

Report 09.108
Date 26 February 2009
File WB/01/11/01

Committee Council
Author David Benham, Chief Executive

Approval of the Greater Wellington Regional Pest Management Strategy 2002-2022 (Five year review)

1. Purpose

To recommend that Council approves the Greater Wellington Regional Pest Management Strategy 2002-2022, as considered and amended by the Catchment Management Committee.

2. Significance of the decision

The content of this report is the result of the Council's application of the requirements of the Biosecurity Act 1993 to the five year review of the Greater Wellington Regional Pest Management Strategy 2002-2022.

3. Background

Section 88 of the Biosecurity Act 1993 (the Act) requires a Regional Pest Management Strategy (RPMS) to be reviewed every five years. A review formally commences when a new proposed strategy is publicly notified. Once a review has commenced, the existing strategy continues in force until amended or revoked upon completion of the review, including the completion of any rights of appeal to the Environment Court.

Report 06.269 to the June 2006 Rural Services Committee outlined a timetable to complete the review process. These timelines were subsequently amended and outlined in Report 07.131 to the 9 March 2007 meeting of the Rural Services and Wairarapa Committee. The Rural Services and Wairarapa Committee was subsequently replaced and reformed by the Catchment Management Committee in November 2007 following the triennial local authority elections.

At its 19 March 2008 meeting, the Catchment Management Committee delegated review responsibilities to a Hearings Committee. The Hearings Committee was tasked with the receipt and consideration of all submissions

following notification of the Proposed Regional Pest Management Strategy 2002-2022 (the Strategy) in March 2007.

Hearings were completed in July 2008 and a number of amendments were subsequently recommended to the proposed Strategy. There were 23 submissions received with 11 submitters requesting to present orally. The amended Proposed Strategy was considered by the Catchment Management Committee at its 3 February 2009 meeting. The Committee has resolved to recommend to Council that it be adopted. A copy of the amended Strategy has previously been forwarded to all Councillors.

4. Approval process

Council is now in a position to consider approving the Proposed Strategy. However, before approving, Council must have regard to –

- (a) all submissions received; and
- (b) all relevant provisions of Part V of the Act; and
- (c) a report on the Proposed Strategy made to it by its principal officer (Chief Executive).

Where the strategy includes provision for funding by rates, the Council must be satisfied that ratepayers have had adequate opportunity to be consulted and their views considered.

Council must also be reasonably satisfied that prerequisites for a proposal identified under section 72(1) of the Act have been adequately addressed. These prerequisites include –

- the benefits of having a regional pest management strategy in relation to each organism to which the Strategy would apply outweigh the costs, after taking account of the likely consequences of inaction or alternative courses of action; and
- the net benefits of regional intervention exceed the net benefits of an individual's intervention; and
- where funding proposals for the Strategy require persons to meet directly the costs of implementing the Strategy, the benefits that will accrue to those persons as a group will outweigh the costs; or those persons contribute to the creation, continuance, or exacerbation of the problems proposed to be resolved by the Strategy and;
- each organism in respect of which the Strategy is under consideration is capable of causing at some time a serious adverse and unintended effect in relation to the region on one or more of the following:
 - economic wellbeing; or
 - the viability of threatened species of organisms, the survival and distribution of indigenous plants or animals, or the sustainability of natural and developed ecosystems, ecological processes, and biological diversity; or
 - soil resources or water quality; or

- human health or enjoyment of the recreational value of the natural environment or;
- the relationship of Maori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu, and taonga.

This report to Council meets the obligations of the Principal Officer. The Catchment Management Committee has considered the requirements of sections 72, 76 and 77 of the Act. The Committee has also received and heard submissions on the Proposed Strategy. A number of amendments have occurred as a result of these deliberations. The conclusion of this review process enables the Council to now consider approving the Proposed Strategy.

4. Legal process

Under section 55 of the Act, the management and eradication of pests shall be in accordance with regional and national pest management strategies proposed, approved and implemented under Part V of the Act.

I have reviewed the extensive and demanding process for developing the Proposed Strategy. As this process is a review of an existing Council function, I am concerned that the law requires such an enormous effort at considerable cost to ratepayers.

I am satisfied that the Strategy has been prepared in accordance with the provisions of the Act. In particular, I am satisfied that Council has had proper and due regard to section 72 (Prerequisites for proposal), section 73 (Consultation), section 76 (Preparation and contents of proposal for regional pest management strategy), section 80A (Contents of regional pest management strategy), section 80B (Strategy rules), Sections 77, 97, 99A, 99B (Funding), and section 78 (Notification of proposed regional pest management strategy) of the Act. In fulfilling these requirements, a sensible and diligent application has been made of Schedule 2 of the Act, which specifies the procedures for submissions, notifications and hearings.

Following the receipt of submissions, I note that the Catchment Management Committee was satisfied that there was no significant opposition to the Proposed Strategy. Having reviewed the Hearings Committee's report and upon consideration of that Committee's recommendations to Council, I consider that there has been careful consideration of the submissions. Its decisions and recommendations have been consistent with the future direction envisaged by Council regarding pest management in the region. The recommended amendments to the Proposed Strategy appear well reasoned, defensible and supportive of the desire to provide clear and concise public documents.

I am confident that no significant material opposition to the Proposed Strategy exists. This reinforces my belief that the benefits from implementing the Strategy will considerably outweigh the costs to individual landowners and the region.

I endorse the Proposed Strategy and recommend that Council adopts the Proposed Strategy, as amended by the Catchment Management Committee recommendations.

5. Appeal process

Each submitter will be advised of the Greater Wellington decision with regard to their submission. The submitters then have 20 working days to appeal the decision to the Environment Court. Any appeal may lead to the Court advising Greater Wellington to amend the Strategy. The revised Strategy will take effect when either the submission period closes and no appeals have been received or when all appeals have been resolved and amendments, if required, to the Strategy have been completed.

6. Communication

A press release will be organised to follow the conclusion of the appeal process. All submitters will be advised if an appeal occurs and further amendments are made to the Strategy.

Public notification through major newspapers and via the Greater Wellington website will be arranged.

7. Recommendations

That the Council:

- (1) *Adopts the recommended amendments to the Proposed Regional Pest Management Strategy.*
- (2) *Confirms that it is satisfied that the benefits for the region of implementing the Strategy outweigh the costs to the region.*
- (3) *Adopts the Regional Pest Management Strategy for the Wellington Region and affixes the seal of the Council to that Strategy.*
- (4) *Affirms the Council's functions, powers and duties as the Management Agency for the Regional Pest Management Strategy 2002-2022.*
- (5) *Notes that the Regional Pest Management Strategy 2002-2022 approved by Council on 17 September 2002 will be revoked.*

Report prepared by:

David Benham
Chief Executive

Attachment 1: Regional Pest Management Strategy – forwarded separately