



# **Decision Report**

**on the Canterbury Regional Pest Management Plan**

**Under section 75 of the Biosecurity Act 1993**



At its meeting on 15 March 2018 the Council adopted the attached Report and Recommendations of the Hearing Panel as its written report and decision on the Canterbury Regional Pest Management Plan pursuant to section 75 of the Biosecurity Act 1993. The Canterbury Regional Pest Management Plan resulting from the Council's decision is set out in Appendix 2.



**CANTERBURY REGIONAL PEST MANAGEMENT PLAN**  
**Under the Biosecurity Act 1993**

**Report and recommendations of the Hearing Panel**

**Hearing Panel:**

**Councillor Tom Lambie (Chair)**

**Councillor Cynthia Roberts**

**Councillor Iaeen Cranwell**

**John Simmons**

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## INTRODUCTION

- [1] At its meetings on 15 June 2017 and 20 July 2017 the Canterbury Regional Council ('Council') under clause 32 of Schedule 7 of the Local Government Act 2002 appointed us as the Hearing Panel on the Proposal for the Canterbury Regional Pest Management Plan ('the Proposal', 'RPMP', 'the Plan').
- [2] The Council delegated to us the powers, functions and duties of the Council set out in:
- a. Sections 72 to 74 (excluding section 72(5)) and sections 100D(6)(b) of the Biosecurity Act 1993 ('BSA', 'the Act'), in respect of the Proposal; and
  - b. Sections 75(1) and (2) of the BSA to prepare a written report on the Plan.
- [3] These include the powers, functions and duties of hearing submissions on the Proposal and of making recommendations to the Council on the Canterbury Regional Pest Management Plan.
- [4] The Canterbury Regional Pest Management Plan 2017-2037 is to replace the Canterbury Regional Pest Management Strategy 2011-2015.
- [5] Part 5 of the BSA sets out a six-step process that must be followed when making a regional pest management plan (set out in sections 70 to 75 of the BSA). The Council completed the first two steps at its meeting on 25 May 2017. We completed Step 3 and part of Step 4 in our Minute 8 dated 1 December 2017.
- [6] This report addresses the remainder of Steps 4, 5 and 6 of the process, including our recommendations on the Plan, together with reasons for accepting or rejecting submissions lodged on the Proposal.
- [7] A table setting out our reasons for accepting or rejecting submissions lodged on the Proposal is attached as **Appendix 1**. A copy of the Canterbury Regional Pest Management Plan incorporating our recommendations is attached as **Appendix 2**.

## THE HEARING PROCESS

- [8] The Proposal was notified for submissions on 3 June 2017. A total of 90 submissions were lodged on the Proposal. We issued directions for the hearing in Minute 1 and recorded acknowledgement of potential conflicts of interest. No concerns were raised regarding conflicts in the course of the hearing.

- [9] We recorded two late further submissions and one invalid submission in Minute 2.
- [10] Prior to the hearing, we issued Minute 3. The purpose of Minute 3 was to focus on matters, which in the Panel's view, were the key issues arising from submissions and the officer's report.
- [11] The public hearings occupied 7 days in September 2017. The hearings were held at Christchurch, Amberley and Timaru.
- [12] We provided the opportunity for the Council to present its opening and a summary of the proposal for the RPMP, which included its response to Minute 3. It was followed by the submitters. The Council then provided its reply in response to submitters at the close of the hearing on the 26 September 2017.
- [13] The hearing process enabled submitters to present their submissions to us in a public forum. Where we had questions of submitters, we asked these, and also provided for opportunities for clarification from the parties.
- [14] We are grateful for the assistance of both the Council officers and submitters in the hearing process for providing thoughtful, informed and useful information to us. The presentations made to us have significantly influenced the final document.
- [15] Following the completion of the hearings, Council officers provided to us a recommended revised proposal, incorporating their responses to submissions and matters raised at the hearing. Having heard the parties, and considered evidence presented to us, we had the opportunity to direct any changes to that document, which we did in Minute 5.
- [16] This was then released for comment as a revised interim draft RPMP for consultation with submitters, and we directed that this comment be focussed on technical and workability matters. We considered this extra step important, given the potential for people to be impacted by the provisions of the RPMP, and to refine the provisions on a manner that they would be both clear and enforceable. Four parties provided comments on the revised interim draft.
- [17] Following receipt of the comments, we issued Minute 7, seeking feedback from the Council on specific provisions regarding conifers as a pest agent, and its advice on whether it considered sufficient consultation had been undertaken to include pest agent conifer provisions.
- [18] On 1 December 2017, we issued Minute 8, which set out our decisions under Steps 3 and 4 of the process, including our satisfaction as to consultation undertaken and our

