

Environmental Implementation Committee 23 May 2024



Meeting will be held in the Council Chamber at Level 2, Philip Laing House
144 Rattray Street, Dunedin
[ORC Official YouTube Livestream](#)

Members:

Cr Bryan Scott (Co-Chair)
Cr Kate Wilson (Co-Chair)
Cr Alexa Forbes
Cr Gary Kelliher
Cr Lloyd McCall
Cr Michael Laws
Cr Kevin Malcolm
Cr Tim Mepham
Cr Andrew Noone
Cr Gretchen Robertson
Cr Alan Somerville
Cr Elliot Weir

Senior Officer: Richard Saunders, Chief Executive

Meeting Support: Kylie Darragh, Governance Support Officer

23 May 2024 11:30 AM

Agenda Topic

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1. WELCOME

2. APOLOGIES

No apologies were received prior to publication of the agenda.

3. PUBLIC FORUM

No requests to speak were received prior to the publication of this agenda.

4. CONFIRMATION OF AGENDA

Note: Any additions must be approved by resolution with an explanation.

5. DECLARATION OF INTERESTS

Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have. [Councillor Declarations of Interests](#) are published to the ORC website.

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6.1. RPMP Operational Plan 2024/25

Prepared for: Environmental Implementation Committee
Report No. OPS2420
Activity: Governance Report
Author: Libby Caldwell, Manager Environmental Implementation
Murray Boardman, Performance and Delivery Specialist
Endorsed by: Gavin Palmer, General Manager Operations
Date: 8 May 2024

PURPOSE

[1] To seek approval of the 2024-2025 Biosecurity Operational Plan.

EXECUTIVE SUMMARY

- [2] The Otago Regional Pest Management Plan 2019-2029 (RPMP) was adopted in November 2019. The RPMP details the plants and animals that are declared pests in the Otago region, explains why they are pests, and outlines how each pest will be managed over the ten-year period of 2019-2029.
- [3] Under Section 100B of the Biosecurity Act 1993, an Operational Plan is required to detail the nature and scope of activities the Council intends to undertake in the annual implementation of the RPMP. For reasons of operational efficiency, the Operational Plan aligns with Council's financial year (1 July to 30 June). The Operational Plan details the range of activities that will be undertaken by Council on the implementation of pest control across the five management programmes. The proposed Biosecurity Operational Plan aligns with the commitment to pest management as laid out in the RPMP.
- [4] The 2024-2025 Biosecurity Operational Plan (henceforth, the Operational Plan) continues the progress made under the previous three Operational Plans (2021-22, 2022-23 and 2023-24), focusing on the following operational areas:
- a. Continue property inspections, on both private and public land, to ascertain compliance against pest management rules.
 - b. Maintain the focus on the five regional pest priorities (Exclusion pests, Rabbits, Wallabies, Wilding conifers and Lagarosiphon).
 - c. Capitalise on business improvement outcomes to enhance the effective delivery of the Operational Plan.
- [5] The Operational Plan supports the implementation of the national programmes addressing wallabies and wilding conifers, the objectives of Integrated Catchment Management (ICM) and engaging with community groups (e.g., site-led programmes, community rabbit programmes and wilding conifer control groups).
- [6] The proposed 2024-2025 Biosecurity Operational Plan is attached. A comparison document is also included to highlight the differences between the proposed Plan and the current Biosecurity Operational Plan 2024-2025.

RECOMMENDATION

That the Environmental Implementation Committee:

- 1) **Notes** this report.
- 2) **Recommends to Council to approve** the Otago Regional Council's 2024-2025 Biosecurity Operational Plan to enact the Otago Regional Pest Management Plan 2019-2029 and authorises the Chief Executive to correct minor errors to the 2024-2025 Biosecurity Operational Plan in consultation with the Co-Chairs of the Environmental Implementation Committee.
- 3) **Notes** that a copy of the Otago Regional Council's Regional Pest Management Plan 2024-2025 Biosecurity Operational Plan will be provided to the Minister for Biosecurity.
- 4) **Notes** that staff will report back to Council any response from the Minister for Biosecurity.

BACKGROUND

Regional Pest Management Plan

- [7] In November 2019, after public consultation, the Otago Regional Council adopted the Otago Regional Pest Management Plan 2019-2029 (RPMP).
- [8] The RPMP details the regulatory and non-regulatory mechanisms the Council will utilise for effective biosecurity leadership in Otago over the next 10 years. It contains pest control programmes, objectives and rules to manage pests that cause harm to the wellbeing of Otago's people, economy and environment.
- [9] The RPMP follows the National Policy Direction for Pest Management 2015 by classifying biosecurity implementation through one of five management programmes:
- Exclusion
 - Eradication
 - Progressive Containment
 - Sustained Control
 - Site-led
- [10] The proposed 2024-2027 Long Term Plan seeks to consolidate the recent expansion of Council's statutory biosecurity function. Biosecurity staffing and funding support our obligations under the Biosecurity Act 1993 and to assist others to comply with the RPMP rules and wider biodiversity goals.

Regional Pest Management Plan – Operational Plan

- [11] To deliver on the objectives of the RPMP, the Biosecurity Act (Section 100B), requires an Operational Plan be prepared. The Operational Plan outlines the activities the Council intends to undertake to achieve the objectives the RPMP.
- [12] The Operational Plan must be consistent with the current RPMP. Consequently, the Operational Plan cannot introduce any new objectives, rules, or regulatory tools. Due to this, there is no statutory requirement to consult the community on the preparation of the Operational Plan.
- [13] The Operational Plan is required to be accessible to the public (e.g. on ORC website) and reviewed annually. The Operational Plan can either be formally rolled over or revised to account for progress made and changes in implementation focus and lessons learnt.

- [14] As required by the Biosecurity Act, the Council is required to evaluate progress of the Operational Plan against the deliverables and key performance indicators within five months from the end of the financial year.
- [15] Under section 100B of the Biosecurity Act, the ORC is required to inform the Minister for Biosecurity on Operational Plan and its performance.

DISCUSSION

2024-2025 Biosecurity Operational Plan

- [16] The Operational Plan details how the RPMP will be implemented through specific deliverables (actions) and their related performance measures and targets. For reasons of operational simplicity and efficiency, the Operational Plan aligns with Council's financial year (1 July to 30 June).
- [17] The Operational Plan continues the multi-year programme to manage biosecurity in Otago, building on the progress made under the previous three Operational Plans (2021-22, 2022-23 and 2023-24), focusing on the following operational areas:
 - a. Continue property inspections, on both private and public land, to ascertain compliance against pest management rules.
 - b. Maintain the focus on the five regional pest priorities (Exclusion pests, Rabbits, Wallabies, Wilding conifers and Lagarosiphon).
 - c. Capitalise on business improvement outcomes to enhance the effective delivery of the Operational Plan.
- [18] Feedback is regularly received from staff and lessons learnt have been incorporated into the 2024-2025 Biosecurity Operational Plan. Staff in the Environmental Implementation team are also involved in sector groups where learnings from other Councils are also incorporated where possible to ensure consistency in approaches to biosecurity. Changes have been made to improve efficiency and effectiveness and to ensure deliverables keep pace with progress, focusing on:
 - a. Ensuring deliverables are practical and consistent to achieve the stated RPMP objectives.
 - b. Revising/rewording certain KPIs to ensure they are relevant to measuring the achievement of deliverables (e.g. classifying the reliability of pest sightings).
 - c. Some deliverables have been, or will be, completed hence are not applicable in the proposed Operational Plan (e.g. revision of rabbit proneness model).
 - d. Due to work progression, some deliverables need to be adapted. For example, the initial engagement phase with community rabbit programmes is now completed. Compliance inspections targets have been increased as these programmes move forward. Engagement with existing community rabbit programmes will continue over the 2024/25 financial year and an exit strategy will be prepared for each of these.
 - e. Some deliverables have been retired and replaced with more appropriate activities. For example, density monitoring of plant pests has been replaced by development of monitoring plans for specific pests. This is seen as being a more effective approach to manage pests.
 - f. Overall, targets remain consistent with the current Biosecurity Operational Plan. The main target change relates to inspections and monitoring visits around Wilding conifers. This has decreased from 100 to 50. This change is proposed due to the complex nature of rules related to wilding conifers, the need to identify

strategic areas to inspect/monitor, acknowledges that these inspections are complex and took more time than was anticipated when the target was included in the current plan and to ensure adequate time is given to engage with landowners.

- [19] The proposed 2024-2025 Biosecurity Operational Plan is included as Attachment 1. A comparison document is also included (Attachment 2) to highlight the differences between the proposed Plan and the current Biosecurity Operational Plan 2023-2024.

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [20] The Operational Plan does not set policies or objectives. These have already been set in the RPMP that has been adopted by Council. The Operational Plan must be consistent with the RPMP in that it cannot introduce any new objectives, rules, or regulatory tools. The Minister is not required to approve the Plan but may disallow all or part of it if they believe that it is inconsistent, even in part, with the RPMP.

Financial Considerations

- [21] The 2024-2025 Biosecurity Operational Plan is based on the Draft 2024-2034 Long Term Plan programme and budget. If there are significant changes to the LTP then, depending on the nature of the changes the proposed Operational Plan will need to be revised and brought back to Council for approval.

Significance and Engagement

- [22] As the Operational Plan is consistent with the current RPMP, there is no statutory requirement to consult with the community on the details of the Operational Plan.

Legislative and Risk Considerations

- [23] The Otago Regional Council's Regional Pest Management Plan 2024-2025 Biosecurity Operational Plan has been prepared in accordance with the Biosecurity Act 1993. The 2024-2025 Biosecurity Operational Plan is a legislative requirement of the Act.

Climate Change Considerations

- [24] Climate change is widely regarded as one of the greatest challenges facing ecological systems in the coming century. Climate change poses risks to biosecurity through factors such as the establishment of new pests, change in the ecological range of current pests and shifts in introduction pathways.

Communications Considerations

- [25] Council will disseminate biosecurity priorities, strategies and actions via the usual communications channels and will undertake more active community education and advocacy on the RPMP. Once approved by Council, the 2024-2025 Biosecurity Operational Plan will be available on the website for public access.

NEXT STEPS

- [26] The next step is to provide a copy of the Operational Plan to the Minister for Biosecurity. As noted above, the Minister is not required to approve the Plan but may disallow all or part of the plan if they believe that it is inconsistent with the RPMP. Delivery of this Operational Plan will commence on 1st July 2024.

ATTACHMENTS

1. Biosecurity Operational Plan 2024 2025 [9.6.1 - 22 pages]
2. Comparison between Biosecurity Operation Plan 23 24 24 25 [9.6.2 - 28 pages]



Biosecurity Operational Plan 2024-2025



Implementing the Otago Regional Pest Management Plan 2019-
2029

Executive Summary

Under the Biosecurity Act (1993), the Otago Regional Council (ORC) is the regional management agency responsible for biosecurity and pest control. To achieve this regulatory function, the ORC has developed the *Otago Regional Pest Management Plan 2019-2029* (RPMP) which sets objectives and rules for land occupiers to control pests to set levels. This Biosecurity Operational Plan annualises the objectives of the RPMP for the 2024-2025 financial year.

The ORC engages with occupiers and landowners who are ultimately responsible for pest management. To achieve practicable biosecurity outcomes, the ORC undertakes inspections (to ensure compliance with rules), monitoring (to determine the effectiveness of control) and surveillance (identifying new issues and trends). The ORC undertakes advocacy and education around pest threats, pathways of pest spread and the provision of advice. Furthermore, the ORC delivers national programmes for the management of nationally significant pests (wallabies and wilding conifers).

This work is supported by close engagement with allied organisations involved in implementing and funding biosecurity across the region, including the Ministry for Primary Industries (MPI), Land Information New Zealand (LINZ), the Department of Conservation (DoC), Kāi Tahu, other councils and community groups.

Under the RPMP, pest management is classified into five programmes.

1. **Exclusion pest programme:** to prevent the establishment of six high threat pest plants in the region.
2. **Eradication pest programme:** to proactively eradicate spiny broom, Bennett's wallaby and rooks from the region.
3. **Progressive containment pest programme:** to contain or reduce the geographic distribution of 11 pest plants (or groups of plants) across the region.
4. **Sustained control pest programme:** to enforce ongoing control of rabbits and five widespread pest plants to reduce their impact.
5. **Site-led pest programmes:** listed pests are managed as deemed appropriate for the values of the stated location.

This Operational Plan is the final iteration under the current Long-Term Plan and is a continuation of the same approaches. Where necessary, changes have been made from the previous 2022-23 Operational Plan based on lessons learnt to improve efficiency and effectiveness.

As part of the continuation, this Operational Plan retains the priority pests from the previous Operational Plans, covering one programme and four pests:

- Exclusion pest programme
- Feral rabbits
- Bennett's wallaby
- Wilding conifers
- Lagarosiphon

The exclusion programme and four pests are of concern to local communities and have heightened adverse effects (current or future) on environmental, economic and social grounds.

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Version Control

Version #	Date	Event/Changes made
1	8 May 2024	Submitted to Environmental Implementation Committee for consideration.

Cover Photo

Duffers Saddle, Nevis Valley (Photo Credit: Gary Smith)

1. Introduction

1.1 Background

Under the Biosecurity Act 1993, the Otago Regional Council (ORC) developed the *Otago Regional Pest Management Plan 2019-2029* ('the RPMP'). The RPMP is a statutory document that lists specific pests which have the greatest adverse effect on the environment and economy within Otago. In order to control, or eliminate, such adverse effects, the RPMP establishes rules that are legally enforceable. This provides a framework for the effective management of declared pests in the Otago region over the next decade. The RPMP sits alongside the non-statutory ORC Biosecurity Strategy which focuses on wider biosecurity issues including the collaboration with stakeholders to manage pests.

The key purpose of the RPMP is to outline how the identified pests will be managed to reduce or remove their threat to the environmental (e.g. ecosystem or species), economic (e.g. farming/forestry) and cultural/social (e.g. Māori and human health) values of the region. The RPMP allows the council to use relevant advice, service delivery, regulatory enforcement and funding provisions as provided by the Biosecurity Act.

The RPMP identifies 30 plants (or groups of plants) and 11 animals (or groups of animals) as pests. Except for specified pests, where the ORC may coordinate or undertake direct control, the responsibility for pest control rests with occupiers and landowners.

The responsibility of the ORC focuses on advocacy and education, supported by inspections, monitoring and surveillance. As the designated Management Agency under the Biosecurity Act, the ORC enforces the RPMP rules to ensure occupiers and landowners are aware of and meet their obligations for pest management on their properties by adhering to RPMP rules. In addition, the ORC delivers national programmes for the management of nationally significant pests (wallabies and wilding conifers). This is further supported through various community groups that are actively involved in pest management (e.g. wilding conifer trusts, Predator Free Dunedin, community rabbit programmes).

1.2 Operational plan purpose, duration and linkages

Under the Biosecurity Act, the ORC is required to prepare an annual Operational Plan that implements the RPMP. The Operational Plan is a publicly available document and is reported on each year to Council.

This document (*the Biosecurity Operational Plan 2024-2025*) outlines the nature, scope and priority activities that ORC intends to undertake for pest management across the Otago region for the financial year 1st July 2024 through to 30th June 2025.

The Operational Plan presents what will be delivered during the 2024-2025 financial year in terms of focus areas and the associated actions to implement the RPMP. For context, it is important the Operational Plan is read in conjunction with the RPMP. The ORC Biosecurity and Biodiversity Strategies and wider catchment management planning also provides additional context to the Operational Plan.

2. Summary of Regional Pest Management Plan

2.1 Pest management programmes

The RPMP is implemented through five pest management programmes¹, as summarised below.

1. **Exclusion:** This programme is to ensure specific pests that are present in New Zealand do not become established in Otago. Under Section 100V of the Biosecurity Act, there is provision to implement emergency controls for the incursion of any new pests that are not listed in the RPMP.
2. **Eradication:** This programme focuses on eradicating identified pests from the areas where they occur in the region. Eradication involves reducing the infestation of the pest to zero density.
3. **Progressive Containment:** This programme aims to contain and reduce the geographic spread of the listed pests to specific areas. Containment arises where the pest is at high densities in specific parts of the Otago region, but in low densities or limited range in other parts. While eradication is not feasible, it is realistic to contain the pest from spreading to other 'clear' parts of the region.
4. **Sustained Control:** This programme centres on the continuing control of the listed pests to reduce their impacts and spread to other properties. The emphasis is to manage the densities of the pests so they do not reach a level where they cause significant environmental impact. Sustained control is a strategy for pests with a wide geographical spread that they cannot feasibly be contained.
5. **Site-led:** This programme aims to exclude or – if present – eradicate, reduce or control, identified pests from specified locations.

2.2 Methods of Action – how pest management will be enacted

The ORC achieves pest management outcomes through the following methods and provision of resources.

