether pests and unwanted organisms are present, and to keep them under surveillance. Part of this process is to develop effective and efficient measures (such as policies and plans) that prevent, reduce or eliminate the adverse effects of pests and unwanted organisms on land and people (including Māori, their kaitiakitanga and taonga).

Part 5 allows the council to implement a small-scale management programme to manage incursions of harmful organisms or pests with a limited distribution that are not included in the RPMP (section 100V of the Act).

Part 5 requires that a regional council must assess any other proposal for a RPMP, must prepare an operational plan for any RPMP (if they are the management agency for it), and must prepare an annual report on the operational plan.¹

Part 5 also addresses the issue of who should pay for the cost of the pest management.

Part 6: Administering a plan

Once operative, a plan is supported by parts of Part 6 (as nominated in the plan) that focus on the administrative provisions and powers to allow voluntary and mandatory actions of a regional council.

2.1.2 The Resource Management Act 1991

Regional councils also have responsibilities under the Resource Management Act 1991 (RMA) to sustainably manage the natural and physical resources of the region, including the coastal marine area (CMA). These responsibilities include sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations, safeguarding the life-supporting capacity of air, water, soil and ecosystems, and protecting environmentally significant areas of indigenous vegetation and habitats of indigenous fauna (sections 5(2) and 6(c) of the RMA).

The RMA sets out the functions of regional councils in relation to the control of the use of land for the purpose of the maintenance and enhancement of ecosystems in the waterbodies and coastal water in the region (section 30(1)(c)(iiiia) of the RMA); in respect of any CMA in the region, the control of actual or potential effects of use, development or protection of land (section 30(1)(d)(v) of the RMA); and the establishment, implementation and review of objectives, policies and methods for maintaining indigenous biological diversity (section 30(1)(ga) of the RMA).

The focus of the RMA is on managing adverse effects on the environment through national environmental standards and regulations, national and regional policy statements, regional and district plans, and resource consents. The RMA, along with regional policies and plans, can be used to manage activities so that they do not create a biosecurity risk, or those risks are minimised. While the Biosecurity Act is the main regulatory tool for managing pests, there are complementary powers within the RMA that can be used to ensure the problem is not exacerbated by activities regulated under the RMA.

The Biosecurity Act cannot over-ride any controls imposed under the RMA, for example, bypassing resource consent requirements.

2.1.3 The Local Government Act 2002

One of the purposes of the Local Government Act 2002 (the LGA) is to provide "... a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them". The LGA currently underpins biosecurity activities through

¹ There are additional powers under the Biosecurity Act 1993 relating to the management of Unwanted Organisms. Refer to section 4.1 of this Plan.

its financial management regime, including provision for funding through both general and targeted rates. While planning and delivering pest management objectives is broadly within the powers and duties of the LGA, operating under legislation focused on managing pests at the regional level is the most transparent and efficient approach. The council is mandated under section 11(a) of the LGA to give effect to the purpose of local government stated in section 10, which includes promoting social, economic, environmental and cultural wellbeing; and section 11(b) provides for the council to perform duties under Acts other than the LGA.

2.1.4 Wild Animal Control Act 1977 and the Wildlife Act 1953

Activities undertaken in implementing this RPMP must comply with the provisions of other legislation. Two such Acts are the Wild Animal Control Act 1977 (and Wild Animal Control Amendment Act 1997) and the Wildlife Act 1953. Requirements of these Acts of particular relevance to this Plan include:

- a) The Wild Animal Control Act 1977 controls the hunting and release of wild animals such as feral deer, goats and pigs, as well as regulating deer farming and the operation of safari parks. It also gives local authorities the power to destroy wild animals under operational plans that have the Minister of Conservation's consent.
- b) The Wildlife Act 1953 controls and protects wildlife not subject to the Wild Animal Control Act. It identifies wildlife which are not protected (for example, mustelids, possums, wallabies, rooks, and feral cats), are to be game (for example, mallard ducks or black swan) and which are partially protected or are injurious. It states that certain unprotected wildlife may be kept and bred in captivity even if they are declared pests under a pest management plan (for example, stoats or weasels) with authorisation from the Minister of Conservation (section 7C of the Wildlife Act).

2.1.5 Conservation Act 1987 and Fisheries Regulations

There is a complicated regulatory framework around freshwater pest fish in New Zealand, involving the interaction of a number of Acts, regulations and rules. The Conservation Act 1987 regulates freshwater fisheries by restricting and prohibiting fishing in certain circumstances and restricting the transfer or release of live aquatic life into fresh waterbodies. The Freshwater Fisheries Regulations 1983 contain several relevant provisions, including:

- defining perch, tench and rudd as sports fish which may only be taken from fresh water under a licence issued by Fish & Game
- placing controls on people who possess, control, rear, raise, hatch or consign noxious fish without authority.

