

## **Staff report on the Proposal for a Southland Regional Pest Management Plan**

Prepared in response to Hearing Panel - Minute 1 (13 February 2019)

15 February 2019

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## Purpose of report

By Minute 1, dated 13 February 2019, the Hearing Panel directed Council staff to prepare a Staff report on the Proposal for a Southland Regional Pest Management Plan (PRPMP), containing:

- A summary of the legal framework in the Act for making a regional pest management plan.
- A further assessment against the consultation requirements in section 72 of the Act, following the Council meeting on 7 November 2018.
- A summary of the key themes raised in submissions.
- A summary of the submissions received on the Proposal highlighting key issues raised in submissions.

This report addresses these matters. Staff responses to specific issues raised in submissions will be addressed in a subsequent staff recommendations report. The assessment against consultation requirements in sections 70-75 of the Biosecurity Act (BSA) is attached as **Appendix 1** to this report.

## Introduction

The PRPMP was publicly notified on 28 August 2018. An eight week submission period closed on 23 October 2018. 127 submissions were received on the PRPMP addressing a range of matters. Staff were appreciative of constructive comments and suggestions for improving the PRPMP and pest management outcomes for the Southland Region.

The key themes raised in the submissions included:

- The inclusion of domestic cats as 'pest agents'
- The inclusion of Bengal cats as progressive containment pests
- Feral cats and their management as pests in site-led programmes
- Wilding conifers and management of their spread
- Requests to remove the obligation of allowing an authorised person to access private properties for pest management purposes
- Marine pest management approaches
- Requests for additional pest plants, animals and aquatic organisms to be included

## Environment Southland's biosecurity approach

Biosecurity in Southland is managed within Southland's regional boundaries and across all natural systems, including land, water, air and coast. The biosecurity team has the primary responsibility for managing the adverse effects of harmful species. However, other Environment Southland divisions such as Catchment and Land and Water Services also have an important role to play.

Environment Southland is proposing to use two plans to provide the regulatory framework in Southland - the Regional Pest Management Plan and the Fiordland Marine Regional Pathway Management Plan. In general, regulatory methods are only used when non-regulatory methods are unsuccessful, impractical or inefficient. The Fiordland Marine Pathways Management Plan is operational. The developed of a PRPMP is the subject of this consultation and hearings process.

Because of the rapidly changing nature and size of biosecurity risks, Environment Southland has developed the capability to work collaboratively with other agencies and stakeholders to respond effectively to new and existing threats as and when they occur. Environment Southland plays an important role in national programmes such as the wilding conifer programme and is a member of the National Biosecurity Capability Network that supports MPI to respond to incursions of new harmful species, e.g. didymo and velvetleaf.

Environment Southland’s aim is to provide the most effective, sustainable and cost efficient pest management services it can to ratepayers. To do this Environment Southland is proposing three high level objectives through its draft Biosecurity Strategy.

Objective	Explanation
<p><b>1: Provide Regional leadership</b></p>	<p>Environment Southland embraces its role as a regional leader and will work collaboratively with stakeholders to achieve optimal biosecurity outcomes.</p> <p>Environment Southland will promote alignment in the management of harmful species. Environment Southland will work with stakeholders and collaborate with other national, regional and local partners to facilitate the best possible biosecurity solutions for Southland.</p>
<p><b>2: Connect people to biosecurity solutions</b></p>	<p>The ways in which it is possible to manage harmful species is broader than the tools provided for under the Act. Non-statutory interventions are a critical piece in effective biosecurity management.</p> <p>It is essential that land occupiers and communities are aware of biosecurity risks, and have access to the knowledge and materials that allow them to respond appropriately. This will generate the best outcomes for the range of values that are at risk.</p>
<p><b>3: Ensure appropriate regulatory tools are in place</b></p>	<p>Regulation enables the use of enforceable rules and restrictions to manage harmful species. Environment Southland has access to a broad range of regulatory tools under the Act.</p> <p>Environment Southland is committed to ensuring that the regulatory mechanisms in place are fit for purpose, can achieve their stated objectives and take into account the broad range of interests involved.</p>