1. **Advocacy and education:** ORC will provide education, advice and information to landowners and/or occupiers and the public about the impacts of pests and pathways (vectors) of pest spread and appropriate methods of control. The ORC will ensure land occupiers are informed of their responsibilities under the RPMP. This activity also includes contributing to research and cost-sharing with other agencies and developing/promoting 'good practice' around control methods aimed at pest management contractors and occupiers who are required to act.
2. **Inspection, monitoring and surveillance:** Regular property inspections ensure that RPMP rules are being adhered to. The focus is to achieve voluntary compliance first before enforcement action is initiated. Monitoring is carried out to determine effectiveness of control and to understand trends of infestations. Surveillance activities focus on protecting the region from the incursion of new pests.
3. **Collaboration:** ORC works with landowner/occupier groups and central and local government agencies to develop consistent approaches for the effective management of pests. This includes Land Information New Zealand (LINZ), Department of Conservation (DoC), Ministry of Primary Industries (MPI), neighbouring regional councils and community groups like Predator Free Dunedin, and wilding conifer trusts.

¹ As prescribed by the National Policy Direction for Pest Management 2015.

4. **Requirement to Act (regulation):** RPMP rules are the 'backbone' of the pest management. These rules require identified pests to be controlled to specified standards or levels. Failure to comply with RPMP rules can lead to enforcement action by ORC.
5. **Service delivery:** This is achieved through the delivery of national programmes (wildings and wallabies) and the provision of direct control where special expertise is required that is beyond the capability of the land occupier to arrange. Service delivery includes providing appropriate control tools (e.g. traps, spraying, shooting) and the approved release of biological control agents.

2.3 Regional Priority Pests

Continuing from the previous years, the Operational Plan has a focus on one pest programme and four priority pests. These pests are selected due to their high community interest, environmental impact, economic impact, supporting national programmes and the need to invest in long-term sustained action. Table 1 provides further details of the specific pests.

Table 1: Focus area pests

Pest	Programme	Reason to Prioritise
Exclusion Pests	Exclusion	Exclusion of pests not established in Otago is a critical responsibility of the RPMP. To ensure new pests are excluded there is a need to develop and implement a proactive surveillance approach. This will identify pathways of potential spread (e.g. product movement).
Feral rabbits	Sustained Control	Feral rabbits generate significant ecosystem damage to the environment and production systems within Otago. Feral rabbits terraform a landscape. The Ministry of Primary Industries estimate production-related losses exceed \$50 million per year, on top of control expenses of \$25 million. Other losses include destruction of habitat for indigenous flora and fauna, changes to landscape value and impacts on social activities.
Bennett's wallaby	Eradication	Wallabies are an ever-present threat due to their high numbers in neighbouring South Canterbury. As wallabies present a significant threat to the ecosystem and a production risk to the economy, it is imperative that they are prevented from establishing a foothold in Otago.
Wilding conifers	Progressive containment	Wilding conifers interfere with ecosystems where they can shade out native species. This has consequential effects on the wider environment, especially water availability. From a social perspective, they interrupt Otago's iconic landscape and present a fire risk to farmlands and communities. If not controlled, they will significantly change the landscape, hydrological cycle and conservation values, especially high country, tussock grasslands and alpine catchments.
Lagarosiphon	Site-led programme	Lagarosiphon is an aquatic plant pest that threatens the aquatic environment. It is fast growing, displacing and shading out aquatic native plants. Thick areas of lagarosiphon disturb water flows and

		<p>cause localised deoxygenation of water changing the aquatic ecosystem for animals. Lagarosiphon blocks water bodies, resulting in negative visual effects, reduces recreational activities and chokes water supply intakes. If lagarosiphon is left uncontrolled, large beds can form and wash ashore, leaving an unpleasant heap to decay.</p>
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2.4 Operational Plan Reporting

As the lead management agency, ORC is responsible for reporting on activities and progress during the year. The ORC is required by Section 100B of the Biosecurity Act 1993 to “prepare a report on the operational plan and its implementation not later than 5 months after the end of each financial year”. This report is provided to the Minister of Biosecurity and is made available to the public through reporting to Council and on ORC’s website.



Blueskin Bay (Photo Credit: M. Boardman)

3. Implementation of the Operational Plan

3.1 Exclusion pest programme

Regional Focus Programme

The exclusion pest programme is to prevent the establishment of a specified pest that is present in New Zealand but not yet in the Otago region which could have potential adverse effects on economic well-being and environmental values. While the RPMP lists six exclusion pests, under Section 100V of the Biosecurity Act, there is provision to implement emergency controls for any incursion of a new pest that are not listed in the RPMP.

Objective

Over the duration of RPMP, preclude establishment of African feather grass, Chilean needle grass, egeria, false tamarisk, hornwort and moth plant within the Otago region to prevent adverse effects on economic well-being and environmental values.

Deliverable	KPI	Target
Engage with neighbouring regional councils on pest threats not currently present in Otago.	# of meetings with neighbouring regional councils on exclusion pest threats.	6
If the presence of an exclusion pest (or other unwanted pests) is confirmed, response actions completed as per the incursion response plan.	% of response actions completed within the required timeframes as set out in the incursion pest response plan for each confirmed sighting (assessed by checklist).	100%

3.2 Eradication pest programmes

The eradication programme focuses on three pest species in the region. They belong in this programme as their infestation levels are considered low enough for eradication to be feasible in the long-term (over the 10-year duration of the RPMP). The pests include one marsupial (Bennett's wallaby), a bird (rook) and a plant (spiny broom). Implementation of management programmes for each pest is described separately in the following subsections due to the different approaches taken.

3.2.1 Bennett's wallaby

Regional Focus Programme

Objective

Reduce all infestations of Bennett's wallaby to zero levels within the Otago region to prevent adverse effects on economic well-being and the environment.

Deliverable	KPI	Target
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Classify all reported sightings of wallabies and determine appropriate control action when confirmed.	All sightings are classified to determine credibility ² within three working days of receiving a report.	100%
	If presence is confirmed, a decision on appropriate control action is decided within a further two working days.	100%
Collaborate with and participate in the national wallaby programme.	% of Operational Advisory Group meetings attended.	100%
	Fulfil requirements of MPI funding agreement.	100%
Engage with Environment Canterbury on Wallaby control.	# of meetings or visits with Environment Canterbury on wallaby control.	4

3.2.2 Rooks

Objective

Reduce all infestations of rooks to zero levels within the Otago region to prevent adverse effects on economic well-being and the environment.

Deliverable	KPI	Target
Undertake monitoring visits of known rookeries	# of known rookeries monitored	50
Classify all reported sightings of rooks and determine appropriate control action when confirmed.	All sightings are classified to determine credibility within three working days of receiving a report.	100%
	If presence is confirmed, a decision on appropriate control action is decided within a further two working days.	100%

3.2.3 Spiny broom

Objective

Reduce all infestations of spiny broom to zero levels within the Otago region to prevent adverse effects on economic well-being and the environment.

Deliverable	KPI	Target
Undertake monitoring visits of spiny broom at known sites* and surveillance of surrounding areas.	# of monitoring and surveillance visits undertaken for spiny broom.	13
Determine appropriate control action when spiny broom is confirmed.	If presence is confirmed, a decision on appropriate control action is decided within five working days.	100%

² There are three classifications: [1] Unreliable, [2] Reliable but unconfirmed and [3] Confirmed.

* See glossary for definition of location, known sites and surrounding areas

3.3 Progressive containment pest programmes

The 11 pest plants (or groupings of plants) in this programme are reasonably well established in the region. While eradication is unlikely, it is an aim of the RPMP that pest densities can be progressively reduced.

3.3.1 Wilding conifers

Regional Focus Programme

Objective

Progressively contain and reduce the geographic extent of wilding conifers within the Otago Region to minimise adverse effects on economic well-being and the environment.

Deliverable	KPI	Target
Undertake assessments ³ of wilding conifers as guided by the regional wilding conifer strategy.	# of properties assessed for wilding conifer compliance.	50
Collaborate with and participate in the national wilding conifer programme.	% of Operational Advisory Group meetings attended.	100%
	Fulfil requirements of MPI funding agreement.	100%
Implement regional wilding conifer strategy.	% of actions from the regional strategy commenced within specified due timeframes.	100%
Support regional partnerships through funding community control groups. ⁴	Funding disbursed as per agreements.	100%

3.3.2 African love grass

Objective

Progressively contain and reduce the geographic distribution or extent of African love grass at known sites within the Otago region to minimise or prevent adverse effects on economic well-being and the environment.

Deliverable	KPI	Target
Undertake monitoring visits of African Love Grass at known sites and surveillance of surrounding areas.	# of monitoring and surveillance visits undertaken for African Love Grass.	20

³ An assessment is either a formal inspection or a monitoring visit.

⁴ Currently partnerships are with Whakatipu Wilding Conifer Control Group, Central Otago Wilding Conifer Control Group and Upper Clutha Wilding Tree Group.

Determine appropriate control action when African love grass is confirmed.	If presence is confirmed, a decision on appropriate control action is decided within five working days.	100%
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3.3.3 Nassella tussock

Objective

Progressively contain and reduce the geographic distribution or extent of Nassella tussock at known locations within the Otago region to minimise or prevent adverse effects on economic well-being and the environment.

Deliverable	KPI	Target
Undertake inspections or monitoring visits of Nassella tussock at known sites and surveillance of surrounding areas.	# of inspections, monitoring and surveillance visits undertaken for Nassella tussock.	38

3.3.4 Old Man's Beard

Objective

Progressively contain and reduce the geographic distribution or extent of old man's beard within the Otago region to minimise or prevent adverse effects on economic well-being and the environment.

Deliverable	KPI	Target
Undertake inspections for Old Man's Beard to support biodiversity outcomes across Otago.	% of Old Man's Beard inspections undertaken on properties with high biodiversity values. ⁵	50%

3.3.5 Spartina and six containment pest plants

Objective

Progressively contain and reduce the geographic distribution or extent of bomarea, boneseed, bur daisy, cape ivy, perennial nettle, spartina and white-edged nightshade within the Otago region to minimise or prevent adverse effects on economic well-being and the environment.

Deliverable	KPI	Target
Undertake inspections or monitoring visits of spartina at known sites and surveillance of surrounding areas.	# of inspections, monitoring and surveillance visits undertaken for spartina.	12

⁵ A property with high biodiversity values consists of:

[1] Any property that contains (whether fully or partially) a Significant Natural Area (SNA), a QEII covenant or land demarcated as 30% high biodiversity area (Leathwick, 2020).

[2] Any property that has a common boundary with a property defined by [1]

Determine appropriate control action when spartina is confirmed.	If presence is confirmed, a decision to initiate appropriate control action occurs within five working days.	100%
Undertake re-inspections for bomarea, boneseed, bur daisy, cape ivy, perennial nettle, and white-edged nightshade to ascertain compliance.	% of non-compliant properties re-inspected within set timeframes ⁶ for bomarea, boneseed, bur daisy, cape ivy, perennial nettle, and white-edged nightshade.	100%

3.4 Sustained control pest programmes

This programme covers well-established legacy pests that are present across Otago and many regions of New Zealand. Although eradication isn't viable, opportunities exist to prevent spread from infested areas to clear areas and to reduce 'externality impacts' on adjoining occupiers' values where those adjoining occupiers are motivated to undertake control.

3.4.1 Feral rabbits

Regional Focus Programme

Objective

Implement sustained control of feral rabbits to ensure population levels do not exceed Level 3 on the Modified McLean Scale in order to minimise adverse effects on production and environmental values within the Otago region.

Deliverable	KPI	Target
Undertake rabbit inspections to determine compliance.	# of rabbit inspections undertaken in non-community programme areas.	250
	# of rabbit inspections undertaken in community programme areas.	80
	% of non-compliant rabbit inspections re-inspected within set timeframes for compliance.	100%
Analyse trends in rabbit densities.	# of rabbit night count routes completed.	30
	# of fly traps routes monitored.	10
	Report on analysis of historical serological data completed by 30 November 2024.	1
	# of peri-urban areas with fixed photo counts undertaken.	2
Engage with landowners in community rabbit programmes.	# of community rabbit programmes ⁷ where landowner engagement is undertaken.	5

⁶ See Appendix 1 for set timeframes.

⁷ Active community rabbit programmes are located in Otago Peninsula, Moeraki, Lake Hayes, Gibbston and Queensberry.

Support community initiatives through Sustainable Rabbit Management Funding.	Funding round is oversubscribed with eligible applications.	Yes/No
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3.4.2 Gorse and broom

Objective

Implement sustained control of broom and gorse to ensure land that is free of, or being cleared of, broom and gorse does not become infested (primarily in Central Otago and Queenstown Lakes districts) in order to prevent adverse effects on production values and economic well-being.

Deliverable	KPI	Target
Inspect gorse and broom free areas for gorse and broom infestation, including the use of remote sensing.	% of non-compliant properties re-inspected within set timeframes in gorse and broom free areas.	100%

3.4.3 Russell Lupin

Objective

Implement sustained control of the extent of Russell lupin and wild Russell lupin within specified distances from waterways and property boundaries to preclude establishment of wild Russell lupin and to prevent adverse effects on environmental values.

Deliverable	KPI	Target
Implement regional strategy on Russell lupin including communications plan.	% of actions completed by due date as described in the Russell lupin strategy.	100%
Stakeholder engagement implemented in one high risk catchment.	Action plan developed and presented to stakeholders.	1

3.4.4 Nodding thistle and Ragwort

Objective

Implement sustained control of nodding thistle and ragwort on rural zoned land within specified distances of property boundaries throughout the Otago region to prevent their spread in order to minimise adverse effects on production values and economic well-being.

Deliverable	KPI	Target
Respond to GNR complaints around nodding thistle and ragwort.	% of GNR complaints responded to within one month.	100%

3.5 Site-led pest programmes

The RPMP site-led programme is about protecting the environmental values at several named sites from the ravages of multiple pests. As a result, the management programme focuses on specific

threats to each site and provides for the control of many pests, often those that are not managed elsewhere in the region (e.g. possums, rats).

The RPMP establishes four site-led programmes. For the Operational Plan three of them, Otago Peninsula, West Harbour-Mount Cargill and Quarantine and Goat islands (all within Dunedin City) are grouped, as the same six pest plant species and 15 pest animal species are managed generically across all three places. The fourth site-led programme concerns the LINZ-led management of lagarosiphon (oxygen weed), where different controls are implemented in different lakes. New site-led programmes will be considered via the RPMP in the future.

3.5.1 Otago Peninsula, West Harbour – Mount Cargill and Quarantine and Goat Islands

Objective

Otago Regional Council will take a lead role in supporting community groups and agencies in bringing about the desired levels of environmental protection to these sites [Otago Peninsula (9,000 ha), West Harbour-Mt Cargill (12,500 ha) and Quarantine and Goat Islands].⁸

Deliverable	KPI	Target
Confirm site-led plans for the three terrestrial programme areas.	Site-led plan reconfirmed by 30 September 2024.	1
Site-led programme plan implemented.	% of actions implemented by 30 June 2025.	100%

3.5.2 Lagarosiphon

Regional Focus Programme

Objective

To support LINZ in controlling lagarosiphon in the region's rivers and lakes by:

- Preventing its establishment in Lake Wakatipu and other regional water bodies
- Progressively reducing its spread in Lake Wanaka and the Kawarau River
- Undertaking sustained control in Lake Dunstan

Deliverable	KPI	Target
Joint planning with LINZ and other stakeholders.	# of meetings attended with LINZ and other stakeholders.	4
Support LINZ in the management and control of lagarosiphon.	Funding disbursed as per agreement.	100%
Undertake summer monitoring of water users at designated sites. ⁹	# of interactions in the 'Check, clean, dry' programme.	650

⁸ Refer to RPMP Objectives 6.5.4, 6.5.5 & 6.5.6 respectively for Otago Peninsula, West Harbour-Mt Cargill and Quarantine and Goat Islands

⁹ This KPI is dependent on funding being confirmed from MPI.

Undertake monitoring and inspections of freshwater pests.	# of bi-annual monitoring visits to priority water bodies ¹⁰ to determine the presence of lagarosiphon.	22
	# of sites monitored or inspected for freshwater pests.	40

3.6 Integrated programmes

While the RPMP has five defined programmes, aspects of these programmes are shared or interconnected, such as through associated analysis, common biodiversity outcomes and engagement with partners and stakeholders.

3.6.1 Shared Pest Programmes

The following are shared or interconnected deliverables related to achieving biosecurity outcomes, hence apply across the five RPMP programmes listed above.