2.2 Relationship with other pest management plans

A RPMP must not be inconsistent with any:

- a) national or regional pest management plan that is focused on the same organism
- b) any pathways management plan
- c) any regulation or regulations.

In developing the RPMP, there are no known inconsistencies with any current pest management or pathways management plan.

The Waikato region shares a boundary with Auckland Council, Bay of Plenty Regional Council, Horizons Regional Council, Hawke's Bay Regional Council and Taranaki Regional Council. It is in the interests of efficient and effective pest management that the pest management objectives between neighbouring councils are not inconsistent with each other.² In developing this Plan, the council has given regard to the aims and objectives of the RPMPs of these neighbouring councils.

² For example, Waikato Regional Council is part of the Top of the North Marine Partnership. A Pathway Plan for Marine Pests is a likely outcome of this work programme

2.3 Relationship with Māori

One specific purpose of an RPMP under the Act is to provide for the protection of the relationship between Māori, as tangata whenua, and their ancestral lands, their waters, sites, wāhi tapu and taonga, and for the protection of those aspects from the adverse effects of pests. Māori involvement in biosecurity is an important part of exercising kaitiakitanga over their mana whenua. Māori also carry out significant pest management through their primary sector economic interests and as landowners and/or occupiers.

The Local Government Act 2002 (LGA) requires councils to recognise and respect the Crown's responsibilities under Te Tiriti o Waitangi – Treaty of Waitangi. It also requires councils to maintain and improve opportunities for Māori to contribute to decision-making processes. This includes considering ways to help Māori to contribute. These responsibilities and requirements were met while preparing this RPMP and will continue after it takes effect.

2.4 Relationship with the national policy direction

The National Policy Direction (NPD) for Pest Management became active on 17 August 2015. The stated purpose of the NPD is to ensure that activities under Part 5 (Pest Management) of the Biosecurity Act 1993 provide the best use of available resources for New Zealand's best interests and align with each other, when necessary, to contribute to the achievement of Part 5.

Table 1 sets out the NPD requirements and the steps taken to comply with them.

Table 1: National policy direction requirements and steps taken to comply

NPD requirements	Steps taken to comply
Objectives are set	Ensured the objectives in this Plan comply with clause 4(1) of the NPD.
Programmes are described	Ensured the types of programmes in this Plan comply with clause 5 of the NPD.
Benefits and costs are analysed	Undertook a cost benefit analysis which is set out in the report <i>Waikato Regional Pest Management Plan Proposal – Analysis of Costs and Benefits</i> in line with clause 6 of the NPD.
Funding rationale is noted	Ensured that the funding rationale, described in section 10 of this Plan, has been developed in line with clause 7 of the NPD.
Good Neighbour Rules (GNR) are described	GNR have been developed in accordance with clause 8 of the NPD.

3. Responsibilities and obligations Whakataunga mahi me ōna whakaetanga

3.1 The management agency

Waikato Regional Council is the management agency responsible for implementing this RPMP. The council is satisfied that it meets the requirements of section 100 of the Biosecurity Act 1993 in that it:

- a) is accountable to those funding the implementation of the Plan, including Crown agencies, through the requirements of the LGA 2002
- b) is acceptable to those funders and persons subject to the RPMP's management provision because it implemented previous regional pest management plans
- c) has the capacity, competency and expertise to implement the RPMP.

How Waikato Regional Council will undertake its management responsibilities is set out in section 6 and section 9 of this Plan.

Waikato Regional Council will also:

- within three months of this Plan becoming operative, prepare an operational plan for its implementation
- review the operational plan annually and if it thinks fit, amend it
- prepare a report on the operational plan and its implementation not later than five months after the end of each financial year
- make copies of the operational plan available to the public.

3.1.1 Management agency for Hūnua Ranges Pest Management Area – Auckland Council

In November 2010, the boundary between the Auckland and Waikato regions was amended by the Local Government (Auckland Boundaries) Determination 2010. Consequently, 62 per cent of the Hūnua Ranges Regional Park, all of the adjoining Waharau and Whakatīwai regional parks, and two of Auckland's most important municipal water supply dams – the Mangatangi and Mangatawhiri dams – are now located in the Waikato region. However, under the Local Government Act 2002, Auckland Council continues to own and manage the land and assets in the regional parks.

To provide for the pest management carried out by Auckland Council, this Plan identifies the Hūnua Ranges Pest Management Area, of which Auckland Council is the pest management agency. As the pest management agency, Auckland Council's responsibilities include:

- the administration and implementation of integrated pest management programmes
- responses to all new pest or 'unwanted organism' incursions in the area
- responses to biosecurity enquiries and complaints relating to the area.