decision on the appropriate management agency for the Plan. Minute 8 also included our directions to Council Officers to prepare a draft Plan. We directed that further work be undertaken on cost benefit analysis for Russell lupin provisions, and wilding conifer pest agent provisions, and directed a staff report to be prepared, attaching the draft RPMP. We also directed specific changes to be made to the RPMP.

- [19] Council officers provided the draft RPMP and staff report on 8 December 2017. Included with the draft RPMP were amended provisions in relation to funding. This included a cost benefit analysis for the inclusion of provisions relating to Russell lupins.
- [20] We sought clarification from Council officers on the funding mechanisms in Minute 10, and a response from the Council was duly received on 18 December 2017.
- [21] On 25 January 2018, we received the Council officers' final cost benefit analysis for control of wilding pines as a pest agent.
- [22] All of the correspondence in relation to the above matters has been published and is available on the website.
- [23] We are satisfied that no party has raised with us any procedural matters in relation to the process and hearings that would be required to be addressed in this report.

## **OVERVIEW OF THE CANTERBURY REGIONAL PEST MANAGEMENT PLAN**

- [24] The Council provided an overview of the preparation and purpose of a regional pest management plan in its opening presentation. Essentially, a pest management plan provides a regulatory tool that is part of the tool box for the management of animal and plant pests within a region. It is developed in accordance with the process set out in the BSA and has mandatory content as set out in that Act. It works alongside other plans and strategies developed by local authorities under other legislation such as the Resource Management Act 1991, the Local Government Act 2002, the Wild Animal Control Act 1977 and the Wildlife Act 1953.
- [25] Alongside the RPMP sit a range of non-regulatory actions and approaches that form part of a management agency's response to pests. In the case of the regional council, this includes research and development, physical works and delivery for non-regulatory site led programmes, surveillance and investigation, and working alongside the central government through the Ministry for Primary Industries ('MPI')

and Department of Conservation ('DOC') on matters such as incursion response and the National Wilding Conifer Management Strategy.

- [26] We note for ease of reference that the RPMP defines three classes of species:
- a. Pests – organisms that are specified in the plan as pests, and which can cause adverse effects to production or to biodiversity.
  - b. Pest agent – any organism that helps a pest replicate, spread, survive, or that interferes with the management of a pest.
  - c. Organism of Interest – an organism that may, in the longer term, prove to be a pest, and for which site led approaches may be developed.
- [27] A number of organisms have also been declared nationally as Unwanted Organisms which means that these organisms are prohibited from sale, propagation and distribution in accordance with sections 52 and 53 of the BSA. The list of Unwanted Organisms is available on the MPI website.
- [28] The Council has refined the form of the RPMP from its initiation as a Proposal, through to the final draft RPMP.
- [29] We find the structure of the RPMP is logical and sound, and enables users to navigate the document with relative ease. It is compiled in three parts:
- a. Plan establishment – including statutory background and responsibilities and obligations under the plan;
  - b. Pest management – including pest declarations, objectives, and rules to be complied with, pest descriptions and programmes, and monitoring; and
  - c. Procedures – including powers under the plan (including exemptions) and cost allocation.
- [30] The RPMP sets out a number of responsibilities for the Council. It identifies the management agency for management of pest species for the region, which in the case of Canterbury, is the Canterbury Regional Council.
- [31] It has a key purpose of providing for the protection of the relationship of Māori with their ancestral lands, waters, sites, wāhi tapu and wāhi taonga.<sup>1</sup> Māori involvement in biosecurity is an important part of exercising kaitiakitanga. Māori also carry out

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<sup>1</sup> BSA s 54(1)

significant pest management through their economic activities and as landowners and/or occupiers.