## Legal framework and statutory background

The following summary provides a brief overview of the process for developing a Regional Pest Management Plan under the Biosecurity Act 1993 (BSA) for the purpose of assisting the

hearing panel and submitters. A detailed outline of planning and statutory background is provided in Chapter 2 of the PRPMP. Matters for the panel to consider in meeting the requirements of the BSA are included in the table “Sections 73, 74 and 75” in **Appendix 1**”

Substantial changes to the BSA in 2012, together with the National Policy Direction for Pest Management issued in 2015 (NPD), introduced new requirements regarding the content of regional pest management plans and the process for developing them. A Regional Pest Management Plan is one of many tools Environment Southland intends to use to help achieve pest control objectives in Southland. The wider biosecurity programme also included non-regulatory methods, including incursion response, working with groups and agencies, participation in research projects, project and community support, and biological control projects.

**Biosecurity Act 1993 and National Policy Direction for Pest Management 2015**

The PRPMP was developed in accordance with the new requirements of the BSA and NPD. The proposal has been peer reviewed by Environment Canterbury and West Coast Regional Council. The peer review indicated that Environment Southland had correctly addressed BSA and NPD requirements for the proposal and had prepared the proposal in accordance with a template agreed to by regional council biomanagers. Sections 70 to 75 of the BSA set out a six-step process that must be followed when making a regional pest management plan. The steps are briefly summarised in the table below. A comprehensive analysis of the requirements of the BSA are included in “**Appendix 1**”

**Steps to make a Regional Pest Management Plan under the Biosecurity Act 1993**

Prior to public notification of the Proposal	S70, First step	Plan is initiated by a Proposal (s70 prescribes the matters that must be set out in the Proposal)
	S71, Second step	Satisfaction on requirements (matters the Council must consider and be satisfied with when it approves the Proposal)
	S72, Third step	Council is satisfied with consultation, or requires further consultation to be undertaken (for example through public notification of the Proposal)
Public notification of the proposal, receipt of submissions and hearing of submissions		
After public notification and the hearing on the Proposal	S73, Fourth step	Approval of preparation of a plan and decision on the management agency (the hearing panel issues a minute)
	S74, Fifth step	Satisfaction on contents of the plan and requirements (included in hearing panel report to Council as per sixth step)
	S75, Sixth step	Hearing panel recommendations to Council on submissions and the plan. Council makes decision on plan.

## Summary of consultation

This section summarises consultation during the development of the PRPMP.

In 2012 when the original Regional Pest Management Strategy expired, it was carried over unchanged as an interim measure until it was able to be fully reviewed to meet the new requirements of the amended BSA and NPD.

Environment Southland (ES) has been undertaking consultation with the community and stakeholders on the development of new regional pest management plan since 2011. In 2012 and 2016 ES released discussion documents, which sought and received public feedback on pest control issues in the region. The public input received from these documents was incorporated into the review process. ES also contacted the key stakeholders to meet and discuss the review. The key stakeholders included the Ngai Tahu, the Rakiura Titi Island Administering Body, the Rakiura Maori Trust, the Department of Conservation, Land Information New Zealand, Federated Farmers, Fish and Game, NZ Deerstalkers Association, Southland Conservation Board, Royal Forest and Bird, as well as community-based groups.

As part of the PRPMP development process, ES held Council workshops and invited local councils, organisations, community groups and individuals to participate. Communities directly affected by proposed site-led programmes were targeted with more specific consultation. A summary of key consultation measures is provided in section 2.6 of the PRPMP.

The feedback from these discussions has helped shape the PRPMP and the issues raised have been considered and addressed where appropriate through the proposal.

The PRPMP was publicly notified alongside a proposed Biosecurity Strategy on 28 August 2018. The submissions period was open for eight weeks until 23 October 2018. The consultation and engagement activities for public notification included:

- Information on the website including consultation document
- Social media posts on public notification
- Direct emails and letters sent to interested parties including Ngai tahu, territorial authorities, community groups, organisations, agencies and communities impacted by site-led proposals
- Public notice in Southland times
- Media releases
- Copies of the PRPMP were made available at the ES office

Feedback was received in the form of submissions through online, emails and written forms. Comments on social media posts advertising the review and phone calls were not recorded as official submissions.

## Summary of submissions

ES received 127 submissions on the PRPMP. These submissions contain a wide variety of viewpoints, ranging from strong support to strong opposition. The submitters include central government agencies (such as the Department of Conservation and the Ministry for Primary Industries), community and charitable organisations, industry groups and agencies as well as members of the public.