Deliverable	KPI	Target
Undertake pest inspections or monitoring to progress biodiversity outcomes.	# of pest inspections or monitoring visits undertaken. ¹¹	1,500
Re-inspect non-compliant properties (or sites) ¹² .	% of non-compliant properties (or sites) re-inspected.	100%
Undertake monitoring visits to assess the efficacy of biocontrol agents	# of monitoring visits to sites where biocontrol agents are present	25
Prepare monitoring plans for selected pest species & biocontrol agents.	A set of monitoring plans completed by 31 October 2024.	1
Analyse pest trends based on inspection, monitoring and surveillance data.	Report on 'State of Pest Management in Otago' submitted to Council before 31 March 2025.	1
Selected pests ¹³ (whose presence has been confirmed) are appropriately controlled.	Control actions for the selected pests are completed by 30 June 2025.	100%

3.6.2 Pest Programme Engagement

The management of pests extends beyond just the ORC. Due to this, it is essential to engage with partners and stakeholders to promote and achieve biosecurity outcomes. These engagements

¹⁰ Manorburn, Poolburn, Butchers, Conroys, Falls and Fraser Dams, Pinders Pond, Blue Lake, Moke Lake, Bullock Creek and Albert Town stormwater detention ponds. They are monitored, at a minimum, twice a year. These sites are not overseen by other agencies.

¹¹ This target excludes rabbits which are listed above.

¹² Generally, pest compliance is done on a property basis however for some pests, the location is a site that is not a property (e.g. lagarosiphon)

¹³ The selected pests are the six exclusion pests, rooks, spiny broom, wallabies, African love grass and spartina.

explain the rules as they pertain to these agencies, advocate for their increased action and for the agencies to have consistent biosecurity work programmes with the RPMP.

Deliverable	KPI	Target
Engage with crown agencies and territory authorities on pest management. ¹⁴	# of communication engagements with listed agencies at least once annually.	10
Support and educate occupiers, landowners and community groups to undertake best practice pest control.	# of community events attended to support best practice pest management.	8
Develop an Otago Marine Biosecurity programme	Otago Marine Biosecurity Programme presented to Council by 30 June 2025	1
Collaborate with regional councils on freshwater and marine pests.	# of collaborations with other regional councils.	4
Collaborate with Kāi Tahu on biosecurity issues and support them to be involved in biosecurity initiatives.	# of collaborations with Kāi Tahu on biosecurity issues.	4
Undertake visits to pet shops and nurseries to advocate and inspect for biosecurity compliance.	# of pet shops or nurseries visited.	10

¹⁴ Namely MPI, DoC, LINZ, KiwiRail, Waka Kotahi, Territorial Authorities [WDC, DCC, CDC, CODC, QLDC]

4. RPMP Administration

4.1 Compliance and Enforcement Actions

As the RPMP is a rules-based approach to pest management, there is need to ensure actions are taken to ensure compliance. The specific approach to compliance and enforcement is covered in the ORC Biosecurity Compliance and Enforcement Policy. To achieve this, the following actions will be delivered.

Deliverables	KPI	Target
Provide occupiers and landowners with the declared pest status following an inspection.	% of occupier/landowner advised of inspection status within three weeks of the inspection.	75%
	% of occupier/landowner advised of inspection status within six weeks of the inspection.	100%
Continued non-compliance, as confirmed by enforcement criteria, is addressed through issuing a Notice of Direction	Any Notices of Direction are issued within 20 working days after re-inspection.	100%
Pest enquiries ¹⁵ are responded to in a timely manner as appropriate to the risk of the pest.	% of exclusion pest enquiries responded to within 24 hours.	100%
	% of eradication pest enquiries responded to within three working days.	100%
	% of all pest enquiries responded to within 10 working days.	100%

¹⁵ Enquiries are defined as either reports, sightings, notifications and complaints.

5. Glossary

For the purposes of this operational plan, the following definitions are provided. Further definitions can be found in the RPMP and the ORC Biosecurity Compliance and Enforcement Policy.

Assessment: An inspection or monitoring visit.

Boundary: refers to a line in a geographical space the delineates the surface extent between two (or more) adjoining land parcels.

Compliant: refers to when a rule in the RPMP is adhered to.

Default Action: means work undertaken by the management agency to carry out pest control when a 'Notice of Direction' or 'Compliance Order' has not been complied with by an occupier, under section 128 of the BSA. The management agency can then recover costs and expenses reasonably incurred under section 129 of the BSA.

Known site: refers to a location that has a historical or current record of the pest being present. For ease of monitoring, a known site can include a buffer radius of up to 50 metres.

Inspection: means a site visit (normally defined by a property) to determine compliance to RPMP rules undertaken by an authorised person as defined under the Biosecurity Act 1993.

Landowner: has the same meaning as occupier in the Biosecurity Act 1993.

Land Parcel: is a unique area of land, identified by the cadastral survey plan showing the legal boundaries, location, dimensions and area, along with the unique legal description (appellation).

Location: refers to a geographical point on the surface of the earth. This will typically be identified by the GPS co-ordinates of northing and easting. For New Zealand, most common projections are the New Zealand Traverse Mercator or World Geodetic 1984).

Management agency: has the same meaning as in the Biosecurity Act 1993, specifically "*means the body specified as the management agency in a pest management plan or a pathway management plan*". For the purposes of the RPMP and Operational Plan, Otago Regional Council is the management agency for pests to be controlled in the Otago region.

Management Plan: refers to a landowner/occupier agreement to manage selected pests as explained in the respective monitoring plan.

Modified McLean Scale: this scale assesses rabbit population levels (see RPMP, Appendix 2).

Monitoring: means work undertaken to determine the prevalence and/or trend of a pest. This will normally be in-person visit to a location but can use remote sensing tools. Monitoring differs from an inspection in that no subsequent enforcement is undertaken however monitoring can result in control actions being commenced.

Monitoring Plan: refers to a detailed description of how selected pests will be targeted to achieve the objectives of the RPMP.

Notice of Direction (NOD): means the actions required and notice issued pursuant to section 122 of the Biosecurity Act 1993. A NOD can require a person to take action to address pest plant or animal problems or to comply with a rule in an RPMP.

Occupier: see landowner.

Non-compliance: refers to any breach in a RPMP rule, upon a formal inspection. Non-compliance is liable for enforceable under the provisions of the BSA. For clarification, a breach of a RPMP rule does not have to be widespread across a property and may relate to a single location (or a defined

area) within a property. Due to the potential of spread, the whole property is deemed non-compliant even if the infestation is localised.

Operational plan: means a plan prepared by the Management Agency under Section 100B of the Act.

Pest: has the same meaning as in the Biosecurity Act 1993: “an organism specified as a pest in a pest management plan.”

Property: For the purposes of this plan, a property is an extent of land that is either [1] under unique ownership (whether individual, joint, partnership or corporate) or [2] is managed as a single operational entity. A property can be made up of one or more adjoining land parcels (see land parcel).

Surveillance: means work undertaken to determine the status (presence and extent) of pest species. This can be in-person or, increasingly, use remote sensing tools.

Surveillance Plan: describes the approaches used to determine the presence, or extent, of pest species. A surveillance plan may cover a number of pest species.

Surrounding area: means a wider area surrounding a known sites. This is variable depending on context of the pest but, at a minimum, includes all adjoining properties to the property with the pest infestation. A property is considered adjoining even if it is separated by a road, paper road, waterway or easement. A designated surrounding area does not prevent pest assessments from being carried out in non-surrounding areas.

Water body: means fresh water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

Wilding conifer: wilding conifers are any introduced conifer tree, including (but not limited to) any of the species listed in Table 3 of the RPMP.

Zero level/zero density: where the pest is not detectable in an area, however the pest may continue to appear afterwards due to plant seed sources or animal migration from an unmanaged area.

Appendix

Appendix 1: Timeframes associated with Biosecurity Inspections

Compliance Type	Plants	Rabbits
Work Request	Three months; except six weeks for Old Man's Beard between Oct-Feb.	May-Dec: six months; Jan-Apr: three months
Notice of Direction	Three months; except six weeks for Old Man's Beard between Oct-Feb.	One year
<p>Notes:</p> <ol style="list-style-type: none"> 1. Where suitable, poisoning for rabbits is best in winter, hence the one-year timeframe for Notices of Direction ensures there is at least one winter to undertake control before re-inspection. 2. Timeframes are based on the date the letter was sent, not when the inspection was undertaken. 3. Re-inspections occur within a three-week period after the timeframe expires. 		



Biosecurity Operational Plan

~~2023-2024~~-2025





*Implementing the Otago Regional Pest Management Plan
2019-2029*

Executive Summary

Under the Biosecurity Act (1993), the Otago Regional Council (ORC) is the regional management agency responsible for biosecurity and pest control. To achieve this regulatory function, the ORC has developed the *Otago Regional Pest Management Plan 2019-2029* (RPMP) which sets **objectives and** rules for land occupiers to control pests to set levels. This Biosecurity Operational Plan annualises the objectives of the RPMP for the **2023-2024-2025** financial year.

The ORC engages with occupiers and landowners who are ultimately responsible for pest management. To achieve practicable biosecurity outcomes, the ORC undertakes inspections (to ensure compliance with rules), monitoring (to determine the effectiveness of control) and surveillance (identifying new issues and trends). The ORC undertakes advocacy and education around pest threats, pathways of pest spread and the provision of advice. Furthermore, the ORC delivers national programmes for the management of nationally significant pests (wallabies and wilding conifers).

This work is supported by close engagement with allied organisations involved in implementing and funding biosecurity across the region, including the Ministry for Primary Industries (MPI), Land Information New Zealand (LINZ), the Department of Conservation (DoC), Kāi Tahu, other councils and community groups.

Under the RPMP, pest management is classified into five programmes.

1. **Exclusion pest programme:** to prevent the establishment of six high threat pest plants in the region.
2. **Eradication pest programme:** to proactively eradicate spiny broom, Bennett's wallaby and rooks from the region.
3. **Progressive containment pest programme:** to contain or reduce the geographic distribution of 11 pest plants (or groups of plants) across the region.
4. **Sustained control pest programme:** to enforce ongoing control of rabbits and five widespread pest plants to reduce their impact.
5. **Site-led pest programmes:** listed pests are managed as deemed appropriate for the values of the stated location.

This Operational Plan is the final iteration under the current Long-Term Plan and is a continuation of the same approaches. Where necessary, changes have been made from the previous 2022-23 Operational Plan based on lessons learnt to improve efficiency and effectiveness.

As part of the continuation, this Operational Plan retains the priority pests from the previous Operational Plans, covering one programme and four pests:

- Exclusion pest programme
- Feral rabbits
- Bennett's wallaby
- Wilding conifers
- Lagarosiphon

The exclusion programme and four pests are of concern to local communities and have heightened adverse effects (current or future) on environmental, economic and social grounds.

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Version Control

Version #	Date	Event/Changes made
1	8 May 2024 February 2023	Submitted to Environmental Implementation Committee for <u>consideration approval</u>
	22 February 2023	Approved by the Otago Regional Council

Cover Photo

Duffers Saddle, Nevis Valley Lake Wanaka, from Glen Dene Ridge Track (Photo Credit: Gary Smith Richard Lord)

1. 1. Introduction

1.1 Background

Under the Biosecurity Act 1993, the Otago Regional Council (ORC) developed the *Otago Regional Pest Management Plan 2019-2029* ('the RPMP'). The RPMP is a statutory document that lists specific pests which have the greatest adverse effect on the environment and economy within Otago. In order to control, or eliminate, such adverse effects, the RPMP establishes rules that are legally enforceable. This provides a framework for the effective management of declared pests in the Otago region over the next decade. The RPMP sits alongside the non-statutory ORC Biosecurity Strategy which focuses on the wider biosecurity issues including the collaboration with stakeholders to manage pests.

The key purpose of the RPMP is to outline how the identified pests will be managed to reduce or remove their threat to the environmental (e.g. ecosystem or species), economic (e.g. farming/forestry) and cultural/social (e.g. Māori and human health) values of the region. The RPMP allows the council to use relevant advice, service delivery, regulatory enforcement and funding provisions as provided by the Biosecurity Act.

The RPMP identifies 30 plants (or groups of plants) and 11 animals (or groups of animals) as pests. Except for specified pests, where the ORC may coordinate or undertake direct control, the responsibility for pest control rests with occupiers and landowners.

The responsibility of the ORC focuses on advocacy and education, supported by inspections, monitoring and surveillance. As the designated Management Agency under the Biosecurity Act, the ORC enforces the RPMP rules to ensure occupiers and landowners are aware of and meet their obligations for pest management on their properties by adhering to RPMP rules. In addition, the ORC delivers national programmes for the management of nationally significant pests (wallabies and wilding conifers). This is further supported through various community groups that are actively involved in pest management (e.g. wilding conifer trusts, Predator Free Dunedin, community rabbit programmes).

1.2 Operational plan purpose, duration and linkages

Under the Biosecurity Act, the ORC is required to prepare an annual Operational Plan that implements the RPMP. The Operational Plan is a publicly available document and is reported on each year to Council.

This document (*the [2023-2024 Biosecurity Operational Plan 2024-2025](#)*) outlines the nature, scope and priority activities that ORC intends to undertake for pest management across the Otago region for the financial year 1st July [2024](#) through to 30th June [2025](#).

The Operational Plan presents what will be delivered during the [2023-2024-2025](#) financial year in terms of focus areas and the associated actions to implement the RPMP. For context, it is important the Operational Plan is read in conjunction with the RPMP. The ORC Biosecurity and Biodiversity Strategies and wider catchment management planning also provides additional context to the Operational Plan.

2. **2. Summary of Regional Pest Management Plan**

2.1 Pest management programmes

The RPMP is implemented through five pest management programmes¹, as summarised below. ~~The pests listed under each programme are given in Table 1.~~

1. **Exclusion:** ~~This programme~~~~The objective~~ is to ensure specific pests that are present in New Zealand do not become established in Otago. Under Section 100V of the Biosecurity Act, there is provision to implement emergency controls for ~~the~~~~any~~ incursion of ~~anya~~ new ~~pests~~~~pest~~ that are not listed in the RPMP.
2. **Eradication:** ~~This programme focuses on eradicating~~~~The objective is to eradicate~~ identified pests from the areas where they occur in the region. Eradication involves reducing the infestation of the pest to zero density.
3. **Progressive Containment:** ~~This programme aims~~~~The objective is~~ to contain and reduce the geographic spread of the listed pests to specific areas. Containment arises where the pest is at high densities in specific parts of the Otago region, but in low densities or limited range in other parts. While eradication is not feasible, it is realistic to contain the pest from spreading to other 'clear' parts of the region.
4. **Sustained Control:** ~~This programme centres on the continuing~~~~The objective is for ongoing~~ control of the listed pests to reduce their impacts and spread to other properties. The ~~emphasise~~~~focus~~ is to manage the densities of the pests ~~so~~~~to ensure~~ they do not reach a level where they cause significant environmental impact. Sustained control is a strategy for pests with a wide geographical spread that they cannot feasibly be ~~contained~~~~eradicated~~.
5. **Site-led:** ~~This programme aims~~~~The objective is~~ to exclude, or ~~– if present –~~ eradicate, ~~reduce or control, from~~ identified ~~pests from specified~~ locations ~~or to contain, reduce or control within those places.~~

2.2 Methods of Action – how pest management will be enacted~~carried out~~

The ORC achieves pest management outcomes through the following methods and provision of resources. ~~Table 1 outlines which pest and programmes are related to each method.~~

1. **Advocacy and education:** ORC will provide education, advice and information to landowners and/or occupiers and the public about the impacts of pests and pathways (vectors) of pest spread and appropriate methods of control. The ORC will ensure land occupiers are informed of their responsibilities under the RPMP. This activity also includes contributing to research and cost-sharing with other agencies and developing/promoting 'good practice' around control methods aimed at pest management contractors and occupiers who are required to act.

¹ As prescribed by the National Policy Direction for Pest Management 2015.

2. **Inspection, monitoring and surveillance:** Regular property inspections ensure that RPMP rules are being adhered to. The focus is to achieve voluntary compliance first before enforcement action is initiated. Monitoring is carried out to determine effectiveness of control and to understand trends of infestations. Surveillance activities focus on protecting the region from the incursion of new pests.
3. **Collaboration:** ORC works with landowner/occupier groups and central and local government agencies to develop consistent approaches for the effective management of pests. This includes Land Information New Zealand (LINZ), Department of Conservation (DoC), Ministry of Primary Industries (MPI), neighbouring regional councils and community groups like Predator Free Dunedin, and wilding conifer trusts.
4. **Requirement to Act (regulation):** RPMP rules are the ‘backbone’ of the pest management. These rules require identified pests to be controlled to specified standards or levels. Failure to comply with RPMP rules can lead to enforcement action by ORC.
5. **Service delivery:** This is achieved through the delivery of national programmes (wildings and wallabies) and the provision of direct control where special expertise is required that is beyond the capability of the land occupier to arrange. Service delivery includes providing appropriate control tools (e.g. traps, spraying, shooting) and the approved release of biological control agents.

2.3 Regional ~~Priority Pests~~ Focus Programmes

Continuing from the previous ~~years, the~~ Operational ~~Plan has~~ Plans, ~~there is~~ a focus on one pest programme and four ~~priority~~ pests. ~~These~~ The focus on these pests ~~are selected~~ is due to their high community interest, environmental impact, economic impact, supporting national programmes and the need to invest in long-term sustained action. Table 1 provides further details of the specific pests.

