

BEFORE THE HEARING PANEL APPOINTED BY THE CANTERBURY REGIONAL COUNCIL

UNDER

the Biosecurity Act 1993

IN THE MATTER

of the Canterbury
Regional Council Proposal
for the Canterbury
Regional Pest
Management Plan 2017-
2037

**STATEMENT OF EVIDENCE OF TAMSIN REBECCA PAGE ON BEHALF OF THE
MINISTRY FOR PRIMARY INDUSTRIES**

1 September 2017

Introduction

1. My name is Tamsin Rebecca Page. I am a Consultant with Ned Norton Consulting Ltd. I hold a Bachelor of Laws (LLB) from the University of Waikato and a Post-Graduate Diploma in Resource Management from Lincoln University.
2. I have 15 years' experience in resource management planning and policy in both the private and public sector. Over the past 10 years I have worked primarily in the areas of biodiversity and biosecurity, predominantly in Regional Council policy, strategy and programme management roles. For the past 3 years I have worked as a consultant and much of my work has related to regulatory, planning and policy issues associated with wilding conifer management in New Zealand.
3. In my work for the Ministry for Primary Industries (MPI), I have assisted with projects arising from the implementation of the New Zealand Wilding Conifer Management Strategy 2015-2030. In particular, I worked with a multi-stakeholder advisory group to develop a guidance document for Regional Pest Management Plan (RPMP) wilding conifer pest programmes (the Wilding Conifer RPMP Rule Development Project). Most recently, I have been involved in providing analysis of some of the key issues associated with regulatory management (under the Biosecurity Act) of planted conifers that cause the spread of wilding conifers.
4. I provide the following statement of evidence in support of the submission lodged by MPI on the Canterbury Regional Council Proposal for the Canterbury Regional Pest Management Plan 2017-2037 (the PRPMP), and on behalf of MPI in response to points raised by other submitters and staff in relation to pest agents and the management of wilding conifer spread from planted conifers.

Outline of Evidence

5. I have divided my evidence into two main parts. Part One provides further detail in relation to MPI's submission points that were not fully accepted in the Staff Recommendations Report. Part Two addresses the new issue raised in several submissions and addressed in the Staff Recommendations Report in relation to specifying some conifer species as pest agents.

Part One: MPI Submission Points

Submission point 82.11 – Plan Objective 4

6. Plan Objective 4 has two components to it. The first is to “contain and reduce” the “geographic distribution or extent” of the pests, within the region as a whole. The second provides a specific, time-bound and measurable outcome in terms of an area of land that will be cleared of wilding conifers within a prescribed timeframe.
7. MPI's submission supports the specificity of the second part of the Objective, but seeks amendment of the first part to clarify whether the outcome being sought is containment and/or reduction, and to provide more specificity in terms of where and/or to what extent, this will occur. The submission refers to section 8 of the Wilding Conifer RPMP Rule Development Project guidance material for assistance in reconsidering the wording of Plan Objective 4. Section 8 of the guidance material sets out standardised Programme Objective Statements for RPMP wilding conifer programmes. I have appended section 8 as Attachment 1 for reference, and draw on the

standardised statement for progressive containment in my suggested amendments to Plan Objective 4 set out at paragraph 15 below.