[32] Overall, we are satisfied that the RPMP structure, as refined in response to submissions and questions from the Panel, is appropriate.

## **MATTERS RAISED IN SUBMISSIONS**

[33] The following section sets out the key matters that were raised in submissions, along with evidence or oral submissions that were presented at the hearing. While only some of the submitters chose to be heard, we have considered all of the submissions, and provided a response to each in **Appendix 1**. That includes consideration of the presentations by Council officers and reports we have received, together with evidence lodged and presentations by submitters in relation to each matter, and feedback from the further round of consultation on technical and workability matters.

[34] We have grouped the matters as follows:

- a. General matters affecting the whole plan and its implementation;
- b. Requests for additional pests;
- c. Management of gorse and broom;
- d. Wilding conifers;
- e. Bennett's wallaby; and
- f. Funding

### ***General matters affecting the whole plan and its implementation***

[35] By the time of completing the hearings and our inquiry into the provisions, we were reasonably satisfied with the recommendations from Council Officers on all of the matters before us. This was largely due to the iterative nature of the development of the document. Unless otherwise noted, we have accepted the evidence and recommendations of Council officers.

### *Humane treatment of pests and use of 1080 poison*

[36] We received a number of written submissions relating to the use of 1080 as a poison for pest control, and the use of humane methods for the treatment or killing of pests.<sup>2</sup> No parties presented to us on this matter. Council officers responded that in terms of its operations, this is a matter that sits outside of the RPMP, but that the Council follows best practice management for control.

[37] We accept the Council officers' response and no changes to the document are considered necessary.

### *Good Neighbour Rules*

[38] A number of submitters supported the use of Good Neighbour Rules ('GNRs').<sup>34</sup> A GNR requires the control of a pest within a certain distance of a boundary, where management of the same pest, or its impacts, is taking place on an adjacent property. GNRs are the only rules that apply equally to the Crown as they do to private property owners.

[39] We heard from a number of submitters, including Mr Jamie McFadden for the Rural Advocacy Network, in support of the provisions. Mr McFadden noted in his oral submissions to us the importance of the rules, and that they had explored different distances for gorse and broom, such as 25m rather than 10m. He noted that there was not much comment either way on this. He supported the use of these rules for Chilean needle grass (*Nassella neesiana*) ('CNG').

[40] Some submitters, including the Minister for Primary Industries, sought changes to aspects of the GNRs. The Port Hills Trust Board and Mt Vernon Park Management Committee sought that additional species be added to the GNRs. A number of other submitters sought species specific changes to the GNRs.<sup>5</sup> We heard from WELRA

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<sup>2</sup> Submissions 1.1 Peter Bielski, 11.1 Sue Alderman, 26.1 Clive Seddon, 2.2 Paul Seymour, 12.5 Steve McNeill, 75.6 Te Rūnanga o Ngāi Tahu

<sup>3</sup> Submissions 35.1 Forest and Bird, 49.1 Kurow Pest Liaison Committee, 53.3 Rural Advocacy Network, 56.3 Hurunui District Council, 79.1 Christchurch City Council, 78.8 Department of Conservation ('DOC'), 64.1 Banks Peninsula Conservation Trust, 58.3 Kiwirail, 77.16 Land Information New Zealand ('LINZ'), 77.19 LINZ, 48.2 Waimakariri Ecological and Landscape Restoration Alliance ('WELRA'), 74.1 Federated Farmers, 72.5 Waimakariri District Council.

