

EXHIBIT NOTE

This is the annexure marked " B " referred to within the affidavit of ANITA DONOVAN GARDNER and sworn/affirmed at WAIKATO this 9th day of February 2013 before me

Signature [Signature]

ANNEX B RELEVANT PROVISIONS OF THE PLAN AS NOTIFIED

Council’s Pest Management Strategic Direction/ Te Aronga Rautaki Patu Kīrearea a Toi Moana

The Biosecurity Act 1993 requires regional councils to ‘provide regional leadership in pest management’.

Pest management encompasses activities that ‘...prevent, reduce, or eliminate adverse effects from harmful organisms that are present in New Zealand’ (section 12(b) Biosecurity Act 1993).

This Proposed Regional Pest Management Plan (RPMP) has been developed as the key policy document to direct the management of pests in the Bay of Plenty region and demonstrate regional leadership on pest management.

Provisions within this Proposed RPMP have been developed to provide a regulatory mechanism as part of the pest management toolbox. The Proposed RPMP by nature of the legislative requirements represents a species led approach to pest management. That means the Proposed RPMP lists specific pests and prescribes the management required to meet the objectives for that pest.

A large number of well-established pests cannot be technically defined as pests under the Biosecurity Act as they do not meet the legislative thresholds. However this does not mean Council steps away from managing these pests. The strategic direction section of the Proposed RPMP identifies how Council will address the issue of “non-regulatory” pests. Examples of those pests are included in Appendix 1.

A number of Council core activities contribute directly to pest management and in some cases a different approach to pest management is required. For example, to protect high value sites such as biodiversity areas a site led approach is often required. Rather than focusing on individual pest species, all pests within a high value site need to be managed. In some cases this may include pests other than those regulated by the Proposed RPMP.

The strategic direction presented below sets out Council’s overall biosecurity objectives and aspirations and recognises the range of Council activities that contribute towards achieving these.

Strategic direction	Council will achieve this by...
Prevent pests entering and establishing in the Bay of Plenty.	<ul style="list-style-type: none"> • Greater surveillance for new to region pests. • Leading eradication of 'new to region' pests.* • Utilising Biosecurity Act provisions to manage new incursions including partial review of RPMP and small scale eradication.
Manage pests when it is practical and cost effective to do so, using Council's regulatory and/or operational roles.	<ul style="list-style-type: none"> • Prioritising which pests need Council intervention.* • Leading management of pests where eradication is a feasible and/or Council intervention would be of regional benefit.* • Maintaining progressive containment efforts where good progress has been and can be made.*
Support the efforts of landowners/occupiers and communities to manage established pests and prevent pest spread.	<ul style="list-style-type: none"> • Supporting pest management initiatives that protect regional biodiversity. • Providing pest management education and advice on the management of pests (both RPMP and non-RPMP). • Embedding pest management considerations into Council policies and agreements with landowners and occupiers.

BAY OF PLENTY REGIONAL COUNCIL TOI MOANA

Strategic direction	Council will achieve this by...
	<ul style="list-style-type: none"> • Requiring that some pests are destroyed and over time the population/infestation levels are reduced.* • Regulating boundary control for the management of some based on equal effort between neighbours.* • Regulating the movement, distribution or release of pests. • Promoting a pathway management approach initially through education and advice and later through pathway management.
<p>Work in partnership with other parties that have pest management responsibilities and interests.</p>	<ul style="list-style-type: none"> • Supporting the intent of national and industry-led response management and contribute where appropriate. • Participating in the National Pest Plant Accord by enforcing national ban on the sale, propagation and distribution of re harmful plants, which have been declared 'unwanted organ • Supporting Maori pest management initiatives. • Supporting agencies that have clear pest management lea • Promoting on-farm biosecurity. • Participating in collective approaches between pest manag agencies. • Working with the Crown to establish agreed understanding potential boundary pests. • Supporting ongoing science to advance effective pest mar
<p><i>*These activities are supported by regulatory provisions in the RPMP.</i></p>	

The Proposed RPMP represents the regulatory components of Council's biosecurity strategic dire

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Plan establishment/ Te whakatū i te mahere

1 Kupu Whakataki/Introduction

1.1 Kaimarohi/Proposer

The Bay of Plenty Regional Council has a regional leadership role under the Biosecurity Act and intends to establish a Regional Pest Management Plan. The first formal step is notifying the Proposed Regional Pest Management Plan for the Bay of Plenty region for 10 years. The proposed RPMP builds on the previous Bay of Plenty Regional Pest Management Plan.