8. Clause 4 of the National Policy Direction for Pest Management 2015 (the NPD) sets out directions for setting objectives, including a requirement that objectives must state one or more of the five listed intermediate outcomes. The progressive containment intermediate outcome is described as "...to contain or reduce the geographic distribution of the subject to an area over time". This wording suggests that the outcome should be to contain or reduce, rather than both, although it is feasible that an objective may be to contain the distribution of a pest to a particular area and to reduce its extent within that area.
9. Either way, if the outcome being sought includes containment of a pest, then it is important to specify either a particular area(s) the pest will be contained to or within, or, what area of distribution or level of density the pest will be contained to, either across the region or within a specified area(s). Without this specificity, it is very difficult to measure the success or otherwise of the objective.
10. Similarly, where a reduction outcome is being sought, the objective should include some level of specificity regarding the extent of reduction and the area within which the reduction will occur (whether that is across the region or within a prescribed area).
11. A lack of sufficient information regarding the density of, or area affected by, wilding conifers is given as the reason for the staff recommendation not to amend the first part of Plan Objective 4. I acknowledge that data limitations can limit the level of specificity that can be included in objectives, however I do not consider that this prevents amendments to Plan Objective 4 that will clarify its intent and make it more measurable.
12. Given the specificity of the second part of Plan Objective 4, it might be reasonable to interpret the proposed programme objective as one of reduction. However, the reference to "contain" within the first part of the objective makes this unclear, and the staff response stated that the progressive containment objective "...applies to the area specified in map 1, in appendix 3", i.e. the Wilding Conifer Containment Zone (the Containment Zone). This suggests that a containment objective is intended, but unfortunately does not clarify whether the objective is to contain wilding conifers and the specified conifer species to the Containment Zone, or, within particular areas inside the Containment Zone.
13. Where an objective specifies an area(s) to which the pest will be contained, achievement of the objective inherently requires the exclusion or eradication of the pest in all areas outside of the defined containment area. The PRPMP only includes rules for control of wilding conifers and the specified conifer species that apply within the Containment Zone. For parts of the region outside the Containment Zone, no rules are proposed, and it is not clear whether other principal measures aimed at ensuring the exclusion or eradication of wilding conifers and the specified conifer species will be used. This suggests that a containment objective that seeks to contain wilding conifers and the specified conifer species to the Containment Zone may be difficult to achieve.
14. An alternative containment objective would be one that only applies to areas within the Containment Zone. That is, outside the Containment Zone there will be no proactive programme

to contain or manage wilding conifers and the specified conifer species, but within the Containment Zone, wilding conifers and the specified conifer species will be progressively contained to particular areas. Given that the proposed rules only apply where control operations have been undertaken, it could be interpreted that the objective within the Containment Zone is to contain wilding conifers and the specified conifer species to those areas within the Containment Zone where control operations have not been undertaken.

15. Although the Council must ultimately be clear about what, if any, containment objective is intended, I consider that this alternative containment objective appears the most likely given the nature and applicability of the proposed programme rules. If this is an accurate interpretation of the Council's intent, I suggest that the following amendment to the first part of Plan Objective 4 will clarify the objectives of the programme:

Over the duration of the Plan, progressively contain ~~and reduce~~ the geographic distribution ~~or extent~~ of wilding conifers, contorta, Corsican, Scots, mountain and dwarf mountain pines and larch within the Wilding Conifer Containment Zone shown on Map 1, Appendix 3, to areas where control operations to clear wilding conifers, contorta, Corsican, Scots, mountain and dwarf mountain pines and larch have not been undertaken, Canterbury region to prevent adverse effects on economic well-being and the environment.

16. I note that staff recommend accepting that part of submission point 82.11 relating to clarification of the second part of Plan Objective 4. I support the amendment recommended by staff, but believe that the following further amendment should be made for consistency, and to clarify that the clearance may involve removal of the specified conifer species as well as wilding conifers:

Within the Wilding Conifer Containment Area shown on Map 1 in Appendix 3, 900,00 hectares of land will be cleared of wilding conifers, contorta, Corsican, Scots, mountain and dwarf mountain pines and larch within 10 years of the commencement of the Plan.

Submission point 82.17 – Keeping clear areas clear

17. Clarifying whether a containment objective is intended, and specifically where that containment will apply, is relevant to MPI's submission point 82.17, which emphasises that keeping clear areas clear is key to a containment objective. The submission point seeks the addition of exclusion or eradication-type rules that require the removal of any wilding conifers in areas that are vulnerable to wilding conifer infestation but are currently clear of wilding conifers (or have only a very light, scattered presence).
18. Although staff acknowledge the intent of this submission point it was recommended to be rejected on the basis that the Council does not currently have the capacity to monitor and enforce the type of provisions sought. I acknowledge that implementation and enforcement of additional provisions will require additional programme resources. However, I strongly encourage the Council to consider this matter further as this type of provision provides a proactive, preventative type approach in areas not yet affected by, but vulnerable to, wilding conifers.

19. Given that the cost of wilding conifer control compounds significantly the longer any infestation is left uncontrolled, and given the significant level of public and private investment that is being made in the clearance of established areas of wilding conifers, I consider that a greater focus on preventing new areas of wilding conifers from establishing will be important to the long-term success of the proposed PRPMP wilding conifer pest programme.

