

# Proposed Regional Pest Management Plan 2017 – 2037 (The Proposal)

## WELRA Submission to Hearing Panel 12<sup>th</sup> September 2017

***Please note: all references are taken from the Staff Recommendation Report, Appendix 1***

### Opening Remarks

- Thank you for submission opportunity and congratulations for intent and direction of The Proposal.
- Taking this opportunity to refine and align WELRA submission with suggestions put forward from other submitters and recommendations of the Staff Recommendation Report (Staff Report).
- In general, WELRA supports recommendations from Staff Report and submissions made by MPI, DOC, LINZ and Forest and Bird.
- WELRA opposes the submissions made by Rayonier Matariki Forests, Castle Hill Community Association, Douglas Simpson, Selwyn District Council and Owen Springford, and any other submission where the intent is to create regulatory leniency or exemptions on wilding conifer management or rules.
- WELRA encourages the Hearing Panel to direct ECan to expand the regulatory tools for wilding conifers beyond targeting pre-coning trees.

### Refinement to Eradication Submission

- WELRA maintains eradication is achievable within the 20 year lifespan for the plan and advocate for an eradication programme.
- Staff Report indicates that Progressive Containment remains preferred programme, eradication will be the goal in catchments where this is achievable (*Staff Report, p175, 48.1*).
- WELRA supports the intent behind this approach but is interested in:
  - How decisions around prioritisation of catchments will be made
  - How annual programme of works will be developed, coordinated and funded.

### Collaborative and Coordinate Approach

- WELRA submitted on need for collaborated and coordinated response to the wilding conifer problem – job now to big for individual players.
- This echoed by MPI submission (*MPI, p195, 82.8*) and staff report (*Staff Report, p182, 48.7*).
- WELRA reiterates this point, regardless of type of control programme, this approach is required to achieve success – no exemptions to the rules.

### Regulatory Framework

- Control of wilding conifers is only achievable when backed by a robust legal framework.

#### Wilding Conifer GNR

- Staff Report recommends the inclusion of a new rule Good Neighbour Rule for wilding conifers (*Staff Report, p188, 74.1*). This suggestion was put forward by a number of submitters, including DOC (*DOC, p192, 78.12*). Staff Report proposes wording from Federated Farmers submission (*Fed Farm, p188, 74.1*). WELRA supports the inclusion of a wilding conifer GNR, but suggests that Rule 6.3.1 and 6.3.2 should also be considered as GNR.

#### Amendments to 6.3.1 and 6.3.2

- WELRA submission on Rule 6.3.1 and 6.3.2 was intended to expand where the proposed rules could be applied – increase effectiveness of proposed rules.
- Staff Report proposes a change to the wording of these rules based on various submissions, particularly MPI (*MPI, p198, 82.15*).
- WELRA supports this recommended change in place of the WELRA suggest changes to these rules.
- Staff Report proposed changes should be commended as it places an obligation on occupiers to control pre-coning conifers at all times where the land has already been cleared – it no longer requires written notification from an authorised person (as per original wording of The Proposal) to trigger the rule.
- This will mean these rules can be fairly implemented on all land occupiers. By requiring occupiers to remove all pre-coning conifers, significant strides can be made in halting the spread around the region.