Table 1: Focus area pests

Pest	Programme	Reason to Prioritise
Exclusion Pests	Exclusion	Exclusion of pests not established in Otago is a critical responsibility of the RPMP. To ensure new pests are excluded there is a need to develop and implement a proactive surveillance approach. This will identify pathways of potential spread (e.g. product movement).
Feral rabbits	Sustained Control	Feral rabbits generate significant ecosystem damage to the environment and production systems within Otago. Feral rabbits terraform a landscape. The Ministry of Primary Industries estimate production-related losses exceed \$50 million per year, on top of control expenses of \$25 million. Other losses include destruction of habitat for indigenous flora and fauna, changes to landscape value and impacts on social activities.
Bennett’s wallaby	Eradication	Wallabies are an ever-present threat due to their high numbers in neighbouring South Canterbury. As wallabies present a significant threat to the ecosystem and a production risk to the economy, it is imperative that they are prevented from establishing a foothold in Otago.

<p>Wilding conifers</p>	<p>Progressive containment</p>	<p>Wilding conifers interfere with ecosystems where they can shade out native species. This has consequential effects on the wider environment, especially water availability. From a social perspective, they interrupt Otago’s iconic landscape and present a fire risk to farmlands and communities. If not controlled, they will significantly change the landscape, hydrological cycle and conservation values, especially high country, tussock grasslands and alpine catchments.</p>
<p>Lagarosiphon</p>	<p>Site-led programme</p>	<p>Lagarosiphon is an aquatic plant pest that threatens the aquatic environment. It is fast growing, displacing and shading out aquatic native plants. Thick areas of lagarosiphon disturb water flows and cause localised deoxygenation of water changing the aquatic ecosystem for animals. Lagarosiphon blocks water bodies, resulting in negative visual effects, reduces recreational activities and chokes water supply intakes. If lagarosiphon is left uncontrolled, large beds can form and wash ashore, leaving an unpleasant heap to decay.</p>

2.4 Operational Plan Reporting

As the lead management agency, ORC is responsible for reporting on activities and progress during the year. The ORC is required by Section 100B of the Biosecurity Act 1993 to “prepare a report on the operational plan and its implementation not later than 5 months after the end of each financial year”. This report is provided to the Minister of Biosecurity and is made available to the public through reporting to Council and on ORC’s website.



Blueskin Bay



Hawkdun Range (Photo Credit: M. Boardman)

3. Implementation of the Operational Plan

3. Pest Management Activities to Enact the RPMP

3.1 Exclusion pest programme

Regional Focus Programme

The exclusion pest programme is to prevent the establishment of a specified pest that is present in New Zealand but not yet in the Otago region which could have potential adverse effects on economic well-being and environmental values. While the RPMP lists six exclusion pests, under Section 100V of the Biosecurity Act, there is provision to implement emergency controls for any incursion of a new pest that are not listed in the RPMP.

Objective

Over the duration of ~~RPMP~~the Plan, preclude establishment of African feather grass, Chilean needle grass, egeria, false tamarisk, hornwort and moth plant within the Otago region to prevent adverse effects on economic well-being and environmental values.

Deliverable	KPI	Target
Engage with neighbouring regional councils on exclusion pest threats <u>not currently present in Otago</u> .	# of meetings with neighbouring regional councils on exclusion pest threats.	6
Develop surveillance plans for the six exclusion pest species as a component of the incursion pest response plan²	Exclusion pest management and surveillance plans covering the six identified exclusion pests finalised by 31 May 2024	6
If the presence of an exclusion pest (or other unwanted pests) is confirmed, response actions completed as per the incursion response plan.	% of <u>response</u> actions completed within the required timeframes as set out in the incursion pest response plan for each confirmed sighting (as assessed by checklist).	100%

3.2 Eradication pest programmes

The eradication programme focuses on three pest species in the region. They belong in this programme as their infestation levels are considered low enough for eradication to be feasible in the long-term (over the 10-year duration of the RPMP). The pests include one marsupial (Bennett’s wallaby), a bird

²This was referred to as the “exclusion pest response plan” in the 2022-23 Biosecurity Operational Plan. The name change reflects the purpose of the response plan which is to cover any unwanted pests, not just the listed exclusion pests, if their presence has been confirmed.

(rook) and a plant (spiny broom). Implementation of management programmes for each pest is described separately in the following subsections due to the different approaches taken.

3.2.1 Bennett's wallaby

Regional Focus Programme

Objective

Reduce all infestations of Bennett's wallaby to zero levels within the Otago region to prevent adverse effects on economic well-being and the environment.

Deliverable	KPI	Target
Classify Prompt response to all reported sightings of wallabies <u>and determine appropriate control action when confirmed.</u>	All <u>% of sightings are classified to determine credibility³ inspected</u> within three <u>3</u> working days of receiving at the sighting report.	100 <u>90</u> %
	If presence is confirmed, a decision on appropriate control action is decided <u>% of sightings inspected</u> within a further two <u>10</u> working days of receiving the sighting report	100%
Collaborate with and participate in the national wallaby programme.	% of Operational Advisory Group meetings attended.	100%
	Fulfil requirements of MPI funding agreement.	100%
	# of wallaby R+D trials supported	2
Engage with Environment Canterbury on Wallaby control.	# of meetings or visits with Environment Canterbury on wallaby control.	4 <u>6</u>

3.2.2 Rooks

Objective

Reduce all infestations of rooks to zero levels within the Otago region to prevent adverse effects on economic well-being and the environment.⁴

Deliverable	KPI	Target
Undertake monitoring visits of <u>inspect all known rookeries</u> rookery locations	#% of known rookeries monitored <u>rookery locations inspected</u>	50 <u>100</u> %

³ There are three classifications: [1] Unreliable, [2] Reliable but unconfirmed and [3] Confirmed.

⁴ Historically rookeries have been known to exist in South Otago, Strath-Taiari and the Maniototo.

<u>Classify all reported sightings of rooks and determine appropriate control action when confirmed.</u>	<u>All sightings are classified to determine credibility within three working days of receiving a report.</u>	<u>100%</u>
	<u>If presence is confirmed, a decision on appropriate control action is decided commenced within a further two3 working days of confirmed rook sighting.</u>	100%

3.2.3 Spiny broom

Objective

Reduce all infestations of spiny broom to zero levels within the Otago region to prevent adverse effects on economic well-being and the environment.⁵

Deliverable	KPI	Target
Undertake <u>monitoring visits</u> of inspections for spiny broom at known <u>sites</u> *locations and surveillance <u>of</u> at surrounding areas.	<u>#% of monitoringknown locations (13) inspected and surveillance visits undertaken</u> surrounding areas <u>† surveyed</u> for spiny broom.	<u>100%</u> 13
<u>Determine appropriate</u> if there is a confirmed sighting of spiny broom, <u>undertake necessary</u> control action <u>when spiny broom is confirmed.</u>	<u>If presence is confirmed, a decision on appropriate control</u> Control action is <u>decided</u> decided <u>commenced</u> within <u>five</u> 5 working days <u>of confirmed sighting of spiny broom</u> of confirmed sighting of spiny broom	100%

*† See glossary for definition of location, known ~~sites~~location and surrounding areas.

3.3 Progressive containment pest programmes

The 11 pest plants (or groupings of plants) in this programme are reasonably well established in the region. While eradication is unlikely, it is an aim of the RPMP that pest densities can be progressively reduced.

3.3.1 Wilding conifers

Regional Focus Programme

Objective

Progressively contain and reduce the geographic extent of wilding conifers within the Otago Region to minimise adverse effects on economic well-being and the environment.

⁵ ~~Previous Spiny Broom infestations have been identified in the Waihola, Chain Hills and Brighton areas.~~

Deliverable	KPI	Target
Undertake assessments⁶ of inspections for wilding conifers at locations guided by the regional wilding conifer strategy.	# of properties assessed/inspected for wilding conifer compliance.	50 100
Collaborate with and participate in the national wilding conifer programme.	% of Operational Advisory Group meetings attended.	100%
	Fulfil requirements of MPI funding agreement.	100%
Implement regional wilding conifer strategy.	% of actions from the regional strategy commenced within specified due timeframes.	100%
Support regional partnerships through funding community control groups. ⁷	Funding disbursed as per agreements. agreement	100%

Note: Any compliance actions are covered under 3.6 Integrated Programmes and 4.1 Compliance and Enforcement Actions.

3.3.2 African love grass

Objective

Progressively contain and reduce the geographic distribution or extent of African love grass at known ~~sites/locations~~⁸ within the Otago region to minimise or prevent adverse effects on economic well-being and the environment.

Deliverable	KPI	Target
Undertake monitoring visits of inspections for African Love Grass love grass at known sites/infestation locations and surveillance of/in surrounding areas.	#% of monitoring/known locations (20) inspected and surveillance visits undertaken/surrounding areas surveyed for African Love Grass. love grass	100% 20
Determine appropriate control action when/if there is a confirmed sighting of African love grass is confirmed. undertake necessary control action	If presence is confirmed, a decision on appropriate control/Control action is decided/commenced within five 5 working days of confirmed sighting of African love grass	100%

⁶ An assessment is either a formal inspection or a monitoring visit.

⁷ Currently partnerships are with Whakatipu Wilding Conifer Control Group, and Central Otago Wilding Conifer Control Group and Upper Clutha Wilding Tree Group.

⁸ Previous and current African Love Grass infestations around Earnsclough, Clyde, Omakau, Queensbury and Pisa Moorings.

3.3.3 Nassella tussock

Objective

Progressively contain and reduce the geographic distribution or extent of Nassella~~nassella~~ tussock at known locations⁹ within the Otago region to minimise or prevent adverse effects on economic well-being and the environment.

Deliverable	KPI	Target
Undertake inspections or monitoring visits of Nassella inspect known locations for nassella tussock at known sites and undertake surveillance of surrounding areas. locations	#% of inspections, monitoring known locations (38) inspected and surveillance visits undertaken surrounding locations surveyed for Nassella nassella tussock.	38 ±00%

Note: Further compliance actions are covered under 3.6 Integrated Programmes and 4.1 Compliance and Enforcement Actions.

3.3.4 Old Man’s Beard

Objective

Progressively contain and reduce the geographic distribution or extent of old man’s beard within the Otago region to minimise or prevent adverse effects on economic well-being and the environment.

Deliverable	KPI	Target
Undertake re -inspections for Old Man’s Beard to <u>support biodiversity outcomes across Otago</u> .ascertain compliance	% of non-compliant properties re-inspected for Old Man’s Beard <u>inspections undertaken on properties with high biodiversity values.</u> ¹⁰	50 ±00 %

Note: Further compliance actions are covered under 3.6 Integrated Programmes and 4.1 Compliance and Enforcement Actions.

3.3.5 Spartina and six containment pest plants

Objective

Progressively contain and reduce the geographic distribution or extent of bomarea, boneseed, bur daisy, cape ivy, perennial nettle, spartina¹¹ and white-edged nightshade within the Otago region to minimise or prevent adverse effects on economic well-being and the environment.

⁹ Current Nassella Tussock infestations are identified around Roxburgh/Alexandra (Galloway and Knobby Range areas – approx. 32,000 ha); lower Cardrona Valley (Deep Creek to Riverbank Road – approx. 4,500 ha); Lower Waitaki Valley (Georgetown and Tussocky/Ridge Roads – approx. 4,100 ha).

¹⁰ A property with high biodiversity values consists of:

[1] Any property that contains (whether fully or partially) a Significant Natural Area (SNA), a QEII covenant or land demarcated as 30% high biodiversity area (Leathwick, 2020).

[2] Any property that has a common boundary with a property defined by [1]

¹¹ Spartina containment focuses on Waikouaiti, Karitane and Te Hākapupu/Pleasant River Estuaries.

Deliverable	KPI	Target
<u>Undertake inspections or monitoring visits of spartina at known sites and surveillance of surrounding areas.</u>	<u># of inspections, monitoring and surveillance visits undertaken for spartina.</u>	<u>12</u>
<u>Determine appropriate control action when spartina is confirmed.</u>	<u>If presence is confirmed, a decision to initiate appropriate control action occurs within five working days.</u>	<u>100%</u>
Undertake re-inspections for <u>bomarea, boneseed, bur daisy, cape ivy, perennial nettle, spartina and white-edged nightshade</u> the six containment plants to ascertain compliance.	<u>% of non-compliant properties re-inspected within set timeframes¹² for bomarea, boneseed, bur daisy, cape ivy, perennial nettle, and white-edged nightshade. spartina or any one of the six containment plants</u>	100%

Note: Further compliance actions are covered under 3.6 Integrated Programmes and 4.1 Compliance and Enforcement Actions.

3.4 Sustained control pest programmes

This programme covers well-established legacy pests that are present across Otago and many regions of New Zealand. Although eradication isn't viable, opportunities exist to prevent spread from infested areas to clear areas and to reduce 'externality impacts' on adjoining occupiers' values where those adjoining occupiers are motivated to undertake control.

3.4.1 Feral rabbits

Regional Focus Programme

Objective

Implement sustained control of feral rabbits to ensure population levels do not exceed Level 3 on the Modified McLean Scale in order to minimise adverse effects on production and environmental values within the Otago region.

Deliverable	KPI	Target
Undertake rabbit inspections to determine compliance.	<u># of rabbit inspections undertaken in non-outside a community programme areas.</u>	<u>>250</u>
	<u>% of non-compliant properties re-inspected for rabbit compliance</u>	<u>100%</u>
	<u># of rabbit inspections undertaken in engagements with community rabbit</u>	<u>8012</u>

¹² See Appendix 1 for set timeframes.

	programme areas either through re-inspections or continued support	
	% of non-compliant rabbit inspections re-inspected within set timeframes for compliance.	100%
Analyse Monitor trends in rabbit densities.	# of rabbit night count routes completed and analysed ¹³	>30
	# of fly traps routes/locations monitored and analysed	10
	Report on analysis of historical serological data completed by 30 November June 2024.	1
	# of peri-urban areas with fixed photo counts undertaken. Update rabbit proneness map completed by 31 March 2024	21
Engage with landowners in community rabbit programmes.	# of community R+D trials to enhance rabbit programmes ¹⁴ where landowner engagement is undertaken monitoring instigated	52
Support community initiatives through Sustainable Rabbit Management Funding.	Funding round is oversubscribed with eligible applications.	Yes/No
Advocate and engage with territorial authorities and Crown agencies on rabbit management ¹⁵	# of territorial authorities and Crown agencies engaged on rabbit management	8

Note: Any compliance actions are covered under 4.1 Compliance and Enforcement Actions.

3.4.2 Gorse and broom

Objective

Implement sustained control of broom and gorse to ensure land that is free of, or being cleared of, broom and gorse does not become infested (primarily in Central Otago and Queenstown Lakes districts) in order to prevent adverse effects on production values and economic well-being.

Deliverable	KPI	Target
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¹³ Currently there are 17 night count routes. Under the Rabbit Monitoring Plan it is planned there will be 31 routes. The final number is yet to be confirmed until routes are formally surveyed and access agreements in place.

¹⁴ Active community rabbit programmes are located in Otago Peninsula, Moeraki, Lake Hayes, Gibbston and Queensberry.

¹⁵ Namely MPI, DoC, LINZ and Territorial Authorities [WDC, DCC, CDC, CODC, QLDC]

Inspect gorse and broom free areas for gorse and broom infestation, including the use of remote sensing.	% of non-compliant properties re-inspected <u>within set timeframes</u> in gorse and broom free areas.	100%
Advocate with occupiers and landowners on new gorse and broom free areas that come into effect in 2024	# of community meetings delivered on new gorse and broom free areas	4

Note: Any compliance actions are covered under 3.6 Integrated Programmes and 4.1 Compliance and Enforcement Actions.

3.4.3 Russell Lupin

Objective

Implement sustained control of the extent of Russell lupin and wild Russell lupin within specified distances from waterways and property boundaries to preclude establishment of wild Russell lupin and to prevent adverse effects on environmental values.

Deliverable	KPI	Target
Implement regional strategy on Russell lupin including communications plan.	% of actions completed by due date as described in the Russell lupin strategy.	100%
Stakeholder engagement implemented Undertake inspections in <u>one</u> high-risk <u>catchment areas</u> ¹⁶	Action plan developed and presented to stakeholders. # of high-risk areas inspected for Russell lupin	16

Note: Any compliance actions are covered under 3.6 Integrated Programmes and 4.1 Compliance and Enforcement Actions.

3.4.4 Nodding thistle and Ragwort

Objective

Implement sustained control of nodding thistle and ragwort on rural zoned land within specified distances of property boundaries throughout the Otago region to prevent their spread in order to minimise adverse effects on production values and economic well-being.

