

Staff Reply RPMP Hearing 26 September

Questions issued 22 September by the Hearing Panel

Question 1: Management of the roadside reserves does not appear to have been quantified in the cost benefit analysis – what are the implications of a consistent policy of occupier responsibility (i.e. the roading authority)?

1. The National Policy Direction for Pest Management requires that cost benefit analysis is undertaken at pest level, for each pest that is listed in a Proposal for a Regional Pest Management Plan.¹ For this reason, specific situations and locations for pest control (road reserve management) have not been considered and are commented on separately.
2. There are different implications depending on whether it is the adjoining land owner or the road controlling authority that has this responsibility. If it is the adjoining occupier's responsibility throughout the region the implications may include:
 - Environment Canterbury notifying those of a change in the approach (for those districts/ highway areas that are currently the responsibility of the land controlling authority).
 - Some occupiers may not be skilled at identifying or controlling pests, or have the required resources to do this efficiently.
 - Complaints of inaction would become Environment Canterbury's responsibility to resolve (this may mean an increase in compliance effort).
 - Native vegetation present on roadsides may be impacted by occupiers undertaking pest control.
3. Implications of shifting to single policy requiring all road controlling authorities to take responsibility:
 - Territorial authorities would need to include provisions for this control in their Long Term Plans and Annual Plans.
 - In some cases, occupiers may not approve of the pest control methods employed by the land controlling authority (e.g. the use of chemical spray).
4. Four other councils with notified Proposals for Pest Management Plans have listed road controlling authorities as being responsible for control of pests on road reserves.²

¹ The NPD requires an analysis of the benefits and costs of the plan for each subject. Subject is defined as:

(a) in relation to a proposal for a pest management plan, means the organism or organisms proposed to be specified as a pest or pests under the plan;

(b) in relation to a pest management plan, means the pest to which the plan applies.

² Taranaki Regional Council, West Coast Regional Council, Gisborne District Council, Northland Regional Council.

5. Environment Canterbury explored the concept of setting a single policy for road reserve management in consultation pre-notification. However, due to the feedback from territorial authorities surveyed, and the opposing views on shifting this responsibility, the position in the Proposal was to retain the status quo from the Regional Pest Management Strategy. Staff understand that there was significant debate at the previous strategy review regarding the responsibilities for road reserve management.

Question 2. DOC sought the inclusion of Japanese Larch, Hybrid Larch and Bishops Pine into the wilding conifer list – should these be included?

6. Staff note that Department of Conservation (DOC) requested that number of conifer species be included as pest agent rules.³
7. The species specified in the Proposal is consistent with the Wilding Conifer Pest Management Plan Rule Development guidance provided by the Ministry for Primary Industries (MPI) and the recommendation to include the following species as a pest in their planted form. Lodgepole or contorta pine (*Pinus contorta*), Scots pine (*Pinus sylvestris*), Dwarf mountain pine and mountain pine (*Pinus mugo* and *Pinus uncinata*), European larch (*Larix decidua*)*
8. Environment Canterbury has proposed that Corsican pine is also included as a named species. This is because it is found to be particularly predominant and invasive in the Mackenzie Basin.

Question 3. We are interested in the time and cost involved in including species as an organism of interest – and can the process be explained as to how information is collected that then enables that to become a site led programme?

9. The Organism of Interest list collates organisms that are considered to cause potential harm, and may require prioritisation as part of either a non-regulatory or a regulatory programme in the future. There may also be organisms listed that may not require control by Environment Canterbury, but support could be provided to the community to undertake control (either funding or advice). Examples of this include magpie control (advice on management techniques) or wasp control, where a small project on Banks Peninsula has received funding.
10. There may be active surveillance, often in the case of a new organism that Environment Canterbury is aware that active management may be required, but there is insufficient information to develop a programme. Otherwise passive surveillance may occur, where information is collected either by provision from the public, or by Environment Canterbury staff observations while out in the field.

The following matters would be considered when assessing whether an Organism of Interest requires to be included in the RPMP as a site-led programme.

³ Douglas fir, Bishops pine, Maritime pine, Ponderosa pine, Radiata pine, Japanese larch and any hybrid between Japanese and European larch.