<sup>4</sup> A GNR is defined in section 2 of the BSA and must meet the requirements of Clause 8 of the National Policy Direction for Pest Management 2015

<sup>5</sup> Submissions 78.8 DOC, 45.2 Predator Free New Zealand, 77.11 Land Information New Zealand ('LINZ'), 78.32 DOC, 77.17 LINZ, 77.18 LINZ, 38.3 Township Committee of Castle Hill Village, 48.6 WELRA, 85.2 New Zealand Defence Force ('NZDF')

and the Township Committee of Castle Hill Village in relation to GNR rules as they relate to Castle Hill, and its collection of conifers on its reserves. We address this matter further at [130]-[136] below. The New Zealand Defence Force raised what we consider to be an important issue in relation to the Bennett's wallaby (*Macropus rufogriseus rufogriseus*) GNR. It sought a definition of what constituted 'reasonable steps' being taken to control wallabies on a neighbouring property, in order to determine whether the GNR would be triggered on the subject site.

[41] Council officers provided a response that it considered that control of the species sought by the Port Hills Trust Board would not be achievable, but that particular site led options could provide a solution. Officers noted technical difficulties in relation to seed spread associated with the clearance distances sought by the Port Hills Trust Board. In relation to Bennett's wallaby as raised by DOC, the Council officers agreed with revision of the GNR to one kilometre, and in relation to Nassella tussock, officers considered that a 100m setback would be appropriate. Due to the mobile nature of possums, and their difficulty to monitor and control, the Council officers did not support a GNR for them. While officers did not initially provide a position on the issue of DOC and LINZ's request for a GNR for Russell lupin (*Lupinus polyphyllus*), following the presentation of further evidence (addressed in [110]-[115] below), officers supported the inclusion of a GNR rule for wild Russell lupin. Council officers did support GNRs for wilding conifers, but did not consider that these should be increased to 5km as sought by WELRA, due to the potential for unreasonable costs being imposed, and difficulty determining source plants at that distance. Initially, Council officers did not support defining what 'reasonable steps' might include for the management of Bennett's wallabies in the GNR rule. Officers considered that referring to 'reasonable steps' was satisfactory for the purpose of the GNR.

[42] We do not agree with DOC and LINZ that exemptions for GNRs for rabbits should apply where a rabbit proof fence is available. No evidence was provided to us, and we consider that if such a situation arose, it could be addressed by way of an exemption under section 78 of the Act. In relation to Russell lupin, we considered the refined GNRs and mechanisms that are proposed to be put in place as presented in the draft RPMP to be both appropriate, and fairly equitable in terms of where costs lie for management. In addition, the GNR rules appropriately control the impact of pest species on Crown land, and we recognise the positive approach sought by the Crown through DOC and LINZ to manage wild Russell lupin on its landholdings. In relation to GNR rules for wilding conifers, we accept the Council's position that at present, the 200m limit is appropriate. We note that monitoring of all the rules will take place, with

the opportunity for review in 10 years' time. This will include consideration of the effectiveness of the distances and impacts that wilding conifers have in the future. We do not agree with DOC's submission that GNR rules apply to wilding conifers outside of the identified containment area. We agree with the Council that the containment area is most at risk, and that it is appropriate to focus efforts there. As previously indicated, we note the opportunity for further reviews at a later date. In relation to 'reasonable steps' for the management of Bennett's wallabies in the GNR rules relating to that pest, we agree that this is better to be defined, and directed changes to the rule to note that an appropriate measure is where a neighbouring property is maintaining populations at, or below, a Guildford level 3.

[43] Overall, we consider the use of GNRs in the RPMP to be appropriate. We recommend that they are included without change as recommended to us in the draft RPMP.

#### *Responsibility for management of road reserves*

[44] The management of road reserves has historically been different for different districts within the Canterbury region. Some district councils undertake pest control within their districts, while others require that adjacent land owners hold the responsibility for pest control in road reserves. The notified proposal for the plan sought to roll over the status quo, without consideration for a consistent region-wide approach.