Deliverable	KPI	Target
Respond to GNR complaints around Undertake re-inspections for nodding thistle and ragwort <u>to ascertain compliance</u>	% of GNR complaints responded to within one month. % of non-compliant properties re-inspected for nodding thistle and ragwort	100%

¹⁶ As listed in the RPMP, at risk areas are: Dart, Rees, Matukituki, Makarora, Hunter and Shotover (downstream of Arthurs point) river catchments.

Note: Further compliance actions are covered under 3.6 Integrated Programmes and 4.1 Compliance and Enforcement Actions.

3.5 Site-led pest programmes

The RPMP site-led programme is about protecting the environmental values at several named sites from the ravages of multiple pests. As a result, the management programme focuses on specific threats to each site and provides for the control of many pests, often those that are not managed elsewhere in the region (e.g. possums, rats).

The RPMP establishes four site-led programmes. For the Operational Plan three of them, Otago Peninsula, West Harbour-Mount Cargill and Quarantine and Goat islands (all within Dunedin City) are grouped, as the same six pest plant species and 15 pest animal species are managed generically across all three places. The fourth site-led programme concerns the LINZ-led management of lagarosiphon (oxygen weed), where different controls are implemented in different lakes. New site-led programmes will be considered via the RPMP in the future.

3.5.1 Otago Peninsula, West Harbour – Mount Cargill and Quarantine and Goat Islands

Objective

Otago Regional Council will take a lead role in supporting community groups and agencies in bringing about the desired levels of environmental protection to these sites [Otago Peninsula (9,000 ha), West Harbour-Mt Cargill (12,500 ha) and Quarantine and Goat Islands].¹⁷

Deliverable	KPI	Target
Confirm site-led plans for the three terrestrial programme areas programmes around Otago Harbour	Site-led programme plan (including each site-led location) reconfirmed by 30 September 2024 31 July 2023	13
Site-led programme plan implemented	% of actions implemented by 30 June 2025 within defined timeframes for 2023-2024	100%

Note: Any compliance actions are covered under 3.6 Integrated Programmes and 4.1 Compliance and Enforcement Actions.

3.5.2 Lagarosiphon

Regional Focus Programme

Objective

¹⁷ Refer to RPMP Objectives 6.5.4, 6.5.5 & 6.5.6 respectively for Otago Peninsula, West Harbour-Mt Cargill and Quarantine and Goat Islands

To support LINZ in controlling lagarosiphon in the region’s rivers and lakes by:

- Preventing its establishment in Lake Wakatipu and other regional water bodies
- Progressively reducing its spread in Lake Wanaka and the Kawarau River
- Undertaking sustained control in Lake Dunstan

Deliverable	KPI	Target
Joint planning with LINZ and other stakeholders.	# of meetings attended with LINZ and other stakeholders.	4
Support LINZ in the management and control of lagarosiphon.	Funding disbursed as per agreement.	100%
Undertake summer monitoring of water users at designated sites. ¹⁸	# of interactions in the ‘Check, clean, dry’ programme.	650
Undertake monitoring and inspections of freshwater pests lagarosiphon at designated water bodies that are not the responsibility of LINZ	# of bi-annual lagarosiphon monitoring visits to at priority water bodies ¹⁹ to determine the presence of lagarosiphon.	2218
	# of sites monitored or inspected for freshwater pests.# of lagarosiphon inspections at secondary water bodies	>40

Note: Any compliance actions are covered under 3.6 Integrated Programmes and 4.1 Compliance and Enforcement Actions.

3.6 Integrated programmes

While the RPMP has five defined programmes, aspects of these programmes are shared or interconnected, such as especially through associated analysis, common linkages to biodiversity outcomes and engagement with partners and stakeholders associated common analysis. For this Operational Plan, the integration between programmes is an important consideration.

3.6.1 Biodiversity Integration

A principal outcome of pest management is to enhance indigenous biodiversity, which informs the prioritisation of biosecurity activities. This is achieved by focusing on high biodiversity focus areas, and their surrounds, that should be safeguarded.²⁰ (Note: The deliverables in this sub-section cover non-rabbit pests. For rabbit management, refer to Section 3.4.1).

¹⁸ This KPI is dependent on funding being confirmed from MPI, Lakes Dunstan, Wanaka or Roxburgh, and the Clutha/Mata-Au and Kawarau Rivers.

¹⁹ Moke Lake, Manorburn, Poolburn, Butchers, Conroys, Falls and, Fraser Dams, Pinders Pond, Blue Lake, Moke Lake, Bullock Creek and Albert Town stormwater detention ponds. They are monitored, at a minimum, twice a year. These and Bullock Creek sites are not overseen by other agencies.

²⁰ As informed by Leathwick J.R. (2020). Indigenous biodiversity rankings for the Otago region. Report prepared for the ORC.

Deliverable	KPI	Target
Undertake pest inspections to progress biodiversity outcomes	# of pest inspections undertaken ²¹	1,500
Pest inspections support high biodiversity focus areas and their surrounds	% of pest inspections undertaken in high biodiversity focus areas and their surrounds	40%

3.6.2 Shared Pest Programmes

The following are shared or interconnected deliverables related to achieving Aspects of biosecurity outcomes, hence have common approaches that apply across the five RPMP programmes listed above. These deliverables focus on the monitoring and analysis of pests.

Deliverable	KPI	Target
Undertake pest inspections or monitoring to progress biodiversity outcomes.	# of pest inspections or monitoring visits undertaken. ²²	1,500
Re-inspect all non-compliant properties (or sites) ²³ within set timeframes	% of non-compliant <u>properties (or sites)</u> inspections re-inspected, within set timeframes ²⁴	100%
Undertake Develop and implement a density monitoring visits to assess the efficacy plan of biocontrol agents specific plant species ²⁵	# of density monitoring visits to sites where biocontrol agents are present undertaken	2520
Prepare Undertake monitoring plans for selected pest species & biocontrol agents. plant bio-control release sites ²⁶	A set# of monitoring plans completed by 31 October 2024. visits to pest plant bio-control release sites	120
Analyse pest trends based on inspection, monitoring and surveillance data. Undertake visits to nurseries and pet shops to advocate and inspect for biosecurity compliance	Report on 'State of Pest Management in Otago' submitted to Council before 31 March 2025. # of nurseries and pet shops visited	110

²⁴ This is in addition to any inspections listed elsewhere in this Operation plan for specific pests

²² This target excludes rabbits which are listed above.

²³ Generally, pest compliance is done on a property basis however for some pests, the location is a site that is not a property (e.g. lagarosiphon)

²⁴ Timeframes to achieve compliance for plant pests is three months from the inspection with the exception of Old Man's Beard which is six weeks between Oct-Feb. A re-inspection is undertaken within three weeks of this timeframe being expired.

²⁵ Namely, African Love Grass, Old Man's Beard, Nassella Tussock, Spartina, Russell Lupin

²⁶ Namely for various bio-controls for Ragwort, Gorse, Broom, Old Man's Beard, Nodding thistle

<p>Selected pests²⁷ (whose presence has been confirmed) are appropriately controlled. Undertake an advocacy and education programme to encourage awareness as to public responsibilities to pest management</p>	<p>Control actions for the selected pests are completed by 30 June 2025. % of deliverables enacted from the advocacy and education programme.</p>	<p>100%</p>
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3.6.23 Pest Programme Engagement

The management of pests ~~extends beyond just~~ wider than the ORC. Due to this, it is essential to engage with partners and stakeholders to promote and ~~achieve~~ biosecurity outcomes. ~~These engagements~~ This engagement is to explain the rules as they pertain to these agencies, ~~to~~ advocate for their increased action and for the agencies to ~~have consistent biosecurity~~ outline their work programmes ~~with the RPMP.~~

Deliverable	KPI	Target
Engage with crown agencies and territory authorities on pest management. ²⁸	# of communication engagements with listed agencies at least once annually.	10
Support and educate occupiers, landowners and community groups to undertake best practice pest control.	# of community events attended to support best practice pest management. control	8 12
Develop an Otago Marine Biosecurity programme	Otago Marine Biosecurity Programme presented to Council by 30 June 2025	1
Collaborate with neighbouring regional councils on freshwater and marine pests.	# of collaborations with other neighbouring regional councils.	4
Collaborate with Kāi Tahu on biosecurity issues and support them to be involved in biosecurity initiatives.	# of collaborations with Kāi Tahu on biosecurity issues.	4 2
Undertake visits to pet shops Support schools with key messages, information and nurseries to advocate and inspect for tools relating to biosecurity compliance.	# of pet shops or nurseries visited. # of school programmes attended to provide awareness on biosecurity	10

²⁷ The selected pests are the six exclusion pests, rooks, spiny broom, wallabies, African love grass and spartina.

²⁸ Namely MPI, DoC, LINZ, KiwiRail, Waka Kotahi, Territorial Authorities [WDC, DCC, CDC, CODC, QLDC]

4.3. 4. RPMP Administration

4.1 Compliance and Enforcement Actions

As the RPMP is a rules-based approach to pest management, there is need to ensure actions are taken to ensure compliance. The specific approach to compliance and enforcement is covered in the ORC Biosecurity Compliance and Enforcement Policy. To achieve this, the following actions will be delivered.

Deliverables	KPI	Target
Effective administration of compliance and enforcement		
Provide occupiers and landowners with the declared pest status following an inspection.	% of occupier/landowner advised of inspection status within three weeks of the inspection.	75%
	% of occupier/landowner advised of inspection status within six weeks of the inspection.	100%
Continued non-compliance, as confirmed by enforcement criteria, is addressed through issuing a Notice of Direction	Any Notices% of eligible non-compliant properties issued with a Notice of Direction <u>are issued</u> within 20 working days after re-inspection.	100%
Pest enquiries ²⁹ are responded to in a timely manner as appropriate to the risk of the pest.	% of exclusion pest enquiries responded to within 24 hours.	100%
	% of eradication pest enquiries responded to within three working days.	100%
	% of all pest enquiries responded to within 10 working days.	100%

²⁹ Enquiries are defined as either 'reports, sightings, notifications and ~~complaints, complaints'~~

5.4. 5. Glossary

For the purposes of this operational plan, the following definitions are provided. Further definitions can be found in the RPMP and the ORC Biosecurity Compliance and Enforcement Policy.

Assessment: An inspection or monitoring visit.

Boundary: refers to a line ~~or surface~~ in a geographical space the delineates the surface horizontal or vertical extent between two (or more) adjoining of a land parcels/parcel.

Compliant: refers to when a rule in the RPMP is adhered to.

Default Action: means work undertaken by the management agency to carry out pest control when a 'Notice of Direction' or 'Compliance Order' has not been complied with by an occupier, under section 128 of the BSA. The management agency can then recover costs and expenses reasonably incurred under section 129 of the BSA.

Known site location: refers to a location that has a historical or current record of the pest being present. For ease of monitoring, a known site location can include a buffer radius of up to 50 metres.

Inspection: means a site visit (normally defined by a property) to determine compliance to RPMP rules undertaken by ~~an a warranted officer as~~ authorised person as defined under the Biosecurity Act 1993.

Landowner: has the same meaning as occupier in the Biosecurity Act 1993.

Land Parcel: is a unique area of land, identified by the cadastral survey plan showing the legal boundaries, location, dimensions and area, along with the unique legal description (appellation).

Location: refers to a geographical point on the surface of the earth. This will typically be identified by the GPS co-ordinates of northing and easting. For New Zealand, most common projections are the New Zealand Traverse Mercator or World Geodetic 1984).

Management agency: has the same meaning as in the Biosecurity Act 1993, specifically "*means the body specified as the management agency in a pest management plan or a pathway management plan*". For the purposes of the RPMP and Operational Plan, Otago Regional Council is the management agency for pests to be controlled in the Otago region.

Management Plan: refers to a landowner/occupier agreement to manage selected pests as explained in the respective monitoring plan.

Modified McLean Scale: this scale assesses rabbit population levels (see RPMP, Appendix 2).

Monitoring: means work undertaken to determine the ~~trend and~~ prevalence and/or trend of a pest. This will normally be in-person visit to a location but can use remote sensing tools. Monitoring differs from inspection in that no subsequent enforcement is undertaken.

Monitoring Plan: refers to a detailed description of how selected pests will be targeted to achieve the objectives of the RPMP.

Notice of Direction (NOD): means the actions required and notice issued pursuant to section 122 of the Biosecurity Act 1993. A NOD can require a person to take action to address pest plant or animal problems or to comply with a rule in an RPMP.

Occupier: see landowner.

Non-compliance: refers to any breach in a RPMP rule, upon a formal inspection. Non-compliance is liable for enforceable under the provisions of the BSA. For clarification, a breach of a RPMP rule does not have to be widespread across a property and may relate to a single location (or a defined area) within a property. Due to the potential of spread, the whole property is deemed non-compliant even if the infestation is localised.

Operational plan: means a plan prepared by the Management Agency under Section 100B of the Act.

Pest: has the same meaning as in the Biosecurity Act 1993: *“an organism specified as a pest in a pest management plan.”*

Property: For the purposes of this plan, a property is an extent of land that is either [1] under unique ownership (whether individual, joint, partnership or corporate) or [2] is managed as a single operational entity. A property can be made up of one or more adjoining land parcels (see land parcel).

Surveillance: means work undertaken to determine the status (presence and extent) of pest species. This can be in-person or, increasingly, use remote sensing tools.

Surveillance Plan: describes the approaches used to determine the presence, or extent, of pest species. A surveillance plan may cover a number of pest species.

Surrounding area: means a wider area surrounding a known sites, pest infestation. This is variable depending on context of the pest but, at a minimum, includes all adjoining properties to the property with the pest infestation. A property is considered adjoining even if it is separated by a road, paper road, waterway or easement. A designated surrounding area does not prevent pest assessments/inspections from being carried out in non-surrounding areas.

Water body: means fresh water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

Wilding conifer: wilding conifers are any introduced conifer tree, including (but not limited to) any of the species listed in Table 3 of the RPMP.

Zero level/zero density: where the pest is not detectable in an area, however the pest may continue to appear afterwards due to plant seed sources or animal migration from an unmanaged area.

Appendix

Appendix 1: Timeframes associated with Biosecurity Inspections

<u>Compliance Type</u>	<u>Plants</u>	<u>Rabbits</u>
<u>Work Request</u>	<u>Three months; except six weeks for Old Man's Beard between Oct-Feb.</u>	<u>May-Dec: six months; Jan-Apr: three months</u>
<u>Notice of Direction</u>	<u>Three months; except six weeks for Old Man's Beard between Oct-Feb.</u>	<u>One year</u>
<p><u>Notes:</u></p> <ol style="list-style-type: none"> <u>1. Where suitable, poisoning for rabbits is best in winter, hence the one-year timeframe for Notices of Direction ensures there is at least one winter to undertake control before re-inspection.</u> <u>2. Timeframes are based on the date the letter was sent, not when the inspection was undertaken.</u> <u>3. Re-inspections occur within a three-week period after the timeframe expires.</u> 		

6.2. Biosecurity Compliance and Enforcement Policy

Prepared for:	Environmental Implementation Committee
Report No.	GOV2415
Activity:	Governance Report
Author:	Libby Caldwell, Manager Environmental Implementation Murray Boardman, Performance and Delivery Specialist KC Worden, Project Manager Business Improvement
Endorsed by:	Gavin Palmer, General Manager Operations
Date:	8 May 2024

PURPOSE

- [1] This report seeks to the approve an updated version of Biosecurity Compliance and Enforcement Policy that applies to the Otago Regional Pest Management Plan (RPMP) and the statutory requirements of the Biosecurity Act (1993) ('the Act').

EXECUTIVE SUMMARY

- [2] The current Compliance and Enforcement Policy was set to be reviewed in March 2024. Based on the review, an updated Biosecurity Compliance and Enforcement Policy ('the Policy') is proposed (Attachment 1). The review did not identify there is a need for a significant rewrite. However, the review did conclude that some changes were justified to improve consistency and alignment with evolving procedures.
- [3] The updated policy sets out the approach and principles by which the Otago Regional Council (ORC) promotes and undertakes compliance and enforcement under the RPMP and the Act. This policy outlines how the compliance and enforcement is managed to ensure a consistent and integrated approach.
- [4] The Policy is based on the statutory requirements under the Act and the operational requirements of the RPMP. It is consistent with ORC's RMA Compliance and Enforcement, the Regional Sector Strategic Compliance Framework, case law direction and a review of sector best practice for compliance and enforcement activities and policies.

RECOMMENDATION

That the Environmental Implementation Committee:

- 1) **Recommends that the Council approves and adopts the revised Biosecurity Compliance and Enforcement Policy.**
- 2) **Notes that the policy will be reviewed in March 2027.**

BACKGROUND

- [5] The ORC is responsible for compliance monitoring and enforcement of legislation and related statutory instruments pertaining to the Biosecurity Act (1993). As part of this responsibility, ORC has developed the RPMP which establishes rules to manage pests under the authority of the Act.

