

Notice is given that an ordinary meeting of the Regional Pest Management Joint Committee will be held on:

**Date:** Friday 24 March 2023  
**Time:** 1.00pm  
**Meeting Room:** Tasman Council Chamber  
**Venue:** 189 Queen Street, Richmond  
**Zoom conference link:** <https://us02web.zoom.us/j/89959414966?>  
Meeting ID: 899 5941 4966  
Meeting Passcode: 226861

---

## Regional Pest Management Joint Committee AGENDA

---

### MEMBERSHIP

#### Chairperson

#### Deputy Chairperson

#### Members

Tasman District Council  
Deputy Mayor Stuart Bryant  
Councillor Celia Butler  
Councillor Mike Kininmonth

Nelson City Council  
Councillor Matthew Bengé  
Councillor Rachel Sanson  
Councillor Aaron Stallard

Quorum 3 members – (a member from each Council must be present)

Contact Telephone: 03 543 8400  
Email: [Rhian.williams@tasman.govt.nz](mailto:Rhian.williams@tasman.govt.nz)  
Website: [www.tasman.govt.nz](http://www.tasman.govt.nz)



## **AGENDA**

**1 OPENING, WELCOME, KARAKIA**

**2 APOLOGIES AND LEAVE OF ABSENCE**

**Recommendation**

**That apologies be accepted.**

**3 DECLARATIONS OF INTEREST**

**4 CONFIRMATION OF MINUTES**

**There are no minutes to be confirmed.**

**5 PRESENTATIONS**

Nil

**6 REPORTS**

6.1 Appointment of a Chairperson and Deputy Chairperson to the Regional Pest Management Joint Committee ..... 4

6.2 Regional Pest Management Joint Committee Terms of Reference ..... 8

**7 CONFIDENTIAL SESSION**

Nil

**6 CLOSING KARAKIA**

## 6 REPORTS

### 6.1 APPOINTMENT OF A CHAIRPERSON AND DEPUTY CHAIRPERSON TO THE REGIONAL PEST MANAGEMENT JOINT COMMITTEE

Decision Required

**Report To:** Regional Pest Management Joint Committee  
**Meeting Date:** 24 March 2023  
**Report Author:** Paul Sheldon, Special Projects Analyst - Biosecurity  
**Report Number:** RRPMC23-03-1

#### 1 Summary

- 1.1 Tasman District Council and Nelson City Council have resolved to engage in a limited review of the Tasman – Nelson Regional Pest Management Plan 2019 – 2029. They have established a Regional Pest Management Joint Committee (Joint Committee) to oversee this process.
- 1.2 The Joint Committee will need to appoint a Chair and Deputy Chairperson and it is recommended that they are representatives of each Council and take into account the roles of lead agency and management agency.

#### 2 Draft Resolution

#### That the Regional Pest Management Joint Committee

1. receives the Appointment of a Chairperson and Deputy Chairperson to the Regional Pest Management Joint Committee RRPMC23-03-1; and
2. notes that, at its reconvened inaugural meeting on 1 November 2022, Council adopted System B, contained in schedule 7, clause 25(4) of the Local Government Act 2002 for the election or appointment of a chairperson and deputy chairperson of a committee and a representative of a local authority, which requires that a person is elected or appointed if he or she receives more votes than any other candidate during a single round of voting; and
3. elects a Chairperson and Deputy Chairperson for the Regional Pest Management Joint Committee, taking into account appropriate representation from each Council and the roles of lead agency and management agency.

### 3 Purpose of the Report

- 3.1 To initiate the Regional Pest Management Joint Committee by election of a Chairperson and Deputy Chairperson.