- funding arrangements, whether this could be managed outside the RPMP with joint partner funding
- threat and the impact of the organism
- “pestiness” of the organism (impact of the organism, the potential distribution, and rate of spread)
- incidence, how widespread it may be, how prone Canterbury is to the organism
- tools that are available for control
- objective for management of the organism and whether this is achievable
- principal measures, and how the objective will be achieved
- rules, if there are actions occupiers could take – depending on tools and skills required
- values that to be protected at a site, and if there are other programmes occurring
- cost benefit analysis.

11. Having considered these matters, if the Council proposes to include an Organism of Interest in the RPMP as a site-led programme, it will need to initiate a review of the RPMP under section 100D of the BSA. The review is initiated by a proposal. The proposal would be required to state:

- a. amendments proposed to the plan; and
- b. the reasons for the proposal; and
- c. must comply with section 70 of the BSA (to the extent to which that section is relevant and reading in any necessary modifications).

12. The review would be conducted under sections 68 to 78 of the BSA. Therefore, it would be subject to the same legislative requirements as this Proposal, but only in relation to the proposed amendments to the Plan.

Question 4. We would [like] staff to carefully consider whether wild Russell and Tree Lupins could be included as a pest, with Russell Lupin as a pest agent. We received substantial information on their adverse impact on braided waterways – if such a framework were to be adopted, what would appropriate setbacks from watercourses be?

13. It would be possible under the BSA framework to include Wild Russell Lupins as a pest and Russell Lupin as a pest agent within the RPMP.

14. Wild Russell Lupins could be defined in a number of ways including by geographic location or in a similar manner to Wilding Conifers.

15. As Russell Lupins in their planted form are capable of spreading wild Russell Lupins they fall within the definition of 'pest agent'⁴ in the BSA. Therefore rules could be

⁴ 7. "Pest agent" is defined in section 2 of the BSA as follows:

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

included in the RPMP requiring an occupier of a place to take specified actions to eradicate or manage wild Russell Lupins or Russell Lupins on the place.⁵

16. The identification of Russell Lupins in their planted form as a pest agent rather than a pest means that Russell Lupins would not be captured by sections 52 and 53 of the BSA and could still be propagated and sold.
17. Staff note the difficulty in applying regulatory approaches to river beds. Generally within braided river beds or river margins, there is a mix of ownership/management, primarily by Land Information New Zealand, Environment Canterbury, DOC and some private occupiers. There are also considerable gaps in identification of this land ownership/responsibility and it can be a difficult and time consuming to address.
18. Environment Canterbury is unable to rate Crown agencies for pest control work, and generally we try to work in partnership rather than undertake extensive control programmes on Crown land as this means the community pays through both taxes and rates for this control.
19. Crown agencies can only be bound by rules in RPMPs that are designated as Good Neighbour Rules, and these can only address pest spread across a boundary, not within a property. Staff do not consider that the RPMP alone could effectively deliver an outcome for braided river pest management - due to the inability to insert rules for Crown agencies to follow.
20. Staff have planned a workshop with partners⁶ to discuss a proposed approach to Russell lupin ahead of the release of the preliminary draft plan. This will include a discussion of setbacks.

Question 5. If a framework were to be developed for wild lupins, would it be possible to requires parties to undertake management and clearance, where an agreed management plan is adopted by the Regional Council and the occupiers. This would pull together private, public and crown agencies? We note the format could be similar to proposed 6.4.9, but more focussed on management of sensitive areas, rather than the very tight control applied to Chilean Needle Grass.

21. See paragraphs 16-19.

22. It is possible to include an alternative to compliance with a rule for Russell lupin in the form of a management plan. The rule would need to clearly specify what is required to be included in the management plan. This can further be discussed at the planned workshop. It is worth noting that crown agencies could not be part of this

(a) helping the pest replicate, spread, or survive; or

(b) interfering with the management of the pest.

⁵ Section 73(5)(h) of the BSA.

⁶ DOC, LINZ, NZ Merino, Federated Farmers

management plan, this would be an agreement between individual occupiers and Environment Canterbury.

Question 6. In a similar manner, would there be value around a rule that might be developed for control of gorse and broom around waterways?