- [6] The current Biosecurity Compliance and Enforcement Policy was formally adopted by Council on 23 June 2021.¹ At the time it was adopted, the policy was the first in the country to be specifically prepared for biosecurity.
- [7] Prior to this, the policy guidance for compliance and enforcement related to biosecurity was administered using approaches under the Resource Management Act (1991) (RMA). However, compliance and enforcement provisions of the Biosecurity Act (1993) differ from the RMA so having a separate compliance and enforcement policy for biosecurity was the preferred approach.²
- [8] The current Compliance and Enforcement Policy was set to be reviewed in March 2024.

DISCUSSION

- [9] The review was open to any outcome. Hence, the review could range from rolling over the current Biosecurity Compliance and Enforcement Policy to a significant rewrite.
- [10] During the review, it was identified that the current policy still met the requirements of the Act and RPMP. Due to this, it is recommended that no significant rewrite is needed. However, the review noted that some changes were justified to improve consistency and alignment with evolving procedures.
- [11] Key changes to the revised policy include correcting legislative references, clarifying informal and formal actions, aligning the factors related to decision-making to current procedures and general editing for improved clarity.
- [12] The principles set by the policy provides a framework that is used to build and improve biosecurity operational practices. The policy is frequently used to develop, or revise, new procedures, and systems (e.g., standard timeframes, criteria for NOD decisions, refining Officer recommendations, aligning biosecurity priorities, enhancing data collection tools).
- [13] A comparison document has been provided to show the changes made to the policy (Attachment 2).

OPTIONS

- [14] Option 1 – Approve the revised Biosecurity Compliance and Enforcement Policy.
- [15] Option 2 – Do not approve revised Biosecurity Compliance and Enforcement Policy and continue with the current policy.
- [16] Option 1 is recommended as it ensures the compliance and enforcement policy is up-to-date and that ORC’s approach to compliance and enforcement remains transparent. There is no perceived risk to adopting this policy. Rather, taking Option 1 is more likely to reduce any potential risk by improving the consistency, clarity, and coherence of the policy.

CONSIDERATIONS

¹ Refer to Council Resolution CM21-132 adopting the resolutions of the Implementation Committee meeting on 9 June 2021.

² Refer to Implementation Committee Agenda, 9 June 2021, Section 7.2, page 26-31.

Strategic Framework and Policy Considerations

[17] This report considers the adoption of the Biosecurity Compliance and Enforcement Policy which supports ORC's vision for Otago by working towards an environment that supports healthy people and ecosystems and community resilience in the face of risk, such as biosecurity risk.

Financial Considerations

[18] While there are no financial costs to adopting the policy, the policy does outline cost recovery for persistent non-compliance.

Significance and Engagement

[19] There are no implications for significance and engagement.

Legislative and Risk Considerations

[20] Compliance, monitoring, and enforcement activities are a mandatory function under the Act, and case law has provided guidance and direction on factors to consider when considering enforcement action. The Biosecurity Compliance and Enforcement Policy is based on case law guidance and the Act requirements.

[21] A policy on compliance and enforcement reduces the risk of legal challenge over process issues.

Climate Change Considerations

[22] There are no implications for climate change.

Communications Considerations

[23] Once adopted, the policy will be made available publicly on the Council's website.

NEXT STEPS

[24] Once adopted, the policy will be incorporated into the standard operating procedures of biosecurity and will be implemented accordingly.

ATTACHMENTS

1. ORC Biosecurity Compliance Enforcement Policy May 2024 [9.7.1 - 11 pages]
2. Comparison between Revised and Current Biosecurity Compliance [9.7.2 - 17 pages]



Otago Regional Council

Biosecurity Compliance and Enforcement Policy

Biosecurity Act (1993)

Otago Regional Pest Management Plan 2019-29



Version 2: Effective from [Insert Date]

Environmental Implementation Committee - 8 May 2024

1. INTRODUCTION

The Otago region covers 12% of New Zealand's land area and is the third largest region in New Zealand. The region has a high level of endemism, meaning that certain species are only found in this region. Otago also features a wide range of geography and ecosystems, from alpine regions, glacial lakes, grasslands, forests, and a dramatic coastline. This leads to Otago being one of the most biodiverse regions in New Zealand. The indigenous biodiversity contributes to our health, our economy, and our social and cultural wellbeing. The Otago landscapes and geography are a key attraction to those who visit the region and supports the agricultural sector as key drivers of Otago's economic development.

Broadly, the environment encompasses the ecosystems that include people and their communities, natural and physical resources, and the resulting amenity values. These, in turn, influence, and are influenced by, the prevailing aesthetic, cultural, economic, and social conditions. However, the environment of the region is increasingly under threat by harmful organisms. These organisms can have a detrimental effect and adverse impact on the natural environment and human wellbeing.

All land occupiers, including crown¹, public and private entities, are responsible for effectively managing the spread of animal and plant pests. Under the Biosecurity Act (1993) ('the Act'), the Otago Regional Council (ORC) is empowered to enforce action to ensure pests are managed appropriately. To achieve this, the Otago Regional Pest Management Plan (RPMP), under the provisions of the Act, provides the scope to undertake inspections and enforcement action to ensure compliance with given regulations.

This policy sets out the approach and principles by which the ORC ensures compliance with the Act and the RPMP. This policy is intended to ensure a fair and reasonable, consistent and robust approach to compliance and enforcement by ORC.

2. DETERMINATION OF COMPLIANCE

Section 154N of the Act sets down instances where non-compliance is deemed to be an offence and is liable for enforcement. Of particular relevance to the ORC, section 154N(19) states that non-compliance with a RPMP rule, or any part thereof, creates an offence under the Act.

The Act does not provide guidance on the scale, or threshold, of non-compliance. Therefore, non-compliance is, in effect, any breach of the Act or RPMP rule, irrespective of scale. This means non-compliance does not necessarily have to be widespread across a property and may relate to a single location (or a defined area) within a property.

3. PRINCIPLES TO ACHIEVING EFFECTIVE COMPLIANCE

ORC's preferred approach is to use informal means to achieve compliance (e.g., through education, consultation, work request and negotiation). The emphasis here is to foster

¹ Under Section 69(5) of the Biosecurity Act (1993), the Crown is only liable to meet its responsibility for pest management under the 'Good Neighbour Rule'.

voluntary cooperation for a common goal. This is, ultimately, the most cost-effective approach for occupiers and landowners.

When informal options have not led to compliance, ORC will progressively, yet fairly and reasonably, undertake enforcement action as provided for by the Act. The provisions of the Act are clear and straightforward. By following standard processes, enforcement actions undertaken under the Act have proven to be robust and able to withstand legal challenge².

The Eight Principles of Compliance and Enforcement

The underlying principles to ORC's approach to compliance and enforcement action are:³

Transparency – We will provide clear information and explanations to the community, and those being regulated, about the standards and requirements for compliance. We will ensure the community is kept informed about the actions taken by us to address the non-compliance of biosecurity rules.

Consistency of process – Our actions will be consistent with the legislation and within our powers. Compliance and enforcement outcomes will be consistent and predictable for similar circumstances. We will ensure that our staff have the necessary skills and are appropriately trained, and that there are effective systems and policies in place to support them.

Fair, reasonable and proportional approach – We will apply regulatory interventions and actions appropriate for the situation. We will use our discretion justifiably and ensure our decisions are appropriate to the circumstances, and that our interventions and actions will be proportionate to the seriousness of the non-compliance and the risks posed to people and the environment.

Evidence-based and informed – We will use an evidence-based approach to our decision making. Our decisions will be informed by a range of sources, including robust science, regulated parties, information received from other regulators, community members, industry and interest groups.

Collaborative – We will work with and, where possible, share information with other regulators (e.g. Ministry for Primary Industries) and stakeholders to ensure the best compliance outcomes for our region. We will engage with the community, those we regulate and government to explain and promote biosecurity requirements and achieve better community outcomes.

Lawful, ethical and accountable – We will conduct ourselves lawfully and impartially and in accordance with these principles, relevant policies and guidance. We will document and take responsibility for our decisions and actions. We will measure and report on our regulatory performance.

² Hayes v Environment Waikato, District Court Manukau CIV-2009-057-000319, 21 March 2011.

³ These principles are adapted from the Compliance and Enforcement Special Interest Group (CESIG) Regional Sector Strategic Compliance Framework 2019-2024.

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Targeted – We will focus on the most important issues and problems to achieve the best biosecurity outcomes. We will target our regulatory intervention at non-compliances that pose the greatest risk to biosecurity. We will apply the right tool for the right problem at the right time.

Responsive and effective – We will consider all alleged non-compliances to determine the necessary interventions and actions to minimise impacts on the community and maximise deterrence. We will respond in an effective and timely manner in accordance with legislative and organisational obligations.

4. METHODS TO ACHIEVE COMPLIANCE

The ORC has a ‘spectrum’ approach to encouraging positive behaviour change and ensuring the highest levels of compliance possible. The ORC’s approach to ensuring compliance with the RPMP is based on ‘4Es model’⁴ of Enable, Engage, Educate and Enforce:

- **Enable** – provide opportunities for occupiers and landowners to be exposed to best practice and regulatory requirements. Link regulated parties with appropriate pest management industry.
- **Engage** – consult with occupiers and landowners, stakeholders and community on matters that may affect them. This will require maintaining relationships and communication until final outcomes are reached. This will facilitate greater understanding of challenges and constraints, engender support and identify opportunities to work with others.
- **Educate** – alert occupiers and landowners to what is required to be compliant and where the onus lies to be compliant. Education should also be utilised to inform community and stakeholders about what regulations are in place around them, so that they will better understand what is compliant and what is not.
- **Enforce** – when non-compliance is identified then enforcement tools and actions are available to ensure the RPMP intentions are achieved. Enforcement outcomes should be proportional to individual circumstances of the breach and culpability of the party.

When non-compliance with the RPMP is observed, ORC will inform the occupiers and landowners of the work required. This proactive approach is to encourage compliance, however, the Act is a robust law that provides for significant enforcement action should non-compliance be persistent. ORC’s approach and use of enforcement actions depends on the issue, context and seriousness of the breach as illustrated below⁵:

⁴ The 4Es model is adapted from the CESIG Regional Sector Strategic Compliance Framework 2019-2024.

⁵ Influencing behaviour change is based on the CESIG Regional Sector Strategic Compliance Framework.

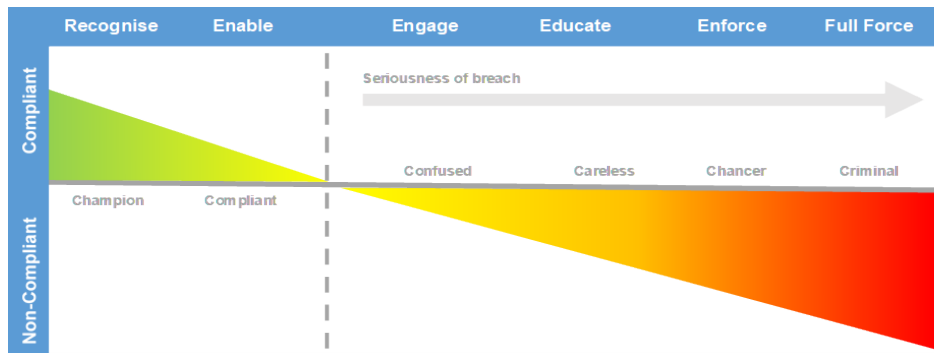


Figure 1: Enforcement Progression

5. THE COMPLIANCE AND ENFORCEMENT PROCESS

The Chief Executive of the ORC, acting as Principal Officer under the Act, has authority to appoint authorised persons for the purposes of exercising the functions, powers and duties under the Act. An authorised person (sometimes referred to as a ‘warranted’ officer) is permitted to enter private property (excluding a house or marae) for the purpose of assessing compliance with the Act and RPMP. Authorised persons receive specific training and are familiar with their statutory obligations before carrying out any enforcement functions.⁶

The initial phase of compliance and enforcement is to undertake an inspection. Inspections can be scheduled, in response to a complaint, or based on professional observation. When inspecting a private property, the rights of the occupier and landowner will be respected. ORC staff must ensure that all entry to private property is done so lawfully. However, under the Act inspections can be undertaken without providing prior notice to the occupier or landowner.

If the occurrence or density of pest infestation exceeds the rules as set out in the RPMP, then compliance and enforcement action will be implemented to ensure compliance with the RPMP rules. If a property is deemed to be non-compliant, occupiers and landowners will have a given timeframe to undertake the required work before a re-inspection is carried out. A re-inspection is undertaken to ascertain whether compliance with the rules of the RPMP rules has been achieved and to determine if any further actions are required. Re-inspections can occur throughout the compliance and enforcement process until compliance is achieved.

Informal and Formal Actions

The options for enforcement action will depend on the pest species in question and the individual circumstances of each case. Informal actions (not covered in the Act) to encourage compliance include verbal and written advice. Formal actions are available by law through the enforcement mechanisms prescribed in the Act. The administrative

⁶ ORC authorised persons gather data and information in keeping with best practice detailed in *Basic Investigative Skills for Local Government*.

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approaches taken with respect to compliance and enforcement will follow the standard operating practices detailed in the ORC Biosecurity Compliance Operating Procedures.⁷

In brief, the compliance and enforcement options that follow a non-compliant inspection are:

1. **Informal Actions** are focused on providing education and incentive-based responses to allow the occupier or landowner to become better informed and develop their own means to achieve compliance. Informal actions will be detailed through a 'Work Request' letter.
2. **Formal Actions** are forward-looking to provide clear direction of action required to ensure compliance. Formal actions will be detailed through:
 - a. Legal notices (e.g., Notice of Direction), followed by, if needed,
 - b. Default action or Prosecution.

Figure 2 shows the progression of compliance and enforcement, while Table 1 describes the compliance and enforcement actions in more detail. With respect to legal enforcement, while prosecution remains an option, the most common action will be default action.

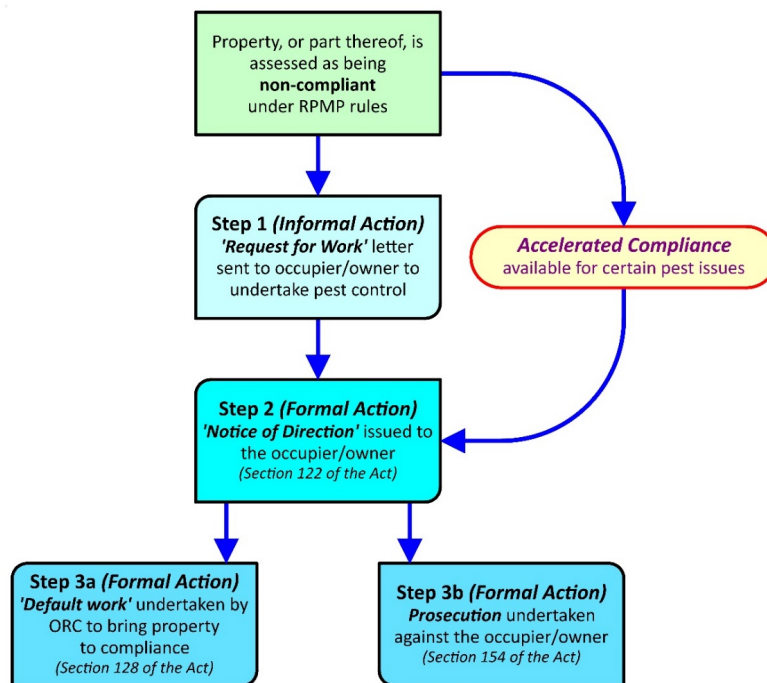


Figure 2: Sequence of primary actions for compliance and enforcement under the Act.

⁷ The ORC Biosecurity Compliance Operating Procedures action this Policy and are contained in a comprehensive set of guidelines and manuals. The Procedures build upon, and implement, the 'Eight Principles of Compliance and Enforcement' outlined in this Policy. They are reviewed and updated regularly to incorporate ongoing business improvement, changes in technology, and system enhancement within Biosecurity operations.