#### New Rule Submission

- Targeting pre-coning trees only could inadvertently create perverse outcomes resulting in some occupiers facing control costs in perpetuity. Seed source sites must be removed otherwise they will re-infest downwind properties every year.
- The amendments to the wilding conifer rules recommended in the Staff Report will require occupiers to maintain a no seeding state (rules require occupiers to remove all conifers pre-coning). This is an excellent approach to halting the spread, but these occupiers face ongoing control costs while the seed source remains.
- WELRA strongly urges the Hearing Panel to direct ECan to include a new rule allowing for the targeted removal of seed source conifers. Similar suggestions were made by other submitters (*DOC, p192, 78.11; MPI, p199, 82.17; Forest&Bird, p201, 88.8*).
- The intent behind the WELRA submission, including suggested wording, is to ensure the relevant staff have all the necessary tools available to achieve the objective of the Plan and National Strategy.
- It was not intended to be a rule to enable eradication, as suggested by the Staff Report (*Staff Report, p175, 48.1*). The proposed wording of the rule requires an *authorised person* to produce *written direction* for works to be undertaken. The written direction should be clear, including identifying which locations and which species need to be removed – any misunderstanding from the community would come from the *written direction*, not the existence of or wording in the proposed rule.
- WELRA would hope that this type of rule would never be required because of the engage collaborative approach to the implementation of control works.
- However, WELRA can envision a situation where a land occupier with a high risk seed source site (infecting large areas every season) is reluctant or too slow to take action, potentially undoing downwind control works.
- By having the authority to target such sites and remove them early, ECan can more effectively achieve containment (or eradication) in a shorter timeframe and at significantly less cost over the lifetime of the Plan.
- By retaining the requirement for written notification, ECan can choose which situations the rule is applied too. These difficult situations can be approach at first with education, collaboration and persuasion. But if these regulatory tools do not work, this proposed new rule could be implemented to give effect to the plan and protect control progress made to date.

#### **Opportunity for Questions and Answers**

## References

### Submissions that Support WERA Submission

#### Goldring, Maree

- p171, 28.1 – ensure removal of conifers from council reserves – accept in part (ref 8.3)

#### Ledgard, Nick

- P184, 52.3 – amend to encourage replacement with less spread-prone species – reject – Staff comment: Staff acknowledge this point. However, staff do not consider that a rule is required to address Douglas fir in farm situations, where there are alternative options.

Refer to submission point 82.9, staff recommend inserting the following statement in section 6.3 of the PRPMP

Environment Canterbury will also seek to engage with land occupiers to raise awareness about the wilding conifer spread risk from some conifer species used in shelterbelts and other smaller plantings, and in high spread risk areas and areas subject to wilding conifer control, and support and encourage the removal of small, spread-prone conifer plantings.

#### Mackenzie Basin Wilding Tree Trust (Simpson, Andrew)

- P186, 69.1 – amend 6.3.1 for clarity – accept in part (ref: 77.5 LINZ)

#### Federated Farmers (Murchison, Lynda)

- P188, 74.1 – insert new wilding conifer GNR and include 6.3.2 as GNR – accept (inclusion of new rule) – Staff comments: We accept this request and recommend that the following is inserted. For consistency, this includes the wording amendment requested in submission point 77.5

Plan Rule 6.3.3

Note: this is designated a Good Neighbour Rule

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, where they have previously been cleared through control operations and that occupier is taking reasonable steps to manage wilding conifers on their land, within 200m of the boundary, since the commencement of the Plan.

A breach of this rule creates an offence under section 154N(19) of the Act.

Explanation of the rule

The reason for this rule is to provide protection for control operations that clear wilding conifers.

#### LINZ (Dale, Maurice)

- P191, 77.5 – amend 6.3.1(a) for clarity – accept – Staff comment: Staff support this amendment as proposed, it adds greater clarity and a clear link to the objective. Amended wording recommended below, (a) The wilding conifers, contorta, Corsican, Scotts, mountain and dwarf mountain pines and larch are located on land where ~~control operations to clear wilding conifers have been undertaken~~ they have previously been cleared through control operations; and
- P191, 77.6 – amend 6.3.2 for clarity – accept – Staff comment: Staff support this amendment as proposed, it adds greater clarity and a clear link to the objective. 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 been undertaken they have previously been cleared through control operations on the adjoining property, within 200m of the boundary, since the commencement of the Plan.

#### DOC (Newey, David)

- P192, 78.11 – amend 6.3.1 to include coning conifers – reject – staff comment: The intention of rule 6.3.1 is to keep land that has been cleared of wilding conifers clear, and subsequent maintenance needs to occur prior to coning. There should not be any instances of coning wilding conifers present in the area after the initial control operation has been completed.
- P192, 78.12 – amend 6.3.2 to include more than public land and add GNR for outside wilding conifer containment area – reject -