Submission point 82.14 – Plan Rule 6.3.1

20. MPI strongly supports the inclusion of Rule 6.3.1 and the intent behind this rule. However, an amendment to the rule is sought to clarify whether the obligation being imposed is to remove all wilding conifers, or, all wilding conifers and all planted trees of the specified conifer species. The staff recommendation is to reject any amendment on the basis that the previous control operations, which will trigger the application of the rule, would include removal of all wilding conifers and planted trees of the named species, and therefore the only new growth would be wilding conifers.
21. This rationale suggests that the intention is to impose an obligation to remove just wilding conifers. I support this intention (although I note that it relies heavily on the original control operations identifying and removing all planted conifers of the named species that pose a wilding spread or re-infestation risk), but believe it is not supported by the current wording of clause (a) of Rule 6.3.1.
22. I note that an amendment to Rule 6.3.1 is sought by LINZ in submission point 77.5, and the staff recommendation is to accept this amendment. Although I support the intent of submission point 77.5 to better link the wording of clause (a), Rule 6.3.1 to Plan Objective 4, I do not support the specific wording of the recommended amendment. The recommended amendment is worded "...located on land where *they* have previously been cleared...". The word "they" apparently refers to the wilding conifers that the occupier is now obliged to remove, which are in fact different trees to those that were previously cleared, making this wording technically incorrect.
23. I suggest that the following amendment would clarify and better support the intent of Rule 6.3.1, and may be a more correct way of achieving the intent of submission point 77.5:

Plan Rule 6.3.1

Within the Wilding Conifer Containment Area shown on Map 1 in Appendix 3, occupiers shall, on receipt of a written direction from an Authorised Person, destroy all wilding conifers present on land they occupy prior to cone bearing, if –

- (a) The wilding conifers, ~~contorta, Corsican, Scots, mountain and dwarf mountain pines and larch~~ are located on land where wilding conifers, contorta, Corsican, Scots, mountain and dwarf mountain pines and/or larch have previously been cleared through control operations to clear wilding conifers have been undertaken; and
- (b) The control operations were publicly funded (either in full or in part).

24. It is possible that the control operations that trigger the application of Rule 6.3.1 may also include negotiated removal of other, non-specified spread-prone conifers. Therefore, in the interests of thoroughness, clause (a) may also benefit from the following further amendment:

- (a) The wilding conifers are located on land where wilding conifers, contorta...pines, and/or larch, and/or any other planted conifers have previously been cleared through control operations; and

25. Submission point 77.6 from LINZ seeks a similar amendment to Rule 6.3.2 as that sought to Rule 6.3.1 in submission point 77.5. Again, the staff recommendation is to accept this amendment. I believe that use of the word “they” in the proposed amendment to Rule 6.3.2 is incorrect, in the same way as for Rule 6.3.1. Again, I suggest that a more accurate wording to achieve the improved link to Plan Objective 4 is:

Plan Rule 6.3.2

Within the Wilding Conifer Containment Area shown on Map 1 in Appendix 3, occupiers shall, on receipt of a written direction from an Authorised Person, destroy all wilding conifers, contorta, Corsican, Scots, mountain and dwarf mountain pines and larch present on land they occupy within 200m of an adjoining property boundary prior to cone bearing if ~~control operations to clear~~ wilding conifers have previously been cleared through control operations undertaken on the adjoining property, within 200m of the boundary, since the commencement of the Plan.

26. I further note that the Good Neighbour Rule (Plan Rule 6.3.3) that staff recommend in response to submission point 74.1, adopts the same wording as that recommended in response to submission point 77.6. Consequently, I suggest that any decision to develop a proposed new Rule 6.3.3 uses the wording suggested in relation to Rule 6.3.2, above.

Submission point 82.16

27. MPI supports the inclusion of Plan Rule 6.3.2 and its underlying intent, but seeks an amendment to the rule to include reference to an occupier taking “reasonable measures” to control wilding conifers. This may better cover situations where an occupier proactively and pre-emptively undertakes regular inspections, looking for and removing wilding conifer seedlings, which may not be considered to be “control operations to clear”. Staff recommend rejection of this amendment on the basis that the suggested wording would not provide enough specificity or certainty.