[45] We received a number of submissions, both written and presented to us, seeking a change to the status quo<sup>6</sup>, as well as submissions from district councils seeking to retain the proposed approach.<sup>7</sup> Mr Johnston drew to our attention the move for Hurunui District Council to managing roadsides for pests, which he considered worked well. He did not consider that it was working well where he lived, in the Waimakariri District, where landowners are responsible. Mr Geoff Meadows, for Waimakariri District Council, presented to us in support of the proposal retaining a mixed approach across the region.

[46] Council officers advised that the Council had consulted on the management of pests with the district councils and preferred the status quo, although officers were not opposed to a consistent approach. However, officers were unable to recommend

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<sup>6</sup> Submissions 12.1 Steve McNeill, 59.2 Timaru District Council, 90.17 Robert Johnston

<sup>7</sup> Submissions 72.3 Waimakariri District Council, 67.5 Selwyn District Council.



whether that consistent approach should be the responsibility of the landowner or the territorial authority.

[47] When we questioned Mr Meadows on whether he considered there might be a principle that landowners are responsible for their own land, he answered in the affirmative. However, he clarified that he considered that the change for Waimakariri, would be a significant change and felt that landowners currently understood the existing approach.

[48] As a principle, we also support the approach that landowners and occupiers are responsible for control of pests on road reserves. For this reason, we were minded to include a consistent approach in this plan placing that responsibility on the road controlling authority. However, we are cognisant of the potential financial implications of such an approach, and we had no evidence before us on those costs. Instead, we consider that it is appropriate to signal in the document that a consistent approach is taken in the next review of the plan. This will enable road controlling authorities to plan for the financial impacts associated with pest management. We have directed those changes to the plan.

#### ***Requests for additional pests***

[49] We received a range of requests for additional pests in the plan. We note the classes of species referred to in [26]. When deciding whether to include those species in the RPMP, we considered the submissions, the presentation and evidence provided to us in the hearings, and the recommendations from Council officers in relation to those pests.

[50] Species identified as organisms of interest are those which effectively are on a 'watchlist' where the Council may undertake monitoring, or may even undertake site-led control programmes that are outside of the regulatory site-led programmes in the plan. There are no rules in relation to the organisms of interest. In the next review, or if someone seeks a change to the RPMP and provides sufficient evidence on the organism, these (or any other new organism) can be added to the identified pests in the plan following the appropriate process under the Act. We have taken a precautionary approach in relation to these organisms to ensure that potential pest species identified by the community are not overlooked, and that information is gathered in relation to them. Where submitters have identified an organism they would like to be added as a pest, in some circumstances, where we do not have sufficient information, we have added the species to the organisms of interest list.

- [51] In relation to pest agents, and pests, rules can be provided in the plan for both, provided that the pest agent is capable of helping the pest replicate, spread or survive, or interfering with the management of the pest. There are a number of organisms that have been identified as a pest agent or pest.
- [52] The following sets out the requests for additional pests, and how we have approached them.

### *Feral cats*

- [53] We received a number of requests for identification of feral cats (*Felis catus*) as a pest species, and some of those submitters appeared before us and presented oral evidence.<sup>8</sup> Most of the concern related to the impact of cats and feral cats on bird populations. We sought clarity around the issue of feral cats in Minute 3, and the Council provided a response to those questions.
- [54] Ms Jessi Morgan presented evidence to us on behalf of Predator Free New Zealand and the Morgan Foundation regarding feral cats, in particular their desire to identify and characterise what a feral cat is, and to control them. She discussed how prevalent they are in New Zealand (from 2-14 million feral cats). We asked Ms Morgan about the difficulty with dealing with feral cats on urban boundaries, and she acknowledged this was difficult and not often politically palatable. Ms Morgan also provided a copy of the draft New Zealand National Cat Management Strategy<sup>9</sup> to us.
- [55] Other submitters sought limits on the numbers of cats and controls on the release of domestic cats into the wild.
- [56] Council officers advised that control and monitoring of feral cats is very difficult, due to their numbers and the fact that it would require control of domestic cats. Officers elaborated further in relation to the initial response provided regarding feral cats. Officers did not consider that feral cats require a definition, as the plan defines it as follows “feral means wild or otherwise unmanaged”.
- [57] We are very mindful of the impact that feral cats have on native species and other wildlife. We do note that feral cats are identified as organisms of interest in the plan.