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Table 1: Description of Compliance and Enforcement Actions

	Description of action	Potential impacts for the liable party	When this action is appropriate
Informal actions	Work Request		
	<p>Following an initial inspection, a work request alerts occupiers and/or landowners to the pest issue, the rules and their responsibilities under the RPMP, and gives them a timeframe to achieve compliance without formal enforcement.</p> <p>A work request provides the opportunity to proactively prevent further spread, to remedy, or to mitigate the effects of non-compliance. Biosecurity Officers can provide guidance around rules, regulations, and pest management options to help parties to achieve compliance.</p>	<p>This is a non-formal process and as such has no legal implication. However, it does start the path towards possible formal action if the work request is not completed as required.</p>	<p>A work request is issued after the initial inspection when a property is deemed non-compliant.⁸ This is normally the extent of the action required when dealing with cooperative parties who are motivated to do the right thing but lack the knowledge or skills necessary to achieve and maintain compliance.</p>
Formal actions	Notice of direction (NOD)		
	<p>Under the Act, an authorised person has the power to give directions to control pests. This is enacted through a Notice of Direction (NOD). A NOD is the first level of formal enforcement action under the Act. Once issued, a NOD can be extended, varied or cancelled depending on circumstances and actions taken.</p>	<p>A NOD requires a person to take action to address plant and animal pest problems that breach a rule in an RPMP. The NOD is the formal acknowledgement of non-compliance. Non-compliance with a NOD is an offence under the Act and can lead to further enforcement actions, such as default work or prosecution.</p>	<p>A NOD may be issued:</p> <p>[1] When compliance has not been achieved following informal actions; or</p> <p>[2] After the initial inspection where a priority pest issue needs to be addressed using the accelerated compliance process as described in Section 5 of this policy.</p>
	Default Work		
<p>Under the Act, the regional council has the power to undertake default work when a NOD or a compliance order has not been complied with. Default action occurs when the ORC legally undertakes the necessary work to ensure the pest non-compliance has been dealt to. Other than in the most extreme cases, this will be the most punitive action taken to enforce the Act.</p>	<p>This is legally enforceable action and requires the occupier/landowner to provide access for the work as directed, arranged and costed by the ORC. The action to undertake default work does not need court approval.</p> <p>All costs will be charged to the occupier/landowners. Non-payment of costs can lead to a statutory land charge being placed on the property. More details on cost recovery are given in Section 7 of this policy.</p>	<p>This action can be taken following non-compliance with an enforcement document (e.g., a Notice of Direction (NOD) and/or a compliance order).</p>	

⁸ A Work Request does not apply if the non-compliance is being dealt to through the accelerated compliance pathway (see Section 5).

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	Description of action	Potential impacts for the liable party	When this action is appropriate
Formal actions, cont.	Prosecution		
	A prosecution is a process followed through the criminal courts to establish guilt or innocence and, if appropriate, the court will impose sanctions. Biosecurity Act matters are heard by a District Court Judge. All evidential rules and standards must be met for a prosecution under the Act.	A successful prosecution will generally result in a conviction, a penalty imposed (imprisonment and/or fines as specified in the Act), and consideration to costs of the investigation. A prosecution forms part of the history of non-compliance and will be considered if there are future incidents of non-compliance.	Prosecution may be pursued following non-compliance with an enforcement document (e.g., a NOD). However, under ORC standard operating procedures prosecution is pursued only in exceptional cases that are deemed sufficiently serious to warrant intervention by criminal law.

Additional Compliance Powers

Other compliance powers include:

- **Declaration of a restricted place:** The Act provides the ability to issue a Restricted Place Notice to prevent the removal or introduction of any organism or good to any place, and may direct that specified organisms and goods be isolated, confined or stored and identified. A Restricted Place Notice is useful and relevant for RPMP work where, for example, the movement of gravel from a place containing pests to a non-infested place needs to be stopped to avoid the pests spreading.
- **Declaration of a controlled area:** The Act provides the ability to publicly declare a specified area to be controlled. The notice may restrict, regulate or prohibit the movement into, within, or from the controlled area of specified organisms, organic material, risk goods or other goods and/or require the goods be treated or subject to specified processes. While this enforcement power exists for regional councils, it has limited relevance for RPMP compliance.
- **Compliance Order:** Under the Act, an authorised person may serve a compliance order requiring an individual or legal entity to cease doing something or prohibit the person from starting something, doing something again, or having something done that will contravene biosecurity law. Non-compliance with a compliance order is an offence under the Act and can lead to further enforcement actions. A compliance order is an alternative to the Notice of Direction. While it is available as an enforcement option, the ORC uses the Notice of Direction as its standard enforcement document.

6. ACCELERATED COMPLIANCE PROCESS

When there is need to respond to a high-risk pest management issue (e.g. rapid increase in wallaby sightings accompanied by landowner apathy, or to curtail the increase in a priority pest, such as rabbits), this policy provides for the compliance process to be accelerated. An accelerated compliance process means that if a property is deemed to be non-compliant following a first inspection, the ORC can bypass the informal action (Step 1 in Figure 2) and issue a Notice of Direction (Step 2 in Figure 2).

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Accelerated compliance may be applied to priority pests (as identified in the current Biosecurity Operational Plan), high-risk situations, and to any current or potential exclusion programmes. An accelerated compliance process prioritises the risk to environmental, economic and landscape values, including supporting control efforts of others, while being mindful of the increased operational requirements.

7. ENFORCEMENT DECISION

The ORC takes a rational and principled approach to regulation. In general, the ORC advocates a policy of education and co-operation towards compliance. However, the ORC recognises that there are times when the use of formal enforcement measures is necessary.

The process for taking enforcement action against biosecurity non-compliance is clearly laid out in the Act. The Act provides a robust enforcement framework, with only one known case filed.⁹ This decision was in favour of the regional council in question as they had shown good process, provided accurate documentation, taken relevant photographs, and kept good, clear records.

Factors considered in enforcement decision-making processes:

The factors leading to an enforcement decision are context dependent as each non-compliance situation is unique, including:

- Alignment with biosecurity priorities
- Impact on environment and areas of high biodiversity
- Extent of infestation (grade and area)
- Change in infestation grading between inspections
- Impact on neighbour/community control activity
- Equity (consistent, equity of enforcement in the neighbourhood and across region)
- Individual circumstance (personal/property specific)
- Past/present/planned control activity
- Officer comments & recommendations
- Other external circumstances (e.g., flooding, drought, lockdown)

The responsibility and discretion to take compliance and enforcement action, or not, sits solely with those delegated to make such decisions in the regulatory agency¹⁰. Decision-making processes are standardised and robust to ensure equitable and consistent implementation. These decisions include:

- The appropriate party to pursue;
- The appropriate enforcement tools to use in the circumstances; and

⁹ Hayes v Environment Waikato, District Court Manukau CIV-2009-057-000319, 21 March 2011.

¹⁰ New Zealand Law Commission 'Prosecution decisions and the discretion to prosecute'
<http://www.nzlii.org/nz/other/nzlc/report/R66/R66-5.html>

- Whether to extend, vary or withdraw an enforcement action that has been commenced.

ORC is required to exercise this discretion in a way that is reasonable and consistent with the principles of the Act and the requirements of natural justice.

Where prosecution is being considered, the ORC will follow the Solicitor General's Prosecution Guidelines, including the evidential and public interest tests.

8. COST RECOVERY

The Act gives ORC the power to recover the costs associated with its compliance monitoring obligations. This is provided for under section 135(3) and section 129 of the Act. In Otago, charges are not currently applied to informal actions, such as a scheduled inspection or a re-inspection when the property has become compliant.

Recovery of Non-Compliance Costs

Councils, as management authorities, have the statutory right to use a variety of charges to recover costs incurred in administering the RPMP. This can include fixed charges for issuing notices, hourly rates, estimates of advanced work and reasonable costs. Fees and charges that may be recovered are listed in the current Long-Term Plan or Annual Plan and are reviewed annually. In setting its cost recovery model, ORC is conscious that costs associated with monitoring should fall onto those resource users who are subject to monitoring, as opposed to the general ratepayer. For any prosecutions, ORC reserves the right to seek recovery of allowable legal costs.

Recovery of Default Work Costs

Under the Act, the actual and reasonable cost of default work can be recovered by the ORC as a debt due. This is normally done through an invoice. Failure to pay can result in compounding interest being added to the debt, and ultimately a lien can be placed on the property that prevents owners dealing with the title to their property until the debt associated with the lien has been resolved.

Otago Regional Council

Biosecurity Compliance and Enforcement Policy

Policy owner	Manager, Environmental Implementation		
Superseded Version #	1.0	9 June 2021	Initial policy
Proposed Version #	2.0	8 May 2024	Reviewed and updated for consistency and clarity

Next Review Date	March 2027
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Cover Photo: Australian Young Mine Water wheel Carrick Range, Bannockburn (Credit: Gary Smith)

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Otago Regional Council

Biosecurity Compliance and Enforcement Policy

Biosecurity Act (1993)

Otago Regional Pest Management Plan 2019-29

[Version 2: Effective from \[Insert Date\]](#)



Date approved	9 June 2021
Review date	March 2024
Policy owner	Manager-Environmental Implementation
Version	1-0

Version 2: Effective from [Insert Date once approved]

1. INTRODUCTION

The Otago region covers 12% of New Zealand's land area and is the ~~third~~second largest region in New Zealand. The region has a high level of endemism, meaning that certain species are only found in this region. Otago also features a wide range of geography and ecosystems, from alpine regions, glacial lakes, grasslands, forests, and a dramatic coastline. This leads to Otago being one of the most biodiverse regions in New Zealand. The indigenous biodiversity contributes to our health, our economy, and our social and cultural wellbeing. The Otago landscapes and geography are a key attraction to those who visit the region and supports the agricultural sector as key drivers of Otago's economic development.

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All land occupiers, including crown¹, public and private entities, are responsible for effectively managing the spread of animal and plant pests. Under the Biosecurity Act (1993) (~~the Act~~BSA), the Otago Regional Council (ORC) is empowered to enforce action to ensure pests are managed appropriately. To achieve this, the Otago Regional Pest Management Plan ~~2019-2029~~(RPMP), under the provisions of the ~~Act~~BSA, provides the scope to undertake inspections and enforcement action to ensure compliance with given regulations.

This policy sets out the approach and principles by which the ORC ensures compliance with the ~~Act and RPMP as provided by the RPMP~~BSA. This policy is intended to ensure a fair and reasonable, consistent and robust approach to compliance and enforcement by ORC.

2. DETERMINATION OF PRINCIPLES TO ACHIEVING EFFECTIVE COMPLIANCE

~~Section 154N of This policy defines non-compliance as 'any breach of a rule as stated in the Act sets down instances where RPMP, for which an exemption has not been given'. Under the provisions of the BSA, non-compliance is deemed to be an offence and is liable for enforcement. Of particular relevance to the ORC, section 154N(19) states that non-compliance with a RPMP rule, or any part thereof, creates an offence under the Act.~~

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When informal options have not led to compliance, ORC will progressively, yet fairly and reasonably, undertake enforcement action as provided for by the ActBSA. The provisions of the ActBSA are clear and straightforward. By following standard processes, enforcement actions undertaken under the ActBSA have proven to be robust and able to withstand legal challenge².

The Eight Principles of Compliance and Enforcement

The underlying principles to ORC's approach to compliance and enforcement action are:³

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Consistency of process – Our actions will be consistent with the legislation and within our powers. Compliance and enforcement outcomes will be consistent and predictable for similar circumstances. We will ensure that our staff have the necessary skills and are appropriately trained, and that there are effective systems and policies in place to support them.

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³ These principles are adapted from the Compliance and Enforcement Special Interest Group (CESIG) Regional Sector Strategic Compliance Framework 2019-2024.

responsibility for our decisions and actions. We will measure and report on our regulatory performance.

Targeted – We will focus on the most important issues and problems to achieve the best biosecurity outcomes. We will target our regulatory intervention at non-compliances that pose the greatest risk to biosecurity. We will apply the right tool for the right problem at the right time.

Responsive and effective – We will consider all alleged non-compliances to determine the necessary interventions and actions to minimise impacts on the community and maximise deterrence. We will respond in an effective and timely manner in accordance with legislative and organisational obligations.

43. METHODS TO ACHIEVE COMPLIANCE

The ORC has a ‘spectrum’ approach to encouraging positive behaviour change and ensuring the highest levels of compliance possible. The ORC’s approach to ensuring compliance with the RPMP is based on ‘4Es model’⁴ of Enable, Engage, Educate and Enforce:

- **Enable** – provide opportunities for occupiers and landowners to be exposed to best practice and regulatory requirements. Link regulated parties with appropriate pest management industry.
- **Engage** – consult with occupiers and landowners, stakeholders and community on matters that may affect them. This will require maintaining relationships and communication until final outcomes are reached. This will facilitate greater understanding of challenges and constraints, engender support and identify opportunities to work with others.
- **Educate** – alert occupiers and landowners to what is required to be compliant and where the onus lies to be compliant. Education should also be utilised to inform community and stakeholders about what regulations are in place around them, so that they will better understand what is compliant and what is not.
- **Enforce** – when non-compliance is identified then enforcement tools and actions are available to ensure the RPMP intentions are achieved. Enforcement outcomes should be proportional to individual circumstances of the breach and culpability of the party.

When non-compliance with the RPMP is observed, ORC will inform the occupiers and landowners of the work required. This proactive approach is to encourage compliance, however, the [ActBSA](#) is a robust law that provides for significant enforcement action should non-compliance be persistent. ORC’s approach and use of enforcement actions depends on the issue, context and seriousness of the breach as illustrated below⁵:

⁴ The 4Es model is adapted from the CESIG Regional Sector Strategic Compliance Framework 2019-2024.

⁵ Influencing behaviour change is based on the CESIG Regional Sector Strategic Compliance Framework.

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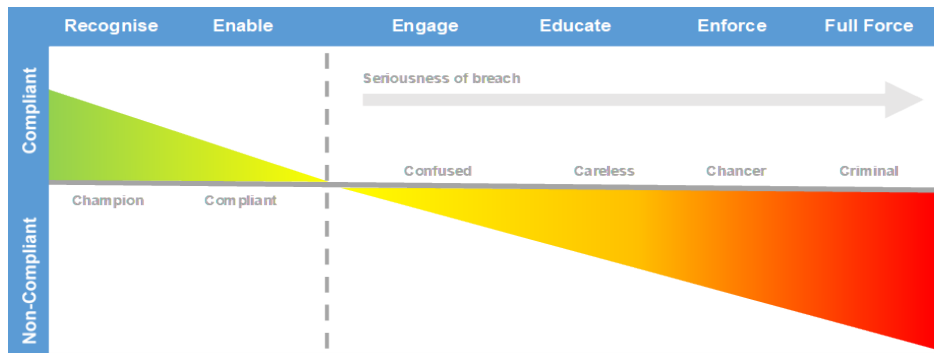


Figure 1: Enforcement Progression

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54. THE COMPLIANCE AND ENFORCEMENT PROCESS

The Chief Executive ~~Officer~~ of the ORC, acting as Principal Officer under the Act, has ~~the~~ authority to appoint authorised persons for the purposes~~issue staff with warrants~~ of exercising the functions, powers and duties under the Act. An authorised person (sometimes referred to as a 'warranted' authority~~. A warranted enforcement officer~~) is permitted to enter private property (excluding a house or marae) for the purpose of assessing compliance with the Act~~BSA~~ and RPMP. Authorised persons~~Warranted staff~~ receive specific training and are familiar with their statutory obligations before carrying out any enforcement functions.⁶

The initial phase of ~~the~~ compliance and enforcement is to undertake an inspection. Inspections can be scheduled, in response to a complaint, or based on professional observation. When inspecting a private property, the rights of the occupier and landowner will be respected. ORC staff must ensure that all entry to private property is done so lawfully. However, under the Act inspections can be undertaken without providing prior notice to the occupier or landowner.

If the occurrence or density of pest infestation exceeds the rules as set out in the RPMP, then compliance and enforcement action will be implemented to ensure compliance with the RPMP rules. If a property is deemed to be non-compliant, occupiers and landowners will have a given timeframe to undertake the required work before a re-inspection is carried out. A re-inspection is undertaken to ascertain whether compliance with the rules of the RPMP rules has been achieved and to determine if any further actions are required. Re-inspections can occur throughout the compliance and enforcement process until compliance is achieved.

Informal and Formal Actions

The options for enforcement action will depend on the pest species in question and the individual circumstances of each case. Informal actions (not covered in the Act) to encourage compliance include verbal and written advice. Formal actions are available by law through the enforcement mechanisms prescribed in the Act~~BSA~~. The administrative approaches taken with respect to compliance and enforcement will follow the standard operating practices detailed in the ORC Biosecurity Compliance Operating Procedures~~Manual~~.

In brief, the compliance and enforcement options that follow a non-compliant inspection are:

1. **Informal Actions** are focused on providing education and incentive-based responses to allow the occupier or landowner to become better informed and develop their own means to achieve compliance. Informal actions will be detailed through a 'Work Request'~~Request for Work'~~ letter.
2. **Formal Actions** are forward-looking to provide clear direction of action required to ensure compliance. Formal actions will be detailed through:

⁶~~Warranted~~ ORC authorised persons~~staff~~ gather data and information in keeping with best practice detailed in *Basic Investigative Skills for Local Government*.

⁷ The ORC Biosecurity Compliance Operating Procedures action this Policy and are contained in a comprehensive set of guidelines and manuals. The Procedures build upon, and implement, the 'Eight Principles of Compliance and Enforcement' outlined in this Policy. They are reviewed and updated regularly to incorporate ongoing business improvement, changes in technology, and system enhancement within Biosecurity operations.

- a. Legal notices (e.g., Notice of Direction), followed by, if needed,
- b. Default action or Prosecution.