28. I acknowledge the need for clarity and certainty in RPMP rules, however I note that the words “taking reasonable steps to manage wilding conifers” are proposed in the Good Neighbour Rule (Plan Rule 6.3.3) recommended in response to submission point 74.1 and others. This reference to the adjacent occupier “taking reasonable steps” is in fact a requirement of the NPD directions on Good Neighbour Rules (Clause 8(1)(c) NPD). Among other things, the NPD Guidance Document¹ specifically addresses the requirement of clause 8(1)(c) of the NPD, and provides examples of what would constitute “reasonable steps”:

- i) *If the pest is not present on the neighbour’s land, the measures might include regular monitoring adequate for detecting the pest, and the intent and ability to control the pest if detected.*
- ii) *If the pest is present, the occupier should be managing it or its impacts. What is reasonable will depend on the uses and values of the land.*

¹ Meeting the Requirements of the National Policy Direction for Pest Management 2015, MPI, September 2015

In some cases, the 'reasonable measures' may be the measures sufficient to comply with obligations in another rule in the regional pest management plan.

29. Given that “taking reasonable steps” is a requirement of a Good Neighbour Rule, I consider that there may be value in including similar wording in Rule 6.3.2, particularly given that the inclusion of the words “on receipt of a written direction...” in this rule suggests a complaints-only operational approach.

Submission point 82.18

30. This submission point relates to the ‘Explanation of rule’ wording for Rules 6.3.1 and 6.3.2. I acknowledge and support the recommendation to accept this submission point. However, for consistency with my suggested amendments to Rules 6.3.1 and 6.3.2 outlined in relation to submission point 82.14 above, I seek the following change to the wording proposed in the recommended amendments. I also suggest a minor wording change in the Rule 6.3.2 Explanation, to reference only “adjoining property”, as this is what is referred to in the proposed rule itself.

Plan Rule 6.3.1 – Explanation of rule

Over the duration of the Plan, to ensure that new infestations of wilding conifers are prevented at sites where ~~publicly funded operations to remove wilding conifers, and/or Corsican pine, Corsican, Scots pine, Dwarf mountain and dwarf pine, Mountain pines, or European larch and/or any other planted conifer species have previously been cleared through publicly funded control operations occurred.~~

Plan Rule 6.3.2 – Explanation of rule

Over the duration of the Plan, to ensure that the spread of wilding conifers does not cause unreasonable costs to the occupiers of adjacent or nearby adjoining properties, where wilding conifers have previously been cleared through control operations on the adjoining property. ~~that have undertaken control operations to clear wilding conifers~~

Part Two: Managing wilding conifer spread from planted conifers and pest agent issues

31. Several submitters have raised the issue of wilding conifer spread from planted conifers, where the planted conifers are species not included in those listed or specified as pests in the PRPMP. In particular, Douglas fir and Radiata pine have been identified. Some submitters have sought the inclusion of these conifer species as pests, while some have suggested that they be specified as pest agents.
32. Wilding conifers have been specified as a pest in the PRPMP and include any introduced conifer tree where it has established by natural means. This means that in their wilding form, all introduced conifers in the Canterbury region, including Douglas fir and Radiata pine, will be a pest and subject to any rules in the PRPMP that apply to wilding conifers².

² I note that the formal ‘definition’ of ‘wilding conifers’ in the PRPMP specifically excludes wilding conifers located within forest plantations.

33. In addition, the PRPMP specifies six conifer species³ as pests, regardless of whether they have been deliberately planted, or are naturally established (i.e. wilding). These species are all spread-prone to some extent within Canterbury, but hold relatively low value as commercial species. Although separately specified as standalone pests, these species are managed within the PRPMP as a group, along with wilding conifers.

Implications of specifying something a pest

34. An important implication of specifying an organism as a pest, is that, regardless of any Plan rules, statutory restrictions relating to the pest organism are triggered. These restrictions apply under sections 52 and 53 of the Biosecurity Act (the BSA) and include a ban on the sale, propagation and breeding of the pest organism. In the context of conifer species, this means it is illegal to plant any new trees of the species that have been specified a pest.

35. This has significant implications when a species has pest characteristics when in its wilding form, but is a commercially valuable species in its planted and managed form. Douglas fir particularly highlights the complexity of this issue, as it is an adaptable and spread-prone species, but also an important and valuable commercial forestry species.

36. This issue is important because effective control and management of seed sources is central to the long-term success of wilding conifer control programmes. Where a meaningful (and potentially increasing) proportion of wilding conifer seed sources are commercially valuable conifer plantings, this can create challenges to that long-term success. It is important to recognise that planted wilding conifer seed sources are by no means limited to commercial forestry plantings. Other conifer plantings such as shelterbelts and amenity trees are also important in terms of their potential impact on the long-term success of wilding conifer control programmes.