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<sup>8</sup> Submitters 5.1, 5.3 Mike Davies, 13.1, 13.2 Judith Beatson, 45.1 Predator Free New Zealand Trust, 47.1 Morgan Foundation, 53.17 Rural Advocacy Network, 64.5 Banks Peninsula Conservation Trust, 6.20 Fraser Bell Ross

<sup>9</sup> *Draft New Zealand National Cat Management Strategy*, prepared by the National Cat Management Strategy Group, 21 September 2016

We accept the evidence that the Council does not have the resources to control feral cats, or manage domestic cats as a pest agent at this stage. We also consider that due to the wide nature of the concerns raised, and the number of people it potentially affects, if cat and feral cat rules were to be introduced it would be better to be undertaken by a review or change to the plan.

- [58] We do not consider that a definition specifically for feral cats is required, particularly in a way that would require domestic cats to be managed as a pest agent, with specific rules requiring chipping. As such, we prefer that they remain an organism of interest, with ongoing monitoring should an alternative approach be desirable, and that we rely on the normal meaning of 'feral' as defined in the plan.

### *Feral goats*

- [59] Banks Peninsula Conservation Trust ('the Trust') and Ms Pam Richardson sought inclusion of feral goats (*Capra hircus*) in the plan.<sup>10</sup> Unlike feral cats, the proposal put forward in submissions was to apply this solely to the Banks Peninsula Ecological Region as shown on Map 10 of Appendix 3, although we do note Mr Johnston's request to control them in the high country. Christchurch City Council also submitted on this matter, but did not present to us.
- [60] We received evidence from DOC, Ms Rebecca Parrish on behalf of the Trust, and Ms Richardson on the issue of feral goats, and difficulties trying to manage them under the Wild Animal Control Act 1977. We explored this issue further in subsequent minutes and directions. Ms Parrish provided some recommended drafting for the management of goats.
- [61] Council officers raised concerns with the proposed drafting of rules in its officer's reply.<sup>11</sup> While we understood some of the issues associated with the drafting, we considered that given the evidence presented to us, control of goats, both farmed and feral, is both desirable and necessary to achieve biodiversity gains on Banks Peninsula.
- [62] Banks Peninsula is essentially an island for biodiversity separated by the Canterbury Plains from the South Island's other foothills along the main divide. While we consider that it is important that goat farmers on Banks Peninsula are not

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<sup>10</sup> Submissions 22.1 Pam Richardson, 64.1 Banks Peninsula Conservation Trust

<sup>11</sup> Paras 31-39 Staff Reply RPMP Hearing, 26 September 2017.

unreasonably impacted by rules in the RPMP, we do consider it important to recognise the potential impact of grazing goats where these escape into the wider environment and become, or establish, feral populations. We consider rules for both farmed and feral goats through pest and pest agent rules appropriate.

- [63] We indicated our initial preference to remove feral goats within 10 years. Council officers responded with concerns regarding complete eradication as an objective and gave reasons for its concerns.<sup>12</sup>
- [64] Having considered the issues raised by both submitters and the Council officers, we consider that there is a strong case for increasing the targets for feral goats on Banks Peninsula from the proposed 10% reduction to 50% within 10 years, which is included in our recommended version of Objective 23 as attached in **Appendix 1**. We strongly suggest that the Council, through its wider biosecurity programme, and in partnership with the community, work to exceed the objective. We consider it appropriate that both pest and pest agent controls apply to feral goats and goats respectively. Accordingly, Rules 6.5.1 and 6.5.2 have been included in the draft Plan.
- [65] Given the lack of information in relation to the high country, we do not consider it appropriate to widen the net for control of feral goats as a pest at this stage.