Many submitters were supportive of the following:

- predator free initiatives and the ways in which the PRPMP may be able to support those
- declaring Wilding Conifers as pests and their progressive containment
- possum control initiatives
- Rakiura and Omaui site-led programmes – both the concept and associated provisions
- general support for the plan including the listed pests and associated provisions
- progressive containment and reduction in geographical distribution of feral cats

Submitters requested the inclusion of additional species, notably;

- Tahr
- Hornwort
- Russell Lupin
- Egeria

Submitters also raised objections regarding:

- the inclusion of domestic cats as pest agent and rules relating to their compulsory, microchipping and the non-replacement rule at Omaui
- insufficient targeted consultation regarding site-led programme in Omaui
- authorized persons' access to private properties
- the inclusion of Bengal cat as pest

Numerous submissions also pointed out areas of the PRPMP that could be clarified. These submissions largely focussed on definitions and the extent of rules and affected areas. For instance the terminology and mapping used to determine areas where wilding conifer rules would apply.

## Key themes raised

Some key issues raised were:

The submissions and the points raised can be divided into the following categories:

## Cats (including domestic, feral and Bengal Cats)

Of all pests identified in the PRPMP, cats were the subject of the most submissions. Submissions were divided between supporting and opposing views. Some submissions support the inclusion of cats as pests or pest agents and the methods proposed to manage them. Others disagreed with this inclusion and requested the deletion of or changes to the proposed rules relating to domestic cats, particularly the non-replacement clause at Omaui. Changing the rules to cover containment, curfews, collars and bells are reoccurring themes.

Some submitters are opposed to the designation of domestic cats as “pest agents”. Some submitters raised that this rule could result in a increases in the population of rodents and rabbits. In addition to this, several submitters have raised that the plan requirements for microchipping and desexing would have financial implications on domestic cat owners.

Submitters in support of rules relating to domestic cats raised the impact that cats, both feral and domestic, can have on natural values and supported the parts of the PRPMP that protected those values.

Several submitters have raised that the current definition of feral cat is insufficient and does not allow to clearly differentiate from stray and domestic cats. These submitters have requested that feral cats are renamed to ‘Pest cats’ as defined in Auckland Council’s Proposed Regional Pest Management Plan: “*a pest cat is a cat without a registered microchip*”. In contrast other submitters requested the removal of all mentions of pest cats within the PRPMP.

Some submitters have requested more information on methods ES would undertake to reduce the population of feral cats.

ES received a number of submissions on Bengal cats and their management. A number of submitters have expressed disagreement with the PRPMP’s claim that Bengal cats have potential to breed with the existing wild population of feral cats to create a more efficient predator. Other submitters are supportive of Bengal cats continued identification as a pest and particularly support an exclusion of Bengal cats from Stewart Island/Rakiura.

## Wilding Conifers

Many submitters support that contorta pine, mountain pine and other wilding conifers are a significant threat to the region. A number of submitters, mainly trusts, forestry companies, government and conservation agencies supported the proposed management approaches and rules for wildings. The submissions largely supported the ‘beneficiary rule’, though some submitters were concerned about the risk of wildings spread by planted forests and new plantations. Submitters were divided over whether a plantation forestry exemption from wilding conifer rules was appropriate.

A number of submissions supported the definition of wilding conifer and the inclusion of *Pinus radiata* and Douglas Fir as pests species. Some submitters encouraged ES to provide

for the monitoring of wildings and to restrict landowners from the use of spread prone species for new plantings. Some submitters support buffer zones around planted forests to minimise the spread of wildings. Several submitters suggested that 200m buffer zones would be inadequate to control the wind based spread of seedlings which could occur over several kilometres.

The Good Neighbour Rule (GNR) for wilding conifers was supported in the submissions, however some submitters questioned its alignment with the NPD for Pest Management. Several submitters also raised confusion about Rules 16 and 17 and have requested amendments to those rules.

### **Access to private property**

The proposal to utilise authorised person powers under the BSA received a number of submissions opposing their use to enter and inspect private property for pest management purposes. These submitters raised concerns that they are not comfortable allowing access.