37. I have recently undertaken analysis of some of the key issues associated with addressing this matter, and set out the main points below. I note that there are a range of potential regulatory and non-regulatory options to address wilding conifer spread from planted conifers, and given the variability in the scale and nature of conifer plantings that cause or may cause wilding conifer spread, a combination of approaches will likely be needed. However, my recent analysis was limited to consideration of regulatory options under the Biosecurity Act.

Implications of specifying a pest agent

38. It is possible under the Biosecurity Act to specify planted conifers that cause or may cause the spread of wilding conifers as pest agents, and the Act provides for RPMP rules that require the control or management of pest agents.

39. Section 2 of the Biosecurity Act includes a definition of 'pest agent' –

Pest agent, in relation to any pest, means any organism capable of –

- a) helping the pest replicate, spread, or survive; or
- b) interfering with the management of the pest.

³ Contorta, Corsican, Scots, Mountain and Dwarf mountain pine, and European larch.

40. A planted conifer (an organism), that produces seeds that germinate as wilding conifers, is thereby 'helping' wilding conifers to spread, and would fall within the pest agent definition (provided wilding conifers have been specified as a pest in the relevant RPMP).
41. Section 73 of the Biosecurity Act outlines the purposes for which RPMP rules may be developed. It includes several purposes that relate to the control of pest agents. For example, s73(5)(h) provides for rules with the purpose of "...requiring the occupier of a place to take specified actions to eradicate or manage the pest or a specified pest agent on the place".
42. It is important to note that specifying something as a pest agent is a mechanism that could potentially be used in a range of situations, and is not limited to situations where an organism has pest characteristics as well as commercial value.
43. Furthermore, specifying something as a pest agent is for the purposes of the pest agent rule(s) only. It is not a standalone 'action' in the way that specifying something a pest is, as it has no impact unless there is then a pest agent rule. Thus, it would only occur as part of a wider management programme for a specified pest.
44. Specifying an organism as a pest agent does not equate to specifying the organism as a pest, and therefore avoids the statutory restrictions imposed by sections 52 and 53. It is also possible to limit a pest agent rule's application by prescribing the circumstances or criteria that determine if, when, or where something is a pest agent (e.g. a specific species; located within a prescribed proximity to a property boundary; located within a specified area/zone etc).

Potential issues associated with pest agent rules

45. The potential issues that arise in relation to RPMP rules that require removal or control of planted conifers that are specified as pest agents, depend upon what 'category' the trees fall into. A useful first order categorisation is to separate existing planted conifers from future planted conifers. The primary issue for rules applying to existing trees, relates to the way costs are imposed, while the primary issue for future trees is the impact of the recently released Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (the NES).

Existing planted conifers

46. RPMP pest agent rules that require occupiers to control or remove existing planted conifers may not meet key exacerbator-pays principles, and/or several of the most relevant cost-allocation requirements of the NPD. This is because they would impose costs for past actions/decisions that were legally compliant at the time. Additionally, in many cases this would be an economically inefficient allocation of costs, as occupiers may be unable to change their practices to avoid or reduce the costs they bear.
47. Relevant to consideration of this issue are the following key exacerbator-pays principles and relevant points from the NPD Guidance Document.

Key exacerbator-pays principles⁴:

- Exacerbators should bear costs in proportion to the amount they exacerbate the risks of the pest.
- Requiring exacerbators to bear costs should incentivise them to take actions to reduce the costs they impose.
- If there is no way for exacerbators to change their practices to avoid bearing the costs, there is no economic rationale for them to bear the costs.

Key points from NPD Guidance Document:

- Exacerbators should only bear costs associated with current and future actions and decisions that contribute to the pest problem, not past actions or decisions. (Because past actions/decisions cannot be changed, and it is unfair to charge for historical exacerbation if the behaviour conformed with the law or laws of the time).
- For economic efficiency, exacerbators should be required to bear costs so that they 'internalise the negative externality' they create i.e. take into account the costs they have on the pest problem when making decisions. To be efficient and effective, exacerbators must be able to undertake action to avoid or reduce the costs they bear.
- If there is no way for exacerbators to change their practices to avoid bearing the costs, requiring them to bear the costs would not improve the efficiency of pest control.