#### *Marine organisms*

- [66] We received three requests for the addition or recognition of marine organisms.<sup>13</sup> We also received a request from the Banks Peninsula Marine Farmers Group to consider inclusion of provisions in the RPMP to set up a marine pest liaison committee.
- [67] Tā Mark Solomon presented to us alongside Mr Ted Howard. We heard from them of their concerns regarding particular marine organisms, including *Undaria pinnatifida*, and two other marine organisms *Sabella spallanzii* and *Styela clava*. He also raised the potential for other marine organisms to enter waters around Kaikōura. They both considered that education was an important first step around the management of vessels, including the need for proper cleaning, de-fouling and

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<sup>12</sup> Environment Canterbury Response to Minute 9, 9 December 2017.

<sup>13</sup> Submissions 10.1-4 Te Korowai o Te Tai o Marohura, 20.14 Marlborough District Council, 29.2 Ted Howard

management of ballast materials to avoid contamination and harbouring of unwanted introduced organisms.

[68] Council officers acknowledged that at the moment, marine biosecurity has had limited input by the Regional Council to date. It anticipates that at present, it is too soon to include specific provisions, until a scoping exercise is undertaken for marine biosecurity in the Canterbury region.

[69] We acknowledge the evidence provided by the submitters, and we acknowledge that there appears to be a significant gap in the Regional Council's knowledge in this area. While we do not currently propose any changes to the RPMP, we strongly suggest that as a starting point, the Council commence marine surveys and work alongside Te Korowai ō Te Tai Marokura to research risks and extent of the organisms that may present as marine pests. We encourage continued discussion and engagement with members of the Council and staff, as well as with central government agencies which also have a role in management of marine organisms. We fully support the desire for education and non-regulatory approaches, and encourage the Council to investigate these.

[70] Following this, we consider there would be a good information base from which to investigate a review of the RPMP. While no changes are recommended to be made to the document, we consider that it is appropriate to note separately to the Council that it commence work in this area.

### *Sycamore*

[71] Concern was raised regarding the impact of sycamore (*Acer pseudoplatanus*) trees on existing areas of native bush by a number of submitters, particularly in South Canterbury.<sup>14</sup> In Timaru, we heard oral submissions from Ms Val Clemens, Mr Hermann Frank and Mr Fraser Ross on the issues associated with sycamore trees. Ms Clemens described the issues faced in the Rakaia Gorge, where above the riverbed, she viewed an area that was thick with sycamore seedlings, and described how it is rampant along the foothills. Her view of the iconic landscape of the braided river and carved banks of the gorge is tainted by the presence of the weed and pest species in the foreground and throughout the area. Mr Frank described some of the methods of control that he has undertaken, including ringbarking mature trees,

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<sup>14</sup> Submissions 6.1 Fraser Bell Ross, 18.1, 18.11 Hermann Frank, 27.2 R E Taylor, 35.2 Forest and Bird, 42.6 Ashburton District Biodiversity Working Group, 88.1 Forest and Bird

cutting down saplings to approximately 5cm above ground, and the use of herbicides for seedlings.

- [72] Council officers advised that sycamores are widespread throughout Canterbury, and it would not be achievable to manage this species as a pest across the region. It considered that further consideration could be given for site-led programmes if detailed information is provided. Further information was provided by Mr Ross which was considered by Council officers regarding specific sites impacted by sycamore trees. Officers recorded that they was assisted by the additional information, but that 10 out of the 16 sites identified were on public land.
- [73] We have carefully considered whether or not to include sycamore in the pest list. At present, we do not have sufficient information on the spread across Canterbury, and the resources and ability of the Council to be able to manage this organism. We consider it appropriate that sycamore is identified as an organism of interest, and that staff pursue both information gathering and non-regulatory responses in relation to the management of this organism.