23. Staff would like to note that there may be similar difficulties as outlined in the response to question 4.
24. Staff note that there is protection of waterways where these are within 10m of property boundaries. Also, in the hill and high country, the requirement to clear scattered gorse and broom will benefit waterways. There are also a number of site-led programmes proposed that include waterways. However, these sites do not include Environment Canterbury pest control on Crown land.
25. There may be some benefit in undertaking control to protect sensitive environments. Staff would require further information to assess the individual situations.

Question 7. Is there a better way of providing for compliance with control of Nassella Tussock that provides for Mr Turnbull's situation?

26. Staff believe that the exemption process is the most appropriate way to manage situations such as this. There is a Council policy to consider the individual circumstances of the occupier and allow for extensions to compliance with the rule, following a set of criteria. This is primarily to allow for extenuating circumstances.
27. The dates are set to enable staff to undertake compliance inspections prior to Nassella tussock seeding. If extensions were provided to all, the objective of preventing population levels from increasing would not be met.

Question 8. We are interested in staff comment on the use of "indigenous conservation" versus "biodiversity".

28. The term 'biodiversity' can be poorly understood due to its broad meaning: the diversity of all living things. However, in a similar vein, the term 'indigenous conservation' may also be confusing because its meaning is not immediately clear. In the context of the Regional Pest Management Plan, staff consider that the use of biodiversity is consistent with current legislation, guidance and other Environment Canterbury programmes.

Question 9. We are interested in whether staff have revised their position on the 50:50 funding split for a number of the inspection costs, given additional information regarding the impact of certain pests on biodiversity values.

29. Following hearings, staff have not received sufficient evidence or information for us to revise our position on the funding splits shown in the proposal, which are based on the consideration of exacerbators and beneficiaries in the Cost Benefit Analysis.

30. Mr Simmons previously asked Council staff whether Council could rate on land use. Staff would like to note that Council cannot rate landowners based on detailed land use, e.g. beef farming, dairy, etc., but can rate on a more coarse analysis of land type, e.g. rural, urban, etc.

Question 10. We are interested in exploring the concept of identifying feral goats as a pest, and farmed goats as a pest agent, and whether this could be geographically constrained to address the Banks Peninsula area.

31. It is possible within the BSA framework to identify feral goats as a pest, and farmed goats as a pest agent, as farmed goats are an organism that is capable of helping feral goats replicate, spread or survive or interfere with the management of feral goats. The definition of feral goats could be drafted in a manner that only feral goats within a specified location are a pest.
32. The Wild Animal Control Act 1977 (WACA) gives the Minister of Conservation (**the Minister**) and Director-General of Conservation powers to control wild goats. Wild goat is defined as any goat that is not –
- a. *held behind effective fences or otherwise constrained; and*
 - b. *identified in accordance with an animal identification device approved under the National Animal Identification and Tracing Act 2012⁷ or in accordance with an identification system approved under section 50 of the Biosecurity Act 1993 and approved by the Director-General for the purposes of this Act.*
- [our emphasis]
33. Therefore any goat that is tagged but is not held behind an effective fence or is otherwise constrained, does not fall within the definition of 'wild goat' in the WACA.
34. However, where a goat is not tagged and is not held behind an effective fence or is otherwise constrained, then the Minister, Director-General or person or authority with delegated powers, may request an owner, occupier or person in control of land to allow entry onto the land for the purposes of the WACA Act. This in in circumstances where in the opinion of the Minister:

⁷ Animal identification device is defined in the National Animal Identification and Tracing Act 2012 as means an ear tag, apparatus, or other mechanism that—

- (a) is attached or applied to, or implanted or located within, an animal; and
- (b) contains the animal identifier and other information

- (a) *wild animals are causing or are likely to cause injury or damage to any land, or to the native flora or fauna on the land or any adjacent land, or to any person, or to any animals or crops, or to any chattel; or*
- (b) *wild animals are causing or are likely to cause injury or damage to any trees, shrubs, plants, or grasses that may tend to—*
 - (i) *protect the habitat of any absolutely protected wildlife or game as defined for the time being in the Wildlife Act 1953; or*
 - (ii) *mitigate soil erosion, or promote soil and water conservation or the control of floods; or*
- (c) *entry onto the land is necessary for the purpose of achieving concerted action against any wild animals,—*

35. Where that person refuses the written request the Minister may authorise in writing the Director-General or any other officer or employee or agent or contractor of the Department to enter at any time and from time to time on any land vested in or administered by the Crown, or on any other land, with such assistants as he thinks fit, for all or any of the following purposes:

- (a) *to investigate the incidence on the land of wild animals and to make studies or other investigations of any such wild animals:*
- (b) *to catch alive or to hunt or kill or (subject to the Pesticides (Vertebrate Pest Control) Regulations 1983 and any other enactment relating to the use of poisons) poison any such wild animals:*
- (c) *to erect and maintain tents on the land, and to provide all necessary services, conveniences, and amenities and, with the agreement of the occupier, owner, or authority in control of the land, erect such huts and other structures and develop such tracks and other works as are necessary for the success of the wild animal control operation:*

provided that, where there is any loss of pasture, farm production, or income other than that derived from the hunting or sale of wild animals as a consequence of any such structures or works on the land, the Minister may, on the production of evidence to his satisfaction of such loss, pay such compensation as he considers fair and reasonable:

- (d) *to erect notices or publish or broadcast information advising or warning of any action being taken under this Act:*
- (e) *to have access for any of the purposes specified in this subsection to any other land (whether adjoining or not) on which any such wild animals are present:*
- (f) *to do any other act or thing necessary for any of the purposes specified in this subsection.*

Before entering the land at least 28 days written notice must be given of the intention to enter and commence wild animal control operations. There is also a right of appeal to the Minister within 21 days of giving of the notice. The Minister's decision regarding any appeal is final.

36. As set out above, there are some limitations with the WACA as it does not apply for example to goats that have escaped from a fenced area but are tagged. Where the

definition of wild goat is met in the WACA, then the Minister has the primary responsibility for the management of feral goats. This does not prevent the Council from also including rules in the RPMP to control feral goats. However, where there is an overlap with the powers in the WACA careful consideration should be given to whether including rules in the RPMP would achieve an outcome that would not otherwise be achieved under the WACA so as to avoid any unnecessary duplication in regulation.

37. Staff understand that other regional councils are seeking to take a similar approach to Environment Canterbury's notified Proposal, with DOC providing the regulatory tool through the Wild Animal Control Act.
38. The Regional Pest Management Plan could provide an alternate definition for when a goat is classified as feral so that it captures feral goats in circumstances where they would not otherwise be captured by the WACA. For example, a goat is considered feral as soon as it is no longer constrained effectively. As set out above, this could be geographically confined to an identified area within Banks Peninsula.
39. Staff have considered the rule package proposed by the Banks Peninsula Conservation Trust and have identified some key issues.
 - The rule itself is not likely to address the issue of potential spread, or address the current population of feral goats (approximately 500) in Banks Peninsula. These goats are not being released – they are present on a small number of properties which do not wish to take part in goat management.
 - Staff require further time to review the definition provided for the goat proof fence
 - We are not sure where this definition has originated from, and whether this in-fact would be 'goat-proof'
 - We do not currently understand what the cost of implementing this would be. To both those properties with the goats of concern, and also whether the existing goat farms on Banks Peninsula would comply with this.
 - Staff are also not sure that it is the role of Biosecurity Officers to enforce such tight specifications for fencing, rather that they focus on ensuring that goats do not become 'feral' and impact biodiversity, and production values.
 - There is also some question regarding what action would be taken upon non-compliance with such a rule. Whether goats within a property that are ear-tagged but not behind a goat-proof fence would be removed or whether Environment Canterbury would install the specified fencing and try to recover costs from the occupier.
 - Staff can further explore potential rules for goats as pests, and pest agents should this be of assistance to the panel.