### 4 Background and Discussion

- 4.1 The Tasman – Nelson Regional Pest Management Plan 2019 – 2029 (the Plan) is currently the only Joint Regional Pest Management Plan in New Zealand. It reflects the common and shared community of interest in the Tasman – Nelson regions.
- 4.2 The Biosecurity Act 1993 (the Act) provides for the preparation of joint regional pest management plans (100H (4)) but requires that each Council individually approves (“makes”) the final plan and retains the power to amend or revoke the plan it has made (100H(5)).
- 4.3 However, the Act does not provide any guidance on how two or more Councils combine to prepare a joint plan for each to individually “make”.
- 4.4 Since the Act came into force Tasman District Council and Nelson City Council have made joint plans reflecting their physical proximity and common areas of interest.
- 4.5 Previous Plan reviews have been overseen by Regional Pest Management Plan Joint Committees, comprising three elected Councillors from each of the two Councils, (six in total) with the power to oversee the Plan preparation process and to recommend back to each Council, but with no ability to decide. This is consistent with the issue identified in 4.2 above.
- 4.6 During the previous Plan review process the Joint Committee resolved to elect a Chairperson from Tasman District Council, who are the lead agency for the review and the administrative management agency for the Plan (100). The Joint Committee member elected as Chairperson was Tasman District Councillor Stuart Bryant who had served in this role on previous Joint Committees.
- 4.7 The previous Joint Committee resolved to elect it’s Deputy Chairperson from Nelson City Council representatives. The Joint Committee member elected was Nelson City Councillor Brian McGurk (no longer a Councillor).
- 4.8 This current Joint Committee must decide the basis on which they will elect their Chairperson and Deputy Chairperson and who will fill each of those roles.

### 5 Options

- 5.1 The options are outlined in the following table.

	Option	Advantage	Disadvantage
1.	Structure the appointment of the Chairperson and Deputy Chairperson to ensure representation of each of the Councils and recognise the role	Ensures that the Chairperson and Deputy Chairperson are representatives from each Council thus maintaining an appropriate balance	The pool of potentially eligible Joint Committee members is approximately halved for each role

NDOCS-1982984479-5727

	of lead agency and management agency		
2.	Do not structure representation of the Chairperson and Deputy Chairperson and appoint just on the level of support for each	The choice of Chairperson and Deputy Chairperson is unfettered and decided by nomination and vote	Both the Chairperson and Deputy Chairperson may be from the same council with the other council not being represented

5.2 Option one, structuring representation is recommended.

## 6 Strategy and Risks

6.1 This is an administrative decision for representatives of the two Councils to consider. The Joint Committee members must ultimately report back to their individual Councils and request their recommendations are supported. Good representation will help support this process. Poor representation may create barriers.

## 7 Policy / Legal Requirements / Plan

7.1 There is no guidance under the Biosecurity Act 1993 regarding the process for establishing and administering a Regional Pest Management Joint Committee. It is up to the Councils involved to decide their process. It should be based on a just and representative process.

## 8 Consideration of Financial or Budgetary Implications

8.1 Nil

## 9 Significance and Engagement

9.1 Significance is assessed as low.

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	Low	Administrative
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	Low	If any impact it is on representation
3.	Is there a significant impact arising from duration of the effects from the decision?	Low	The Regional pest Management Joint Committee will disband following completion of the limited review process

NDOCS-1982984479-5727

	<b>Issue</b>	<b>Level of Significance</b>	<b>Explanation of Assessment</b>
4.	Does this activity contribute or detract from one of the goals in the <a href="#">Tasman Climate Action Plan 2019</a> ?	No	
5.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	No	
6.	Does the decision create a substantial change in the level of service provided by Council?	No	
7.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	No	
8.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	
9.	Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	No	
10	Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	
11	Does the proposal require inclusion of Māori in the decision making process (consistent with s81 of the LGA)?	No	

## **10 Conclusion**

10.1 Tasman District Council and Nelson City Council have resolved to engage in a limited review of the Tasman – Nelson Regional Pest Management Plan 2019 – 2029. They have established a Regional Pest Management Joint Committee to oversee this process. The Joint Committee will need to appoint a Chairperson and Deputy Chairperson and it is recommended that they are representatives of each Council and take into account the roles of lead agency and management agency.

## **11 Attachments**

Nil

## 6.2 REGIONAL PEST MANAGEMENT JOINT COMMITTEE TERMS OF REFERENCE

**Decision Required**

**Report To:** Regional Pest Management Joint Committee  
**Meeting Date:** 24 March 2023  
**Report Author:** Paul Sheldon, Special Projects Analyst - Biosecurity  
**Report Number:** RRPMC23-03-2

### 1 Summary

- 1.1 Tasman District Council and Nelson City Council approved the Terms of Reference for the Regional Pest Management Joint Committee at the meetings of the Nelson City Council and Tasman District Council (see Attachment 1). The Regional Pest Management Joint Committee should either agree these Terms of Reference or refer them back to the meetings of the Nelson City Council and Tasman District Council for further consideration.