Some submitters are concerned that the PRPMP could create opportunities for falsely accredited people to enter private properties.

### **Marine pest management**

Marine pests were the subject of several submissions. Submitters appreciate that ES has included a range of marine pests species in the PRPMP. In particular, the submissions largely support the inclusion of undaria as a pest species under progressive containment programme. Multiple submitters also noted the Fiordland Marine Regional Pathway Management Plan is a good pest management approach to protect Fiordland. Some submitters suggested that a wider pest management approach would be necessary to keep harbours, vessels and other marine structures in the region free from pests. The inclusion of rules around ballast water and clean hulls/gear has been requested.

### **Requests to include additional species as pests**

A number of submissions were received that proposed adding additional species to the PRPMP and often suggested management approaches.

Many submissions requested the inclusion of Russell lupin as an exclusion or progressive containment pest and to take necessary actions to prevent this species from establishing in Southland. Several submitters were concerned about the impacts of Russell lupin on river morphology, native plants and this species providing cover for other predator pests.

Multiple submitters requested the inclusion of the aquatic plants egeria and hornwort as pest plants under the exclusion programme, rather than their current status as Organisms of Interest. The addition of the algae species didymo and *Lyndavia* to the list of pests was also raised.

Submitters have requested the addition of Scots pine, dwarf mountain pine and European larch to the list of coniferous pest species prohibited from being planted and to manage these species through a progressive containment programme. Several other plant species, in particular false tamarisk, silver birch and holly were requested to be included as pests in the PRPMP.

Some submitters requested Himalayan tahr to be included as an exclusion pest in the PRPMP due to the species impact on native vegetation.

## Appendix 1: Section 70-75 analysis of the proposal

### Staff assessment of the proposal for a Southland Regional Pest Management Plan against requirements of the Biosecurity Act 1993 and National Policy Direction for Pest Management 2015

#### *Section 70 First step: plan initiated by proposal*

Requirement	How it is met in the proposal
(2) The proposal must set out the following matters:	
(a) the name of the person making the proposal:	Section 1.1
(b) the subject of the proposal:	
(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	Section 4.1
(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:	Throughout Section 6
(c) for each subject,—	
(i) a description of its adverse effects::	Throughout Section 6
(ii) the reasons for proposing a plan:	Section 1.2 (and throughout)
(iii) the objectives that the plan would have: The National Policy Direction requires the objective(s) to: (a) state the particular adverse effect or effects of the harmful organism(s) listed in section 54(a) of the Act that the plan addresses; (b) state any key known organisms that are to be managed; (c) state the pest management intermediate outcome to which the plan is seeking to contribute being one or more of the following: exclusion, eradication, progressive containment, sustained control, protecting values in places. (d) if none of the outcomes above are applicable, the intermediate outcome: reduce the spread	Throughout Section 6

Requirement	How it is met in the proposal
<p>of harmful organisms.</p> <p>(e) for each applicable outcome, specify:</p> <p>a. the geographic area to which the outcome applies;</p> <p>b. the extent to which the outcome will be achieved (if applicable);</p> <p>c. the period within which the outcome is expected to be achieved.</p> <p>(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 during the current term of the plan prior to next review (as applicable).</p>	
(iv) the principal measures that would be in the plan to achieve the objectives:	Throughout Section 6
(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:	Throughout Section 6
(vi) the reasons why the plan is more appropriate than relying on voluntary actions:	Throughout Section 6
(vii) an analysis of the benefits and costs of the plan:	Summary Section 9.2 – also see appended comprehensive cost benefit analysis material.
(viii) the extent to which any persons, or persons of a class or description, are likely to benefit from the plan:	Section 9.3 – also see appended comprehensive cost benefit analysis material.
(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:	Section 9.3 – also see appended comprehensive cost benefit analysis material.
(x) the rationale for the proposed allocation of costs:	Section 9.4 – also see appended comprehensive cost benefit analysis material.
(xi) if it is proposed that the plan be funded by a levy under section 100L, how the proposed levy satisfies section 100L(5)(d) and what matters will be specified under section 100N(1):	N/A
(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:	Section 9.6

