



Resource Management (Exemption) Regulations 2017

Patsy Reddy, Governor-General

Order in Council

At Wellington this 20th day of February 2017

Present:

The Right Hon Bill English presiding in Council

These regulations are made under section 360(1)(h) of the Resource Management Act 1991 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Resource Management (Exemption) Regulations 2017.

2 Commencement

These regulations come into force on 1 April 2017.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Resource Management Act 1991

brodifacoum means—

- (a) brodifacoum by itself; or
- (b) a formulation, product, bait, or delivery system that contains brodifacoum

introduced fish means any fish that is not native to New Zealand and its waters

operator means the person who discharges the relevant VTA, pre-feed, or repellent

pre-feed means food used to attract or accustom a vertebrate pest or an introduced fish to a bait or delivery system before a VTA is used in the bait or delivery system

relevant Fish and Game Council means the Fish and Game Council (as defined by section 2(1) of the Conservation Act 1987) for a region in which the relevant rotenone is discharged

relevant regional council means the regional council for a region in which the relevant VTA, pre-feed, or repellent is discharged

repellent means a substance used to deter vertebrates that are not pests or introduced fish from touching or eating a VTA or any pre-feed

rotenone means—

- (a) rotenone by itself; or
- (b) a formulation, product, bait, or delivery system that contains rotenone

sodium fluoroacetate means—

- (a) sodium fluoroacetate by itself; or
- (b) a formulation, product, bait, or delivery system that contains sodium fluoroacetate

VTA means each of the following vertebrate toxic agents: brodifacoum, rotenone, and sodium fluoroacetate.

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

5 Exemption for brodifacoum

The discharge of brodifacoum is exempt from section 15 of the Act if—

- (a) the discharge is for the purpose of killing vertebrate pests; and
- (b) the discharge is into or onto—
 - (i) land protected by predator-proof fencing; or
 - (ii) an island of New Zealand other than the North Island or South Island; and
- (c) the operator complies with the conditions in Schedule 2.

6 Exemption for rotenone

The discharge of rotenone is exempt from section 15 of the Act if—

- (a) the discharge is for the purpose of killing introduced fish; and
- (b) the discharge is into a water body whose surface, during the discharge,—
 - (i) is less than 1 hectare in area; and
 - (ii) is not connected to a river or an artificial watercourse; and
- (c) the operator is, or is acting for, the Department of Conservation or the Ministry for Primary Industries; and
- (d) the operator has first consulted the relevant Fish and Game Council about the discharge; and
- (e) the operator complies with the conditions in Schedule 2.

7 Exemption for sodium fluoroacetate

The discharge of sodium fluoroacetate is exempt from section 15 of the Act if—

- (a) the discharge is for the purpose of killing vertebrate pests; and
- (b) the operator complies with the conditions in Schedule 2.

8 Exemption for pre-feed

The discharge of any pre-feed is exempt from section 15 of the Act if the operator complies with the conditions in Schedule 2.

9 Exemption for repellent

The discharge of a repellent is exempt from section 15 of the Act if the operator complies with the conditions in Schedule 2.

Schedule 1

Transitional, savings, and related provisions

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Part 1

Provisions relating to these regulations as made

There are no transitional, savings, or related provisions relating to these regulations as made.

Schedule 2

Conditions on exemptions

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1 Notice of proposed discharge

- (1) The operator must give written notice to the relevant regional council with the following information:
 - (a) the objectives of the proposed discharge:
 - (b) the VTA, pre-feed, or repellent to be used in the proposed discharge:
 - (c) the bait, delivery method, application rate, or lures to be used in the proposed discharge:
 - (d) a map showing the boundaries of each proposed discharge area:
 - (e) the location of any warning signs for each proposed discharge area:
 - (f) the period during which the proposed discharge will occur in each proposed discharge area:
 - (g) the name and contact details of—
 - (i) the operator; and
 - (ii) if the operator is acting for another person, that other person.
- (2) The operator must give the notice as early as practicable, but no later than 48 hours, before the discharge starts.

2 Compliance with notice of proposed discharge

The operator must ensure that the discharge complies with the information in the notice of the proposed discharge.

3 Notice of actual discharge

The operator must give written notice to the relevant regional council with the following information no later than 20 working days after the discharge ends:

- (a) a map showing the boundaries of each discharge area:
- (b) the period during which the discharge occurred in each discharge area.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations grant exemptions from section 15 of the Resource Management Act 1991 (the **Act**), which restricts the discharge of contaminants into the environment. The regulations come into force on 1 April 2017.

The main exemptions are for 3 vertebrate toxic agents (**VTAs**): brodifacoum, rotenone, and sodium fluoroacetate. The discharge of a VTA is exempt from section 15 of the Act as long as—

- the discharge is for the purpose of killing vertebrate pests or introduced fish; and
- other specified conditions are satisfied.

The discharge of pre-feed and repellent used in association with a VTA is also exempt as long as specified conditions are satisfied.

Regulatory impact statement

The Ministry for the Environment produced a regulatory impact statement on 1 August 2016 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of the regulatory impact statement can be found at—

- <http://www.mfe.govt.nz/more/biodiversity/streamlining-regulatory-regime-pest-control>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 23 February 2017.

These regulations are administered by the Ministry for the Environment.