### 2 Draft Resolution

**That the Regional Pest Management Joint Committee**

- 1. receives the Regional Pest Management Joint Committee Terms of Reference report RRPMC23-03-2; and**
- 2. approves the Regional Pest Management Joint Committee Terms of Reference.**



### **3 Purpose of the Report**

- 3.1 To introduce the Regional Pest Management Joint Committee to the Terms of Reference for the limited review of the Tasman – Nelson Regional Pest Management Plan 2019 – 2029 and to seek that they confirm them as suitable for the review process ahead.

### **4 Background and Discussion**

- 4.1 The Tasman – Nelson Regional Pest Management Plan 2019 – 2029 (RPMP) was subject to a full review between 2017 and 2019. It was the first full review undertaken following the 2012 amendments to the Biosecurity Act 1993 (the Act) and the issue of National Policy Direction for Pest Management 2015 (NPD).
- 4.2 A large number of pests not contained in the previous strategy were recommended by partner organisations and industries as being good candidates for inclusion in the new RPMP, however the review scope was constrained by the likely financial burden on both land occupiers and on the Council budgets of including too many additional pests.
- 4.3 The review was also constrained by the limited information available regarding the distribution and biological characteristics of new and emergent species along with the practicality of achieving control.
- 4.4 Since the review was concluded and the new Plan made in 2019, the Councils have become aware of emerging pest species and of alternative and potentially better rule constructions to manage some of included pest species.
- 4.5 Section 100D (2) of the Act provides for a Council to review a regional pest management plan in part where (a) the plan is failing to meet its objectives; or (b) circumstances have changed since the plan commenced.
- 4.6 Section 100D (5) requires the Council to state what is to be changed, revoked replaced or left unchanged.
- 4.7 Where a regional pest management plan is made or changed any aspect of the plan is potentially the subject to appeal to the Environment Court 76(2(a))
- 4.8 The more extensive the changes made to a plan during the review process, the greater the risk of appeals and the wider the potential scope of those appeals.
- 4.9 In order to manage the risk of appeals it is good practice to keep the scope of a review as limited as possible with little or no change to the existing provisions of the plan thus making a valid and successful appeal less likely.
- 4.10 The Terms of Reference (Item 3) for the Regional Pest Management Joint Committee have been constrained to a limited number of changes in order to manage the litigation risk as well as to manage scope creep during deliberations.

The scope is:

- Alignment of Sabella rules with those of Marlborough District Council in order to provide consistency of administration and for vessels travelling across the Top of the South.
- Extending control of Boneseed into the Port Hills area currently excluded from any form of control. The original rule construction does not require any control in the defined containment high infestation area in order to prevent its further spread.
- Adding Wilding Conifers as a pest group. These were removed from the previous review during the decisions phase as the Councils were not then ready to progress the matter.
- Addition of the emerging pests of Water Celery, Vietnamese Parsley, Purple Pampas, Blue Passionflower, and Moth Plant as pest species in the RPMP.

4.11 The Terms of Reference (Item 3) empowers the Regional Pest Management Joint Committee to consider and recommend to the meetings of the Nelson City Council and Tasman District Council but not to decide (Item 4). Delegating of Full Council powers to decide are prohibited under the Biosecurity Act 1993 under Section 100H(3).

4.12 As a consequence, the primary task of the Regional Pest Management Joint Committee is to ensure that the process of undertaking the limited review is consistent with sections 70-75 of the Biosecurity Act 1993 (making a Regional Pest management Plan) and that there is good communication and co-operation between the two Councils to help ensure that sound and consistent decisions are made by each regarding the limited review.

## 5 Options

5.1 The options are outlined in the following table.

	Option	Advantage	Disadvantage
1.	Agree with the Terms of Reference as already approved by the meetings of the Nelson City Council and Tasman District Council	The review process can proceed	Joint Committee member/s may not be comfortable with the Terms of Reference
2.	Refer the Terms of Reference back to the two Councils for reconsideration	Joint Committee concerns with the Terms of Reference can be tested with the meetings of the Nelson City Council and Tasman District Council	Delay in commencing the limited review process

5.2 Option 1, agree the Terms of Reference is recommended.

## 6 Strategy and Risks

- 6.1 As the final approval of the limited review process and decisions related fall with the meetings of the Nelson City Council and Tasman District Council, the risks of this decision are minimal.