#### MPI (Smith, Sherman)

- P195, 82.9 – need to identify small plantings (shelter belts) and collaborative approach (both regulatory and non-regulatory) – accept – amended wording (pg 31 of plan)
- P195, 82.11 and 82.12 – amend Objective 4 for clarity – accept in part
- P196, 82.14 – amend 6.3.1 for clarity – reject
- P198, 82.15 – amend 6.3.1 to remove *written direction from an Authorised Person* – accept
- P198, 82.16 – amend 6.3.2 for clarity – reject
- P199, 82.17 – new rule about “keep clear areas clear” – reject
- P200, 82.18 – amend 6.3.1 and 6.3.2 explanations for clarity – accept

#### Forest and Bird (Miller, Jen)

- P201, 88.8 – amend 6.3.2 for additional species and increase buffer distance - reject

#### McDonald, Fiona

- P205, 92.7 – no exemptions, no exclusions under rules – accept in part (ref: 8.3)

#### **Submissions that Oppose WERA Submission**

##### Rayonier Matariki Forests (Steve Chandler)

- P171, 25.3 – amend 6.3.2 to include exemption under management plans – reject (ref 8.3)

##### Township Committee of Castle Hill Village representing the Castle Hill Community Association (Robert Murfitt)

- P172, 38.3 – amend wilding conifer definition - reject
- P174, 38.4 – amend 6.3.1 to allow exemptions under management plans – reject (ref 8.3)
- P174, 38.5 – amend 6.3.2 to allow exemption under management plans – reject (ref 8.3)

##### Simpson, Douglas

- P183, 51.1 – amend provisions to exclude Mt Lyford Village – reject (ref: 38.5 CHCA)

##### Selwyn District Council

- P185, 67.7 – amend to exempt alpine villages via management plans – reject (ref 8.3)
- P186, 67.8 – amend to exclude SDC protected trees (RMA District Plan protection) – reject (ref 8.3)

##### Mackenzie Basin Wilding Tree Trust (Simpson, Andrew)

- P187, 69.2 – amend 6.3.1 around % of public funding - reject

##### Springford, Owen

- P202, 91.1 – remove wilding conifers from RPMP - reject

### **Staff Recommendation Report Comments (Appendix 1) on Main WELRA Submission Points**

- P175, 48.1 – eradicate programme – reject – staff comment: there are areas within zone that will be managed to achieve an eradication objective (where technically feasible), noting that this will be achieved by proactive control work that is not detailed in the RPMP (The National Wilding Conifer Control Programme). However, the RPMP seeks to protect the investment of this programme.  
It is not achievable to meet the eradication objective within (all) the wilding conifer zone over the life of the RPMP as this relies on significant ongoing funding of the proactive control programme from all funders.
- P177, 48.2 – insert GNR status – accept (ref submission point 74.1)
- P178, 48.3 – edit to show eradicate programme – reject (ref 48.1)
- P179, 48.4 – edit to show GNR status – accept in part (ref 74.1)
- P180, 48.5 – delete part (b) of Rule 6.3.1 – note – Staff comment: support intention behind this request in terms of keeping cleared land clear. However, the council does not currently have the ability or capacity to monitor and enforce maintenance conditions for private wilding conifer control works.
- P181, 48.6 – amend distance to 5km upwind – reject – Staff comment: Note applying a 5km upwind boundary is likely to pose unreasonable costs to neighbouring occupiers and not satisfy the requirements of a GNR under the National Policy Direction for Pest Management. Staff also anticipate that it may be very difficult to prove that a conifer tree up to 5km from a site that has been controlled may impact on this operation.
- P182, 48.7 – insert new rule for seed source sites – reject – staff comment: while this suggested rule may enable the achievement of an eradication objective, staff consider that it may be difficult to administer from a 'fair and reasonable' perspective. The application of this rule could be somewhat subjective and would not provide the community with certainty of whether wilding conifers and the named species would require to be removed. The addition of this rule, in this late stage of the process would also not enable the community to have a say on this matter.  
Staff propose to work collaboratively with occupiers outside of the RPMP to address wilding conifers and the named pest species on exposed sites and that are potential seed sources for greater areas.
- P183, 48.8 – inclusion of douglas fir – note
- P183, 48.9 – amend 200m to 5km – reject – Staff comment: Staff consider that, while seed spread may occur over significant distances, applying a 5 kilometre buffer would be an unreasonable cost to neighbours.