48. In addition, the first of the 15 factors required by Clause 7 of the NPD to be considered in determining cost allocation is – 'the legislative responsibilities and rights of beneficiaries and exacerbators' (Cl.7(2)(d)(i)).

With respect to this factor, the NPD Guidance Document states that where an exacerbator has *"...a legislative right to do an activity that spreads the pest, or does not have a legislative responsibility to control the pest, then beneficiaries should, in general, bear the costs of the Plan...For example, a landowner may have a resource consent under the RMA to grow pine trees, without particular conditions about how to manage the spread to other properties. In this situation, beneficiaries of preventing the spread should bear the costs."*

49. Given the points above, pest agent rules requiring removal of existing planted conifers, may not meet the exacerbator-pays principles and/or several of the most relevant NPD cost allocation factors. This issue is likely to be most challenging in relation to commercial and larger-scale conifer plantings. Consequently, I do not consider that pest agent rules are the most appropriate approach in these situations, and alternative, potentially non-regulatory, approaches that better balance exacerbator and beneficiary costs should be considered.

50. Although the same issues arise in relation to smaller-scale plantings (e.g. shelterbelts and amenity trees), the imposed costs would in most cases be much lower, and may be able to be more equitably balanced between exacerbators and beneficiaries by way of direct control by the management agency. However, smaller plantings can be more difficult to identify at a regional or programme scale. An alternative approach might be a pest agent rule requiring occupiers to report the presence of existing planted conifers (which meet the specified pest agent criteria for the purposes of the rule), thereby enabling the management agency to assess the risk of spread

⁴ NPD Guidance Document, p34.

and where necessary, undertake direct control/removal of the trees and bear the direct costs⁵. Although the occupier would bear the indirect costs of the trees' removal⁶, this approach would significantly reduce the overall costs to the occupier. To provide a level of protection for significant public investment in wilding conifer control, such rules could be drafted so that they are triggered where publicly funded wilding conifer control operations are undertaken.

Future planted seed source conifers

51. It may be possible to develop RPMP rules that restrict the future planting, or control the management of, spread-prone conifers in situations where there is a considerable risk of wilding conifer spread. This may be achieved through a pest agent rule that either specifically excludes existing trees that meet the pest agent criteria, or, that is limited in application to trees planted subsequent to the Plan becoming operative.
52. It would be important to be specific about what constitutes a pest agent for the purposes of the rule. Criteria could include factors such as – specified spread-prone species; trees located within a prescribed distance of a property boundary; trees located within defined high spread risk areas/zones. Provision for exemptions and/or alternatives to compliance (e.g. property-specific wilding conifer management plans) would also be important.
53. The Staff Recommendations Report suggests that the recent release of the NES may limit how Council is able to manage potential wilding conifer impacts of future conifer plantings through the RPMP. I acknowledge that there is a degree of uncertainty regarding the relationship between RPMPs and the NES, and suggest that this issue, particularly in the context of potential pest agent rules applying to future conifer plantings (intended to manage and mitigate wilding conifer spread) may need to be further explored through a specific legal opinion.
54. Nevertheless, there are a range of types of potential future conifer plantings that are specifically excluded from the ambit of the NES. These include shelterbelts, any plantings less than 1ha, and plantings that will not be harvested and/or are not for commercial purposes (eg carbon forests, erosion control plantings)⁷. Any of these types of conifer plantings have the potential to pose a

⁵ Ultimately, the way in which these costs are borne would depend upon the way in which the wider programme is funded, e.g. through general and/or targeted rates, or some other funding method.

⁶ Unless the RPMP programme made provision for the payment of compensation.

⁷ The relevant provisions of the NES apply to plantation forestry, which is defined within the NES as follows:

plantation forest or **plantation forestry** means a forest deliberately established for commercial purposes, being—

- (a) at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and
- (b) includes all associated forestry infrastructure; but
- (c) does not include—
 - i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or
 - ii) forest species in urban areas; or
 - iii) nurseries and seed orchards; or
 - iv) trees grown for fruit or nuts; or
 - v) long-term ecological restoration planting of forest species; or
 - vi) willows and poplars space planted for soil conservation purposes

significant risk of wilding conifer spread in certain situations, and of wilding conifer re-infestation when located near to areas that have been subject to wilding conifer control. Therefore, regardless of the outcome of any legal analysis of the feasibility of pest agent rules applying to future conifer plantings that are covered by the NES, pest agent rules for future conifer plantings that fall outside the ambit of the NES could be developed.