General reply matters

Pest Management in Crown and public land

40. Many submitters have discussed the need for Environment Canterbury to manage pests within braided river systems. There are challenges involved in incorporating this work into the RPMP. The RPMP provides the regulatory tool for pest management, this restricts the sale, distribution and propagation of pests, or requires land occupiers to actively manage pests. The RPMP also contains objectives for pest management, many of which require service delivery from Environment Canterbury.
41. Generally within braided river beds or river margins, there is a mix of ownership/management, primarily by Land Information New Zealand (LINZ), Environment Canterbury, DOC and some private occupiers. There are also considerable gaps in identification of this land ownership/responsibility and it can be a difficulty and time consuming to address.
42. As set out above, Environment Canterbury is unable to rate Crown agencies for pest control work, and generally we try to work in partnership rather than undertake extensive control programmes on Crown land as this means the community pays through both taxes and rates for this control.
43. Crown agencies can only be bound to rules in RPMPs that are designated as Good Neighbour Rules, and these can only address pest spread across a boundary, not within a property. Staff do not consider that the RPMP alone could effectively deliver an outcome for braided river pest management - due to the inability to insert rules for Crown agencies to follow.
44. Staff note that many submitters requested that sycamores are managed with rules in the RPMP. Further work would be required to understand the implications to the Council and Crown agencies and private occupiers if sycamore are included in a programme. Fraser Ross submitted a number of sites of concern, 10 out of the 16 included public land/riverbed/river margins. This was greatly appreciated by staff as it gives a good point of focus, and staff also found Rhys Taylor's suggestion to work with the Timaru District Council to prioritise the protection of native vegetation very useful. Given the involvement of DOC, LINZ, and Timaru District Council it may be more successful to establish joint non-regulatory programmes, and potentially include sites in the RPMP at a later date depending on the need for regulation.

Rock pigeon

45. Staff appreciate the benefits of controlling rock pigeon, in terms of reducing the risk of bird strike to the airport, the impact to production, public health and infrastructure. The rule as proposed by Christchurch International Airport Limited only addresses the risk of bird strike, as disrupting the roosting habitat will only serve to disperse the population, not decrease the population.

46. Requiring all building owners in the CBD to take practical measures to prevent roosting may be a very costly undertaking, and impact those that are awaiting demolition and rebuilding. It is also likely to require considerable compliance resource and involve confrontational interactions with building owners.
47. Staff consider that it would more effective to manage bird strike as a management approach, rather than through species-specific rules.
48. It is also noted that the Christchurch City Council District Plan contains provisions relating to bird strike, including a Birdstrike Management Area within which land use activities are controlled in order to mitigate bird strike risk.

Gorse and Broom

49. Staff note some opposing views relating to the 50 square metre rule for gorse and broom. Feedback received during pre-notification consultation was strong on the need to retain this rule. The specific area for this rule was considered during the development of the plan, and the reason for including a size descriptor was to enable an objective measure for determining when an infestation is considered to be of a size that is no longer cost effective to clear.
50. Staff appreciated the submission from Mr Graham and agree there is value in applying this rule to parts of the region that it is effective and efficient. However, staff consider that this change would be significant and the members of the community that did not submit on the proposal would not have the ability to comment on this change. For this reason and also due to time constraints to further review and hold discussions with the community, staff do not recommend a change to this rule, and would prefer to manage non-compliance through exemptions.
51. In response to Hermann Frank's submission to strengthen the boundary rules, staff note that a decision was made at the Biomanagers Special Interest Group (national Regional Council group) level to set 10m as the standard boundary distance for gorse and broom, based on technical advice.
52. Regarding forestry situations and the management of gorse, broom and Nassella tussock, staff did not receive the information required to develop a global exemption, or an amendment to the RPMP. We propose to continue to work with industry to develop a guideline to streamline exemptions.

Wallaby

53. Staff would like to acknowledge the feedback received regarding the impact from wallabies in South Canterbury.
54. Staff consider that the rules outlined in the Proposal provide Environment Canterbury with sufficient ability to manage wallaby from a regulatory perspective. However, staff note that to reduce and prevent the spread of wallabies from the containment area, and eliminate wallabies outside of this area, greater effort than application of the RPMP alone. This includes

- undertaking scoping to identify whether a coordinated wallaby control unit would be cost effective
 - facilitating land occupier coordinated control
 - undertaking control outside of the containment area and control to reduce pressure of the boundaries of the containment area
 - communication and media promotion regarding wallaby sightings.
55. Staff are committed to working in partnership with Otago Regional Council to prevent spread across the regional boundary. As well as working in partnership at a regional and national level to progress research and development and lobby central government support to better identify and control wallabies.