<b>Requirement</b>	<b>How it is met in the proposal</b>
(d) any other organism intended to be controlled:	Section 4.2
(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:	Throughout Section 6
(ii) the marketing overseas of New Zealand products:	Section 9.7
(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:	Section 2.4
(g) the powers in Part 6 that it is proposed to use to implement the plan:	Section 8.1
(h) each proposed rule and an explanation of its purpose:	Throughout Section 6
(i) the rules whose contravention is proposed to be an offence under this Act:	Section 3.3.1 and throughout Section 6
(k) the management agency:	Section 7.2
(l) the means by which it is proposed to monitor or measure the achievement of the plan's objectives:	Section 7
(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:	Section 3.3.3
(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 3.2
(o) information on the disposal of the proceeds of any receipts arising in the course of implementing the plan:	Section 3.2
(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:	Section 3.3.4
(q) the anticipated costs of implementing the plan:	Section 9.5
(r) how it is proposed that the costs be funded:	Section 9
(s) the period for which it is proposed the plan be in force:	Section 1.4
(t) the consultation, if any, that has occurred on the proposal and the outcome of it:	Section 2.7 (consultation will also occur through notification)

<b>Requirement</b>	<b>How it is met in the proposal</b>
(u) any matter that the national policy direction requires be specified in a plan:	Section 2.2.2 The requirements for the objectives are discussed separately above.
(v) the steps that have been taken to comply with the process requirements in the national policy direction, if there were any.	Section 2.2.2

***Section 71 Second step: satisfaction on requirements***

<b>Requirement</b>	<b>Can Council be satisfied?</b>
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 -	
(a) that the proposal is not inconsistent with -	
(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	Yes – Section 2.4
(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	Yes
(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	Yes - throughout Section 6. Also see appended comprehensive cost benefit analysis material.

Requirement	Can Council be satisfied?
(d) that each subject could spread an organism that is capable of causing at some time an adverse effect on one or more of the following in the region: <ul style="list-style-type: none"> <li>(i) economic wellbeing:</li> <li>(ii) the viability of threatened species of organisms:</li> <li>(iii) the survival and distribution of indigenous plants or animals:</li> <li>(iv) the sustainability of natural and developed ecosystems, ecological processes, and biological diversity:</li> <li>(v) soil resources:</li> <li>(vi) water quality:</li> <li>(vii) human health:</li> <li>(viii) social and cultural wellbeing:</li> <li>(ix) the enjoyment of the recreational value of the natural environment:</li> <li>(x) the relationship between Maori, their culture, and their traditions and their ancestral lands, waters, sites, wahi tapu, and taonga:</li> <li>(xi) animal welfare; and</li> </ul>	Yes - throughout Section 6. Also see appended comprehensive cost benefit analysis material.
(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	Yes – Section 9. Also see appended comprehensive cost benefit analysis material.
(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 – <ul style="list-style-type: none"> <li>(i) would accrue, as a group, benefits outweighing the costs; or</li> <li>(ii) contribute, as a group, to the creation, continuance, or exacerbation of the problems proposed to be resolved by the plan; and</li> </ul>	Yes – Section 9. Also see appended comprehensive cost benefit analysis material.
(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	Yes
(h) that each proposed rule – <ul style="list-style-type: none"> <li>(i) would assist in achieving the plan’s objectives; and</li> <li>(ii) would not trespass unduly on the rights of individuals; and</li> </ul>	Yes – throughout Section 6
(i) that the proposal is not frivolous or vexatious; and	Yes

Requirement	Can Council be satisfied?
(j) that the proposal is clear enough to be readily understood; and	Yes
(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.	N/A

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

Requirement	Can Council be satisfied?
(1) If the council is satisfied of the matters in section 71, 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	<p>In part – Notification has allowed for the Ministers of Conservation and Primary industries to lodge submissions on the proposal.</p> <p>Ministry staff were consulted throughout drafting the proposal and have been involved in developing parts of the proposal.</p> <p>This requirement will have been met at the conclusion of the hearings process.</p>
(b) that, if local authorities' responsibilities may be affected by the plan, the authorities have been consulted; and	<p>In part – Notification has allowed for local authorities to lodge submissions on the proposal.</p> <p>Local authority staff were consulted throughout drafting</p>