TAMSIN PAGE

1st September 2017

ATTACHMENT 1

Extract from the Wilding Conifer Pest Management Plan Rule Development Project guidance material⁸.

8 Standardised Wilding Conifer Programme Objective Statements

The NPD requires that for each subject in a pest management plan, the objective must:

- State the particular adverse effect(s) on s54(a) matters that the Plan addresses
- State the intermediate outcome (being one of the 5 specified in clause 4(1)(b) of the NPD)
- State the geographic area to which the outcome applies (or, for site led, description of the place or criteria for defining the place)
- State the extent to which the outcome will be achieved (if applicable)
- State the period within which the outcome is expected to be achieved

Exclusion Programme Objective:

Over the duration of the Plan, prevent the establishment of {wilding conifers and/or Contorta pine, Scots pine, Dwarf mountain pine, Mountain pine or European larch⁹} within the {X region/specified area or zone}, in order to {prevent/reduce¹⁰} the adverse effects of wilding conifers on pastoral production, indigenous biodiversity, cultural and landscape values in the {X region}.

Eradication Programme Objective:

{By X date/Over prescribed timeframe¹¹}, reduce the infestation level of all {wilding conifer and/or Contorta pine, Scots pine, Dwarf mountain pine, Mountain pine or European larch} infestations to zero levels within the {X region/specified area or zone}, in order to {eliminate/reduce¹²} the adverse effects of wilding conifers on pastoral production, indigenous biodiversity, cultural and landscape values in the {X region}.

Progressive Containment Programme Objective:

Over {the duration of the Plan/an alternative prescribed timeframe}, to {contain/reduce} the geographic distribution of {wilding conifers and/or Contorta pine, Scots pine, Dwarf mountain pine, Mountain pine or European larch} {to specified area(s) or zone(s) / to X % of their current area/density (as at X date) / by X% within X region/specified area(s) or zone(s)} in order to reduce the adverse effects of wilding conifers on pastoral production, indigenous biodiversity, cultural and landscape values in the {X region}.

Sustained Control Programme Objective:

Over {the duration of the Plan/an alternative prescribed timeframe}, to provide for ongoing control of {wilding conifers and/or Contorta pine, Scots pine, Dwarf mountain pine, Mountain pine or

⁸ Wilding Conifer Pest Management Plan Rule Development Project, Ministry for Primary Industries, April 2016

⁹ Note: these are the conifer species recommended to be declared as pests in the Wilding Conifer RPMP Rules and Guidelines material. Please refer to that material for further clarification.

¹⁰ Prevent if exclusion objective applies region-wide; reduce if exclusion objective only applies to a specified area within the wider region.

¹¹ Must be 'short to medium term', as per NPD – could potentially be 'Over the duration of the Plan if Plan duration is no more than 10 years, provided 10 years is considered 'medium term'.

¹² Eliminate if eradication objective applies region-wide; reduce if only applies to a specified area.

European larch} within {the X region/specified area(s) or zone(s)} in order to reduce the spread of wilding conifers to other properties and to reduce the adverse effects of wilding conifers on pastoral production, indigenous biodiversity, cultural and landscape values in the {X region}.

Site Led Pest Programme Objective:

Over {the duration of the Plan/an alternative prescribed timeframe}, to {exclude/eradicate} {wilding conifers and/or Contorta pine, Scots pine, Dwarf mountain pine, Mountain pine or European larch} from sites that {are listed in X/are described at X/meet the criteria set out at X}, in order to prevent the adverse effects of wilding conifers on the {pastoral production and/or indigenous biodiversity and/or cultural and/or landscape and/or amenity} values of those sites.

OR

Over {the duration of the Plan/an alternative prescribed timeframe}, to {contain/reduce/control} the extent and/or density of {wilding conifers and/or Contorta pine, Scots pine, Dwarf mountain pine, Mountain pine or European larch} within sites that {are listed in X/are described at X/meet the criteria set out at X} in order to reduce or prevent the adverse effects of wilding conifers on the {pastoral production and/or indigenous biodiversity and/or cultural and/or landscape and/or amenity} values of those sites to the extent that the values of the sites are protected.