Wilding conifers

56. The submission from DOC and LINZ highlighted the need to clarify what 'cleared' means in the wilding conifer rules. Staff consider this to be an important clarification and will address this in the preliminary draft plan.
57. Staff appreciated MPIs submission points regarding the wilding conifer objective, wording amendments to the rules and the explanation of the rules. Staff are seeking to ensure consistency with the national direction for Wilding Conifer Rule development. Staff request further time to consider this wording and will address this in the preliminary draft.
58. MPI also recommended that a rule is introduced to keep clear areas clear. Staff would request more time to further consider this and respond as part of the preliminary draft plan.
59. Staff have reflected on MPIs suggestion to include 'reasonable steps' (in addition to operations to clear wilding conifers) as part of the trigger for the wilding conifer rules. Staff have considered this and believe that this fundamentally changes the intention of the rules, which primarily seek to protect areas where significant investment is made. Staff also believe that this may be difficult to enforce objectively.
60. Staff have considered the discussions from both Castle Hill Village Community Association (Township Committee) and WELRA. We consider that the best way to manage such situations where there are conifers that have ornamental and amenity value are considered upon the receipt of an application for an exemption to the rules. This enables the specific details to be considered and appropriate measures to be put in place to ensure that the overall objective of the programme is achieved.
61. WELRA sought clarification of what is meant by progressive containment, while staff do not consider that an amendment is required to the RPMP, as a response to the submitter, progressive containment (as per the NPD) is to progressively contain and reduce the geographic distribution or extent of wilding conifers. However, where work is being undertaken to clear wilding conifers, some areas will exceed this objective and would meet the description of the eradication programme.

Marine

62. Staff consider that the education and awareness programme as suggested by submitters could be developed outside of the RPMP and that work on this could begin in the near future. It would need to be budgeted as part of the Long Term Plan process. A steering group could be established to discuss and set up the awareness programme.
63. Development of a comprehensive marine biosecurity programme would take considerably longer. Based on approaches taken in other regions, any programme requires a strong partnership approach to be successful. Key part of scoping would include:
- problem identification (regional or targeted - Kaikōura, Akaroa, etc.)
 - delimitation survey and surveillance costs
 - identifying the actions required and the roles/responsibilities for all parties involved in delivery (local/regional/national).
64. Staff consider that this could be part of Council Long Term Plan discussions.

Nassella Tussock/ Chilean Needle Grass

65. Presentation of the funding table. Staff acknowledge that the RPMP does not provide explicit information at an individual pest level regarding how the 'occupier' component of the funding is met. This is designed to provide Council with the flexibility to determine the best mechanism for the exacerbator contribution (whether this is a direct cost to the occupier, or a pest district rate, or a rural targeted rate). Staff consider that it is important to retain this flexibility, given the 20 year life of the plan. However, there may be value in adding an explanation of this in the introduction to Table 36.
66. There has been a Chilean needle grass awareness programme funded by the Sustainable Farming Fund in place across Canterbury, Marlborough and Hawkes Bay from 1 July 2013 to 30 June 2017. This is considered to have been very successful. Environment Canterbury is continuing to run an awareness programme this year.
67. Staff do not consider that further change is required for the compliance dates for Nassella tussock and accompanying map as recommended in the staff report. Staff consider that there will always be neighbouring properties with different dates, and the critical element is the effort required to undertake control prior to seeding.

Pathway Management

68. Currently Environment Canterbury undertakes and participates in pathway management activities. Examples include the Check, Clean, Dry campaign. Also, on farm biosecurity awareness and programmes, such as the Chilean Needle Grass on farm management plans (which is supported by a rule in the Proposal for the RPMP).

We are looking to put in place a stronger pathway management programme in place through the Long Term Plan.

69. The RPMP supports non-regulatory pathway management plans through providing powers to manage pests.
70. Pathway management and surveillance will be key in meeting the objective set for Exclusion pests.

Application of Section 70

71. Ongoing consultation with Papatipu rūnanga and Te Rūnanga o Ngai Tahu will be maintained during the life of the plan to discuss pest species that are having an impact on site of value to rūnanga. This may take the form of a joint work programme with both Te Rūnanga and rūnanga, possibly through the already established Te Paiherenga working group. Council staff acknowledge the need for all Papatipu rūnanga to be engaged in this process to prioritise Pest Management issues within their area and implement strategies and actions on the ground to address them. It should be noted that funding for new projects and actions will need to be identified and secured to progress to implementation.
72. Regarding timing and techniques of control operations and following evidence from Te Rūnanga o Ngai Tahu, Council can commit to notifying local Rūnanga of planned control and establish discussion for alternative approaches.