Requirement	Can Council be satisfied?
	<p>the proposal.</p> <p>This requirement will have been met at the conclusion of the hearings process.</p>
<p>(c) that the tangata whenua of the area who may be affected by the plan were consulted through iwi authorities and tribal runanga; and</p>	<p>In part – Notification has allowed for tangata whenua to lodge submissions on the proposal.</p> <p>Iwi authorities (Te Ao Mārama) were consulted throughout drafting the proposal.</p> <p>This requirement will have been met at the conclusion of the hearings process.</p>
<p>(d) that, if consultation with other persons is appropriate, sufficient consultation has occurred.</p>	<p>In part – Notification has allowed affected parties to be consulted.</p> <p>This requirement will have been met at the conclusion of the hearings process.</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 impacts of the Plan are potentially significant. Those consulted during the development of the proposal were generally supportive. Undergoing a notification and submission process would allow</p>

Requirement	Can Council be satisfied?
	those impacted by the proposal to be consulted and indicate their level of support.
(3) If the council is satisfied as required by subsection (1), the council must apply section 73.	N/A
(4) If the council is not satisfied as required by subsection (1), the council may require consultation to be undertaken on the proposal.	Recommended.
(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 receipt of submissions.	Staff recommended that Council require further consultation to occur by publicly notifying the proposal, calling for submissions, and conducting a public hearing (if required).  This process, once complete, will allow Council to be satisfied of the matters in section 72(1).
(6) After the consultation required by the council has been undertaken, the council must apply subsection (1) again.	N/A

**Sections 73, 74 and 75**

Requirement	Can Council be satisfied?
<p>Section 73 - Fourth step: approval of preparation of plan and decision on management agency</p> <p>If the Panel is satisfied as to the consultation that has been undertaken and is satisfied that the issues raised in all the consultation undertaken on the PRPMP have been considered, then the Panel may take the fourth step of making a plan, which is to approve the preparation of a plan.</p> <p>The Panel will confirm by way of Minute following the hearing whether it is satisfied as the consultation that has taken place and will issue directions regarding the preparation of a plan.</p>	Not yet undertaken.

Requirement	Can Council be satisfied?
<p>Section 73 of the Act sets out the matters that the plan must specify and what a plan may include, including rules. Sections 73(5) and 73(6) set out the purposes for which a rule may be included in a plan and to what, when and where a rule may apply. Section 73(6)(d) provides that a rule may specify that a contravention of the rule creates an offence under section 154N(19).</p> <p>When approving the preparation of the plan, the Hearing Panel must apply section 100 to decide which body is to be the management agency. It is proposed that Environment Southland be the management agency. In deciding which body is to be the management agency, the Hearing Panel must take the following into consideration:</p> <ul style="list-style-type: none"> <li>(a) the need for accountability to those providing the funds to implement the plan; and</li> <li>(b) the acceptability of the body to – <ul style="list-style-type: none"> <li>(i) those providing the funds to implement the plan; and</li> <li>(ii) those subject to management provisions under the plan; and</li> </ul> </li> <li>(c) the capacity of the body to manage the plan, including the competence and expertise of the body's employees and contractors.</li> </ul> <p>Once the Hearing Panel approves the preparation of a plan and makes appropriate directions, a draft Southland Regional Pest Management Plan will be prepared by Council staff and provided to the Hearing Panel in accordance with sections 73 and 74 of the Act. Staff will assess the draft Plan against the requirements of sections 73 and 74 of the Act and respond to matters raised by the Hearing Panel and submitters in the hearing. The draft Plan will be made available on the Council's website</p>	
<p>Section 74 - Fifth step: satisfaction on contents of plan and requirements</p> <p>Following receipt of the draft Plan, the Hearing Panel will undertake the fifth step in the process which is to satisfy itself on the contents of the draft Plan under section 73 and the requirements of section 74 of the Act. The Hearing Panel will issue a further Minute addressing these matters.</p>	Not yet undertaken.
<p>Section 75 - Sixth step: decision on plan</p> <p>Finally, the Hearing Panel will prepare a written report under section 75(1) of the Act setting out its reasons</p>	Not yet undertaken.

<b>Requirement</b>	<b>Can Council be satisfied?</b>
for accepting or rejecting submissions received on the PRPMP and its recommendations to the Council on the draft Plan (Recommendation Report). The Recommendation Report will be provided to the Council and the Council's decision on the Plan will be publicly notified in accordance with section 75(4) of the Act.	