Waikato Regional Council will continue to collect targeted rates for biosecurity in the Hūnua Ranges Pest Management Area but will transfer the funds to Auckland Council. Auckland Council is responsible for funding the additional costs required by the pest management programmes in the *Auckland Regional Pest Management Plan 2020-2030*. The site-led programme for the Hūnua Ranges Pest Management Area is set out in section 6.5 of this RPMP.

3.2 Compensation and disposal of receipts

The RPMP does not provide for compensation to be paid by Waikato Regional Council to any persons meeting their obligations under its implementation. Notwithstanding this, in incidents where any person, as a result of an authorised person's negligence or unreasonable action, has incurred losses, the council will consider means for resolving any disagreement including the payment of compensation.

In cases where the disposal of a pest or associated organism provides any net proceeds, a person will be paid a disbursement in the manner noted under section 100I of the Act.

3.3 Affected parties

Beneficiaries are people, institutions or activities that, under the RPMP, will experience lower costs, higher production or the benefits of a healthier natural environment and protection of social and cultural values of places. Exacerbators are people, institutions or activities that through their actions – or inaction – contribute to the creation, continuance or worsening of a pest problem.

3.3.1 Responsibilities of occupiers

Pest management is an individual's responsibility in the first instance because generally occupiers contribute to the pest problem and in turn benefit from the control of pests. The term occupier has a wide definition under Part 1 of the Biosecurity Act and includes:

- the person who physically occupies any place
- the owner of the place
- any agent, employee or other person acting or apparently acting in the general management or control of the place.

Under the Biosecurity Act, place includes “*any building, conveyance, craft, land, or structure, and the bed and waters of the sea and any canal, lake, pond, river, or stream*”.

Occupiers must manage pest populations at or below levels specified in the rules. If they fail to meet the requirements of the rules, they may face enforcement action. In some instances, occupiers must report pests to Waikato Regional Council. They must never sell, propagate, distribute or keep pests.

An occupier cannot stop an authorised person from entering a place, at any reasonable time, to:

- find out whether pests are on the property
- manage pests
- ensure the owner and/or occupier is complying with biosecurity law.

While the occupier may choose the method(s) they will use to control pests, they must also comply with the requirements under other legislation (for example, Resource Management Act 1991 and/or the Hazardous Substances and New Organisms Act 1996).

This RPMP treats all private land equitably and emphasises the responsibilities and obligations of all occupiers, including Māori. The council acknowledges the complex and variable relationships of Māori land ownership and occupation. This includes multiple owners (including lessees) or a range of corporate management systems under the Companies Act 1993 or Te Ture Māori Whenua Act 1993. Where occupiers are unknown, the Māori Land Court or the Registrar of Companies may help to identify and communicate with them.

3.3.2 Crown agencies

Crown agencies and entities in the Waikato region (including Department of Conservation (DOC), Waka Kotahi NZ Transport Agency, Toitū Te Whenua Land Information New Zealand (LINZ), KiwiRail) are responsible for pest management on Crown land, road and rail corridors. The way the council works with these agencies is set out in the *Waikato Biosecurity Strategy 2022-2032*.

The Crown is only liable to meet obligations and costs in relation to Good Neighbour Rules (GNR) in the RPMP (refer section 69(5) of the Biosecurity Act).

3.3.3 Territorial authorities

Eleven territorial authorities are wholly or partly contained within the Waikato region. They are:

- Hamilton City Council
- Thames-Coromandel District Council
- Hauraki District Council
- Matamata-Piako District Council
- South Waikato District Council
- Rotorua District Council
- Taupō District Council
- Waitomo District Council
- Ōtorohanga District Council
- Waipā District Council
- Waikato District Council.

Each territorial authority is bound by the rules in this Plan (except in situations where adjoining land occupiers of road reserves are deemed responsible in accordance with section 3.3.4 below). Each territorial authority is responsible for meeting its own costs of complying with this Plan.

Territorial authorities are occupiers of land (such as parks and reserves) and are road controlling authorities in their districts. Territorial authorities are jointly responsible for 12,296 kilometres of local roads in the Waikato region.

3.3.4 Road reserves

Road reserves include the land on which the formed road lies and the verge area that extends to adjacent property boundaries. The Biosecurity Act allows the option of making either roading authorities (Waka Kotahi NZ Transport Agency and district/city councils) or adjoining land occupiers responsible for pest management in road reserves (see section 6(1) of the Act).

As such, Waikato Regional Council has decided that, for the purposes of this Plan, roadside responsibilities for pest plant management lie with the roading authorities where they apply to ‘formed’ roads. Pest plant control on unformed (paper) roads occupied by other persons are the responsibility of the person physically occupying that land.