## 7 Policy / Legal Requirements / Plan

- 7.1 The Terms of Reference for the Regional Pest Management Joint Committee do not conflict with the requirements of the Biosecurity Act 1993.

## 8 Consideration of Financial or Budgetary Implications

- 8.1 The decision to agree the Regional Pest Management Joint Committee Terms of Reference does not have any financial implications in itself.

## 9 Significance and Engagement

- 9.1 Significance is assessed as low.

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	Low	Regional Pest Management Joint Committee can only recommend
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	No	As above
3.	Is there a significant impact arising from duration of the effects from the decision?	No	As above
4.	Does this activity contribute or detract from one of the goals in the <a href="#">Tasman Climate Action Plan 2019</a> ?	No	As above
5.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	No	
6.	Does the decision create a substantial change in the level of service provided by Council?	No	

	<b>Issue</b>	<b>Level of Significance</b>	<b>Explanation of Assessment</b>
7.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	No	
8.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	
9.	Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	No	
10	Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	
11	Does the proposal require inclusion of Māori in the decision making process (consistent with s81 of the LGA)?	No	

## 10 Conclusion

10.1 Tasman District Council and Nelson City Council approved the Terms of Reference for the Regional Pest Management Joint Committee at the meetings of the Nelson City Council and Tasman District Council. The Regional Pest Management Joint Committee should either agree these Terms of Reference or refer them back to the meetings of the Nelson City Council and Tasman District Council for further consideration.

## 11 Attachments

1. [Regional Pest Management Joint Committee - Terms of Reference](#)

13



# Terms of Reference for Regional Pest Management Joint Committee

November 2022

NDOCS-1982984479-5727

596364813-7363

## Regional Pest Management Joint Committee

*Terms of Reference adopted xxxx.*

### 1. Membership:

Six members, being three elected members from each of Nelson City Council and Tasman District Council. The Chairperson and Deputy Chairperson will be appointed by the Committee.

### 2. Quorum:

Three members and must include at least one member from each Council.

### 3. Areas of Responsibility:

- Considering recommendations for amendments (limited review) to Tasman-Nelson Regional Pest Management Plan 2019 – 2029;
- The review will be limited to considering:
  - Alignment of Sabella rules to those of Marlborough District Council to provide consistency across the Top of the South; and
  - Extending control of boneseed into the Port Hills area currently excluded from eradication; and
  - Control of wilding conifers, water celery, Vietnamese parsley, purple pampas, blue passionflower, and moth plant.
- Hearing and deliberating on the public submissions related to amendments (limited review) of the Tasman-Nelson Regional Pest Management Plan 2019 - 2029; and
- Making recommendations to the Tasman District and Nelson City Councils to adopt any changes (limited review) of the Tasman-Nelson Regional Pest Management Plan 2019 – 2029.

### 4. Powers to Decide:

- None

### 5. Powers to recommend:

- To recommend to each Council notification of changes to the Tasman-Nelson Regional Pest Management Plan 2019-2029 under the Biosecurity Act 1993;
- To recommend to each Council the adoption of the final changes (limited review) of the Tasman-Nelson Regional Pest Management Plan 2019-2029 and the process to make the limited review operative in accordance with sections 70-75 of the Biosecurity Act 1993.

### 6. Procedure:

- Standing Orders to be applied at each meeting shall be the Standing Orders of the administering Council, which will be Tasman District Council.

- For the purposes of complying with the Local Government Official Information and Meetings Act 1987 (Part 7, 45(1)) Committee meetings will be treated as public meetings as the Committee is delegated to perform duties as outlined in the Biosecurity Act 1993 in relation to reviewing regional pest management plans.
- Each Council retains the power to discharge and re-appoint its respective members of the Committee.
- The Chairperson shall not have a casting vote.
- These delegations/terms of reference may be varied by resolution of both Councils on the recommendation of the Regional Pest Management Committee or both Chief Executives of the two Councils, on the recommendation of the Regional Pest Management Committee or both Chief Executives of the two Councils, and any such resolution shall carry the rider that it shall be subject to adoption by the other Council.
- The meetings of the Committee do not have a public forum session.
- Copies of minutes of meetings of the Joint Committee will be retained by each Council for record keeping purposes.
- The Committee will be disbanded following the adoption by both councils of the changes (limited review) of the Regional Pest Management Plan 2019-2029.