1.2 Kaupapa/Purpose

The purpose of the Proposed RPMP is to outline the framework to efficiently and effectively manage or eradicate specified organisms in the Bay of Plenty region. Doing so will:

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

Many organisms in the Bay of Plenty region are considered undesirable or a nuisance. Where individual action or inaction in managing pests imposes undue effects on others, pest management is needed.

The Biosecurity Act has prerequisite criteria that must be met to justify such intervention. The Proposed RPMP identifies those organisms classified as pests to be managed through the RPMP.

The RPMP will empower the Bay of Plenty Regional Council to exercise the relevant advisory, service delivery, regulatory and funding provisions available under the Biosecurity Act to achieve specific objectives identified in Part Two: Pest Management.

2.5 Hononga ki te Aronga Kaupapahere ā-Mōtū/Relationship with the National Policy Direction

In September 2015, the National Policy Direction for Pest Management (NPD) came into effect.

The stated purpose of the NPD is to ensure that activities under Part 5 of the Biosecurity Act provide the best use of available resources for New Zealand's best interests, and align with other (when necessary), to help achieve the purpose of Part 5.

As required by law, Council needed to determine consistency between the current RPMP and the NPD and if there were any inconsistencies how they would be resolved. Through this process, Council determined that the Regional Pest Management Plan for the Bay of Plenty 2011 was inconsistent with the NPD and therefore needed to be revoked and replaced by a new Regional Pest Management Plan (which is this Proposed RPMP).

The table below sets out the NPD requirements and the steps taken to comply with them.

NPD requirements	Steps taken to comply
Programme is described	The types of programmes in this Proposed RPMP comply with clause 5 of the NPD.
Objectives are set	The objectives in this Proposed RPMP comply with clause 6 of the NPD.
Benefits and costs are analysed	Costs and benefits assessment is set out in the <i>Regional Pest Management Plan for the Bay of Plenty region: Meeting the Biosecurity Act requirements</i> .
Funding rationale is noted	The funding rationale described in section 4 of the Proposed RPMP has been developed in line with clause 7 of the NPD.

Pest Management/Te Patu Kīrearea

4 Ngā rauropi kua kīia he kīrearea/Organisms declared as pests

The organisms listed in Table 1 are classified as pests.

Attention is also drawn to the statutory obligations of any person under s52 and s53 of the Act. Those sections ban anyone from selling, propagating or distributing any pest, or part of a pest covered by the Proposed RPMP. Not complying with s52 and s53 is an offence under the Act and may result in the penalties noted in s157(1).

Table 1 Organisms classified as pests.

Common name	Scientific name	Programme	Page*	M
Plant Kingdom				
African feather grass	<i>Pennisetum macrourum</i>	Progressive Containment	46	
Alligator weed	<i>Alternanthera philoxeroides</i>	Exclusion	26	
		Eradication	35	
		Progressive Containment	46	
Apple of Sodom	<i>Solanum linnaeanum</i>	Progressive Containment	47	
Asiatic knotweed	<i>Fallopia japonica</i>	Progressive Containment	48	
Batwinged passionflower	<i>Passiflora apetela</i>	Exclusion	27	
Blackberry	<i>Rubus fruticosus</i> agg.	Sustained Control	63	
Boneseed	<i>Chrysanthemoides monilifera</i>	Progressive Containment	48	
Chilean flame creeper	<i>Tropaeolum speciosum</i>	Exclusion	28	
Chilean needle grass	<i>Nassella neesiana</i>	Exclusion	29	
Climbing spindle berry	<i>Celastrus orbiculatus</i>	Progressive Containment	49	
		Sustained Control	64	
Coast tea tree	<i>Leptospermum laevigatum</i>	Eradication	36	
Creeping gloxinia	<i>Lophospermum erubescens</i>	Eradication	36	
Darwin's barberry	<i>Berberis darwinii</i>	Exclusion	29	
		Progressive Containment	50	
Egeria	<i>Egeria densa</i>	Exclusion	30	
		Progressive Containment	51	
Elodea	<i>Elodea canadensis</i>	Exclusion	30	
		Sustained Control	64	
Field horsetail	<i>Equisetum arvense</i>	Exclusion	31	
Gorse	<i>Ulex europaeus</i>	Sustained Control	65	