Figure 2 shows the progression of compliance and enforcement, while Table 1 describes the compliance and enforcement actions in more detail. With respect to legal enforcement, while prosecution remains an option, the most common action will be default action.

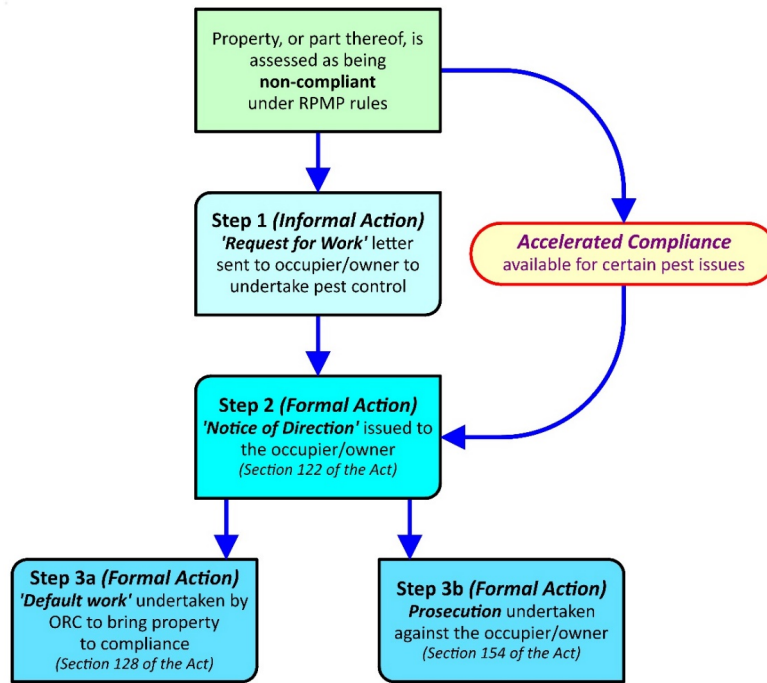


Figure 2: Sequence of primary actions for compliance and enforcement under the Act.

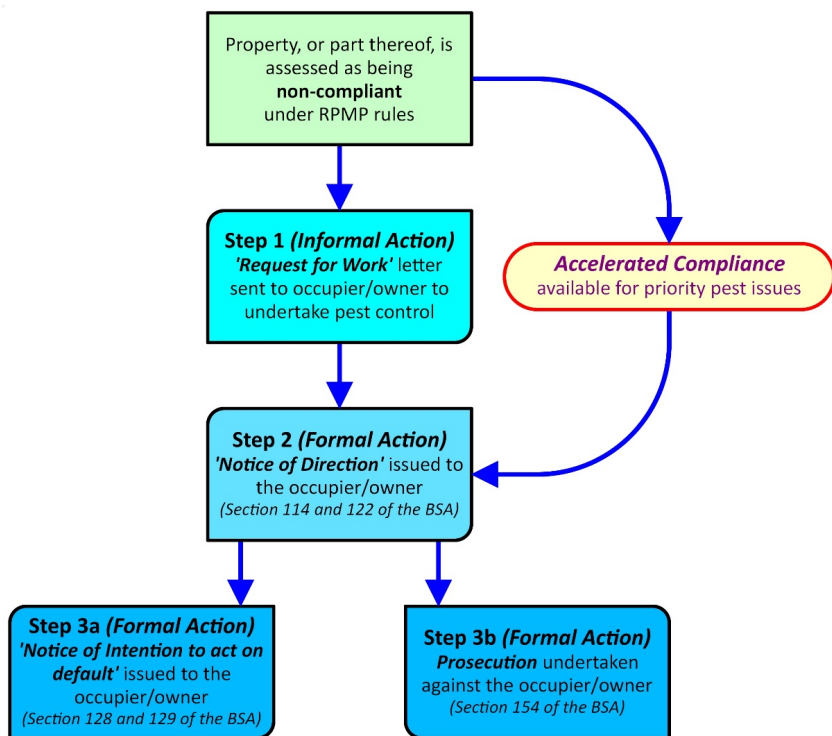


Figure 2: Sequence of primary actions for compliance and enforcement under the BSA

Table 1: Description of Compliance and Enforcement Actions

	Description of action	Potential impacts for the liable party	When this action is appropriate
<u>Work Request</u>			
	<p><u>Request for Work Letter</u></p> <p>Following an initial inspection, a work request<u>this letter</u> alerts occupiers and/or landowners to the pest issue, the rules providing an opening for dialogue and their responsibilities under the RPMP, negotiation on timeframes and gives them a timeframe to achieve compliance without formal enforcement expectations.</p> <p>A work request<u>This letter</u> provides the opportunity to proactively prevent further spread, to remedy, or to mitigate the effects of non-compliance. Biosecurity Officers<u>The Council</u> can provide guidance around rules, and regulations, and pest management options to help parties to achieve compliance.</p> <p>If needed, a reminder letter can also be issued to ensure the request for work is progressing as required.</p>	<p>This is a non-formal process and as such has no legal implication. However, it does start the path towards possible formal action if the work request for work is not completed as required.</p>	<p><u>A work request</u></p> <p>This letter is issued<u>provided</u> after the initial inspection when a property is deemed non-compliant.⁸ This is normally the extent of the action required when dealing with cooperative parties who are motivated to do the right thing but lack the knowledge or skills necessary to achieve and maintain compliance.</p>
<u>Notice of direction (NOD)</u>			

⁸ A ~~Work Request~~request for work letter does not apply if the non-compliance is being dealt to through the accelerated compliance pathway (see Section 5).

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	Description of action	Potential impacts for the liable party	When this action is appropriate
Work Request			
Formal actions	<p>Notice of direction (NOD)</p> <p>Under the <u>ActBSA</u>, an authorised person has the power to give directions to control pests. This is enacted through a Notice of Direction (NOD). A NOD is the first level of formal enforcement action under the <u>ActBSA</u>. Once issued, a NOD can be extended, varied or cancelled depending on circumstances and actions taken.</p>	<p>A NOD requires a person to take action to address plant and animal pest problems that breach a rule in an RPMP. The NOD is the formal acknowledgement of non-compliance. <u>Non-compliance with a NOD is an offence under the Act and can lead to further enforcement actions, such as default work or prosecution.</u></p>	<p>A NOD <u>may be</u> issued:</p> <ol style="list-style-type: none"> <u>[1] When there has been no (or ineffective) action to rectify a state of non-compliance has not been achieved</u> following informal actions; or <u>[2] After the initial inspection where a priority pest issue needs to be addressed using the accelerated compliance process as described in Section 5 of this policy.</u>
Formal actions (cont.)	<p>Compliance orders</p> <p>Under the BSA, an authorised person may serve a compliance order on a person, requiring them to cease doing something or prohibit the person from starting something, doing something again, or having something done that will contravene biosecurity law. Default Work</p>		
	<p>Default Work</p> <p>Under the <u>ActBSA</u>, the regional council has the power to undertake default work <u>action</u> when a NOD or a compliance order has not been complied with. Default action occurs when the ORC legally undertakes the necessary work to ensure the pest non-compliance has been dealt to. Other than in the most extreme cases, this will be the most punitive action taken to enforce the <u>ActBSA</u>.</p>	<p>This is legally enforceable action and requires the occupier/<u>landowner</u> to provide access for the work as directed, arranged and costed by the ORC. The action to undertake default work does not need court approval.</p> <p>All costs will be charged to the occupier/landowners. Non-payment of costs <u>can</u> will lead to a statutory land charge being placed on the property. More details on cost recovery are given in Section 7 of this policy.</p>	<p>This action <u>can be taken following non-compliance with an enforcement document (e.g., occurs when</u> a Notice of Direction (NOD) and/or a compliance order) <u>and any related instructions) has been persistently not complied with.</u></p>

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	<u>Description of action</u>	<u>Potential impacts for the liable party</u>	<u>When this action is appropriate</u>
	<u>Prosecution</u>		
<u>Formal actions, cont.</u>	<p><u>Prosecution</u></p> <p>A prosecution is a process followed through the criminal courts to establish guilt or innocence and, if appropriate, the court will impose sanctions.</p> <p><u>Biosecurity Act</u> BSA matters are heard by a District Court Judge. All evidential rules and standards must be met for in a BSA prosecution <u>under the Act</u>.</p>	<p>A successful prosecution will generally result in a conviction, a penalty imposed (<u>imprisonment and/or fines as specified in the Act</u>), and consideration to costs of the investigation.</p> <p>A prosecution forms part of the history of non-compliance and will be considered if there are future incidents of non-compliance.</p>	<p>A <u>Prosecution</u> may be pursued following non-compliance with an enforcement document (e.g., a NOD). However, under <u>ORC standard operating procedures</u> prosecution is pursued only may be considered appropriate when the factors listed in <u>exceptional cases</u> Section 6 of this policy indicate that are deemed the matter is sufficiently serious to warrant intervention by criminal law.</p>

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Additional **Compliance Powers** Enforcement

Other compliance powers include: There are two further formal enforcement options available:

- **Declaration of a restricted place:** The ActBSA provides the ability to issue a Restricted Place Notice to prevent the removal or introduction of any organism or good to any place, and may direct that specified organisms and goods be isolated, confined or stored and identified. A Restricted Place Notice is useful and relevant for RPMP work where, for example, the movement of gravel from a place containing pests to a non-infested place needs to be stopped to avoid the pests spreading.
- **Declaration of a controlled area:** The ActBSA provides the ability to publicly declare a specified area to be controlled. The notice may restrict, regulate or prohibit the movement into, within, or from the controlled area of specified organisms, organic material, risk goods or other goods and/or require the goods be treated or subject to specified processes. While this enforcement power exists for regional councils, it has limited relevance for RPMP compliance.
- **Compliance Order:** Under the Act, an authorised person may serve a compliance order requiring an individual or legal entity to cease doing something or prohibit the person from starting something, doing something again, or having something done that will contravene biosecurity law. Non-compliance with a compliance order is an offence under the Act and can lead to further enforcement actions. A compliance order is an alternative to the Notice of Direction. While it is available as an enforcement option, the ORC uses the Notice of Direction as its standard enforcement document.

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5. ACCELERATED COMPLIANCE PROCESS

When there is need to respond to a high-risk~~significant~~ pest management issue (e.g. rapid increase in wallaby sightings accompanied by landowner apathy, or to curtail the increase in a priority pest, such as rabbits), this policy provides for the compliance process to be accelerated. An accelerated compliance process means that if a property is deemed to be non-compliant following a first inspection, the ORC Council can bypass the informal action (Step 1 in Figure 2) and to automatically issue a Notice of Direction (Step 2 in Figure 2).

Accelerated compliance may be applied~~will apply~~ to priority pests (as identified in the current Biosecurity Operational Plan), high-risk situations, and to any current or potential exclusion programmes. An accelerated compliance process prioritises the risk to environmental, economic and landscape values, including supporting control efforts of others, while being mindful of the increased operational requirements.

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6. ENFORCEMENT DECISION

The ORC takes a rational and principled approach to regulation. In general, the ORC advocates a policy of education and co-operation towards compliance. However, the ORC recognises that there are times when the use of formal enforcement~~punitive~~ measures is necessary.

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The process for taking enforcement action against biosecurity non-compliance is clearly laid out in the ActBSA. The ActBSA provides a robust enforcement framework, with only one known case filed.⁹ This decision was in favour of the regional council in question as they had shown good process, provided accurate documentation, taken relevant photographs, and kept good, clear records.

~~**Factors considered in** While the BSA maybe viewed as being less visible than the Resource Management Act, it could lead to greater penalties for those who are persistently non-compliant.~~

~~**Some factors to take into account when considering enforcement decision-making processes**~~**action:**

- ~~• What were, or are, the actual adverse effects on the environment?~~
- ~~• What were, or are, the potential adverse effects on the environment?~~
- ~~• What is the value or sensitivity of the environment or area affected?~~
- ~~• Is the non-compliance a result of deliberate, negligent, or careless action?~~
- ~~• What degree of due care was taken and how foreseeable was the non-compliance?~~
- ~~• Was there a failure to act on prior instructions, advice or notice?~~
- ~~• What efforts have been made to achieve compliance?~~
- ~~• What has been the effectiveness of those efforts?~~
- ~~• Is this persistent non-compliance or has there been previous enforcement action taken against the landowner or occupier?~~
- ~~• Is the non-compliance manifestly different to other observations of non-compliance?~~
- ~~• Are there any extenuating factors that has led to the non-compliance?~~

The factors leading to an enforcement decision ~~are~~will be context dependent as each non-compliance situation ~~is~~will be unique, including:

- Alignment with biosecurity priorities
- Impact on environment and areas of high biodiversity
- Extent of infestation (grade and area)
- Change in infestation grading between inspections
- Impact on neighbour/community control activity
- Equity (consistent, equity of enforcement in the neighbourhood and across region)
- Individual circumstance (personal/property specific)
- Past/present/planned control activity

⁹ Hayes v Environment Waikato, District Court Manukau CIV-2009-057-000319, 21 March 2011.

➤ Officer comments & recommendations

~~Other external circumstances (e.g., flooding, drought, lockdown) will also be considered to achieve a fair and reasonable outcome.~~

The responsibility and discretion to take compliance and enforcement action, or not, sits solely with those delegated to make such decisions in the regulatory agency¹⁰. Decision-making processes are standardised and robust to ensure equitable and consistent implementation. These decisions include:

- The appropriate party/defendant to pursue;
- The appropriate enforcement tools to use in the circumstances; and
- Whether to extend, vary or withdraw an enforcement action that has been commenced.

ORC is required to exercise this discretion in a way that is reasonable and consistent with the principles of the Act/BSA and the requirements of natural justice.

Where the prosecution is being considered, the ORC will follow the test:

~~The Solicitor General's Prosecution Guidelines, including provides direction on what factors should be considered before a decision to prosecute is made. The first part of the test is the **evidential test** for prosecution and requires a legal assessment of whether:~~

- ~~— The evidence relates to an identifiable person (whether natural or legal).~~
- ~~— The evidence is credible.~~
- ~~— The Council can produce the evidence before the court, and whether it is likely it will be admitted by the court.~~
- ~~— The evidence can reasonably be expected to satisfy an impartial jury (or judge), beyond a reasonable doubt, that the individual has committed a criminal offence; the individual has given any explanations and, if so, whether the court is likely to find the explanations credible in the light of the evidence as a whole.~~
- ~~— There is any other evidence the Council should seek out which may support or detract from the case.~~

~~Once it has been established that there is sufficient evidence to provide a reasonable prospect of conviction, the test for prosecution requires a consideration of whether the **public interest tests** requires a criminal prosecution. Prosecution is required if it is in the interest of the public, with the predominant consideration being the seriousness of the offence – the Public Interest Test.~~

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¹⁰ New Zealand Law Commission 'Prosecution decisions and the discretion to prosecute'
<http://www.nzlii.org/nz/other/nzlc/report/R66/R66-5.html>

7. COST RECOVERY

The ~~Act~~BSA gives ORC the power to recover the costs associated with its compliance monitoring obligations. This is provided for under section 135(3) and section 129 of the ~~Act~~BSA. In Otago, charges ~~are~~ not currently ~~applied~~apply to informal actions, such as a scheduled inspection or a re-inspection when the property has become compliant.

Recovery of Non-Compliance Costs

Councils, as management authorities, have the statutory right to use a variety of charges to recover costs incurred in administrating the RPMP. This can include fixed charges for issuing notices, hourly rates, estimates of advanced work and reasonable costs. Fees and charges that may be recovered are listed in the current Long-Term Plan or Annual Plan and are reviewed annually. In setting its cost recovery model, ORC is conscious that costs associated with monitoring should fall onto those resource users who are subject to monitoring, as opposed to the general ratepayer. For any prosecutions, ORC reserves the right to seek recovery of allowable legal costs.

Recovery of Default Work Costs

Under the Act, the ~~The~~ actual and reasonable cost of default work ~~can~~is to be recovered by the ORC as a debt due ~~Regional Council~~. This is normally done through an invoice. ~~Failure to pay can result in compounding interest being added to the debt, and ultimately a lien can~~However, when this is not paid, a statutory land charge may be ~~place~~placed on ~~the~~ property that prevents owners dealing with the title to their ~~to recover the costs of default work~~. This means the costs incurred will be paid if the property until the debt associated with the lien has been resolved.

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<u>Policy owner</u>	<u>Manager, Environmental Implementation</u>		
<u>Superseded Version #</u>	<u>1.0</u>	<u>9 June 2021</u>	<u>Initial policy</u>
<u>Proposed Version #</u>	<u>2.0</u>	<u>8 May 2024</u>	<u>Reviewed and updated for consistency and clarity</u>
<u>Next Review Date</u>	<u>March 2027</u>		

Cover Photo: Australian Young Mine Water wheel Carrick Range, Bannockburn (Credit: Gary Smith) ~~is sold or re-financed.~~

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