Common name	Scientific name	Programme	Page*	Ma
Hornwort	<i>Ceratophyllum demersum</i>	Exclusion	31	6
		Eradication	37	
		Progressive Containment	52	
Horse nettle	<i>Solanum carolinense</i>	Eradication	38	
Italian buckthorn	<i>Rhamnus alaternus</i>	Exclusion	32	7
		Progressive Containment	52	
Kudzu vine	<i>Pueraria montana var. lobate</i>	Eradication	39*	
Lagarosiphon	<i>Lagarosiphon major</i>	Exclusion	32	8
		Progressive Containment	53	
Lantana	<i>Lantana camara</i>	Eradication	40	10
		Progressive Containment	53	
		Sustained Control	65	
Lodgepole pine	<i>Pinus contorta</i>	Progressive Containment	54	
Nassella tussock	<i>Nassella trichotoma</i>	Eradication	40	
Noogoora bur	<i>Xanthium strumarium</i>	Eradication	41	
Old man's beard	<i>Clematis vitalba</i>	Progressive Containment	55	14
		Sustained Control	66	
Purple loosestrife	<i>Lythrum salicaria</i>	Eradication	41	
Ragwort	<i>Senecio jacobaea</i>	Sustained Control	67	
Sagittaria	<i>Sagittaria platyphylla / Sagittaria montevidensis</i>	Eradication	42	
Senegal tea	<i>Gymnocoronis spilanthoides</i>	Eradication	43	
Spartina	<i>Spartina spp.</i>	Eradication	43	
Spiny emex	<i>Emex australis</i>	Progressive Containment	56	
Stout bamboo grass	<i>Austrostipa ramosissima</i>	Eradication	44	
Variogated thistle	<i>Silybum marianum</i>	Progressive Containment	57	
Water poppy	<i>Hydrocleys nymphoides</i>	Exclusion	33	
White edged nightshade	<i>Solanum marginatum</i>	Eradication	44	
Wild ginger	<i>Hedychium gardnerianum and Hedychium flavescens</i>	Sustained Control	67	
Wild kiwifruit	<i>Actinidia spp.</i>	Progressive Containment	58	11
		Sustained Control	70	
Wilding conifers (excluding Lodgepole pine)	<i>Pinus spp.</i>	Sustained Control	69	
Woolly nightshade	<i>Solanum mauritianum</i>	Progressive Containment	58	11
		Sustained Control	70	
Yellow flag iris	<i>Iris pseudacorus</i>	Progressive Containment	59	

Unwanted organisms

In addition to the pests listed in Table 1, the release, sale, breeding, multiplying and propagation of any Unwanted Organism (UWO) (as recognised and registered by a Chief Technical Officer) is controlled under the Biosecurity Act 1993. The UWO register maintained by the Ministry for Primary Industries (MPI) contains a long list of plants and animals including insects and other invertebrates as well as diseases - not all of which appear in this Plan. The Bay of Plenty Regional Council will support agencies that have clear pest management leads (as set out in our strategic direction, pages 1-2).

Newly imported organisms are regulated under the Hazardous Substances and New Organisms Act 1996 by the Environmental Protection Authority.

There are many further organisms capable of causing some adverse effects that are not included in the Proposed RPMP. Reasons for this may be those pests are managed by another agency or they are now so widely established regional intervention (e.g. requiring pest removal) would not be practicable or affordable.

While the Biosecurity Act has requirements for pests that are included in an RPMP, there are many other organisms that Council and the community consider as pests (see Appendix One). These pests are not included in the pest programmes nor do they have "pest" rules.

However, Council considers these 'pests' are to still be part of the biosecurity framework and Council will continue to provide management advice as part of its pest management strategic direction.

NOTE: The list of animal pests on p21 has been omitted.

5.2 Ngā kaupapa patu kīrearea/Pest management programmes

One or more pest management programmes will be used to control pests and any other c covered by this Proposed RPMP. The types of programme are defined by the NPD and re outcomes in keeping with:

- the extent of the invasion; and
- whether it is possible to achieve the desired control levels for the pests.

The intermediate outcomes for the NPD programmes are described below:

- 1 Exclusion Programme: to prevent the establishment of the subject, or an organism spread by the subject, that is present in New Zealand but not yet established in an
- 2 Eradication Programme: to reduce the infestation level of the subject, or an organis spread by the subject, to zero levels in an area in the short to medium term.
- 3 Progressive Containment Programme: to contain or reduce the geographic distribu subject, or an organism being spread by the subject, to an area over time.
- 4 Sustained Control Programme: to provide for ongoing control of the subject, or an c being spread by the subject, to reduce its impacts on values and spread to other pr

The NPD also identifies "Protecting Values in Places" as an intermediate outcome. Bay of Plenty Regional Council has opted to use non-regulatory approaches to protecting values in specific places and so these do not feature in this Plan. The non-regulatory site-approach specifically for protecting biodiversity is supported through the strategic direction (Pages 1-2).

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Appendix 1:

Non-RPMP pests

The following table includes pests that are considered part of the region's biosecurity framework but these pests are not subject to provisions Pp105-134

NOTE: Due to its length this table is not included in this Annex. It contains 63 plant species and 12 animal species.