#### *Horehound*

- [74] Mr Gavin Loxton submitted seeking that horehound (*Marrubium vulgare*) be added to the observe list. Mr Loxton advised us through his written submission that this is an economically important plant for farming on the east coast of New Zealand, and that a biocontrol programme will be operating from July 2017 to July 2019 to introduce two biocontrol agents from Australia.
- [75] Council officers advised that they considered horehound to be widespread throughout Canterbury, and that undertaking surveillance would require an increase in resource.
- [76] While Mr Loxton did not appear before us, we see little impact to the overall biosecurity programme to add this species to the organisms of interest list. This will assist with determining whether, at some stage in the future, it is managed as a pest, or removed from the list.

### *Stonecrop*

- [77] Stonecrop (*Sedum acre*) is a low growing succulent herb that has the potential to smother exposed rock environments. Two submissions addressed this organism.<sup>15</sup> We did not receive sufficient information on the spread or impact of this organism that would enable us to include this species in the plan.
- [78] Future site-led programmes (if regulation is identified as required) could be considered if detailed information on the distribution of the organism/s, the extent, the area to be controlled, the values to be protected, objectives for the programme, and consideration/consultation on funding arrangements is provided.

### *Tree lucerne, spur valerian and polypodium*

- [79] We heard a presentation in relation to the spread of a number of weed species on Banks Peninsula, with a focus on the Port Hills, from Ms Anne Kennedy and Ms Paula Jameson.<sup>16</sup> They described to us the spread and encroachment of spur valerian (*Centranthus ruber*) and tree lucerne (*Chamaecytisus palmensis proliferus*) on the Port Hills, and raised with us their concerns in relation to polypodium (*Polypodium vulgare*). Ms Kennedy brought samples of spur valerian with her to show us. They sought that controls similar to those in relation to broom and old man's beard be included (i.e. identified as pests).
- [80] Council officers did not consider they had sufficient information on these species to include them as pests. However, they considered that the inclusion of spur valerian and tree lucerne to the organisms of interest to be an appropriate response.
- [81] We accept the Council's position that insufficient information was provided to enable us to include these organisms on the pest list, with specific rules. However, we do consider it appropriate that all of them are listed as an organism of interest for further surveillance (noting that common polypody was already in the proposal when notified).

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<sup>15</sup> Submissions 18.8 Hermann Frank, 35.4 Forest and Bird

<sup>16</sup> Submissions 36.1-3 Anne Kennedy, 39.1 and 39.3 Summit Road Society Inc

### *Lagarosiphon major*

- [82] Meridian Energy Limited sought that lagarosiphon (*Lagarosiphon major*) be upgraded from an organism of interest, to a pest species.<sup>17</sup> Its key concern was the potential for this species to spread further in the Waitaki Lake System, noting that they currently undertook control and managed it in Lakes Benmore and Aviemore. It sought a regime of progressive containment.
- [83] Christchurch City Council sought that lagarosiphon be identified as a pest for site-led programmes, but with a focus on the Canterbury Plains.<sup>18</sup>
- [84] Council officers recommended accepting Meridian's submission in part, but rather than progressive containment, managing the pest as a site led programme. Meridian and Christchurch City Council did not appear at the hearing or present evidence in relation to the recommendation of Council officers.
- [85] Having considered the recommendations to add this organism as a pest for management as a site-led programme, we agree that this is the most appropriate approach to be taken, and include it as recommended to us.

### *Tree lupin*

- [86] We received a number of submissions seeking that tree lupin (*Lupinus arboreus*) be added as a pest.<sup>19</sup> We understand that this species is not used as a crop (unlike Russell lupin) and that it is widespread in Canterbury.
- [87] Council officers indicated that controlling tree lupin in Canterbury at a regional scale would take considerable resources, and no information was supplied that would assist with understanding the cost or funding of control.
- [88] We did not consider that sufficient information was provided to us on the scale of this issue in the region. However, we do consider it prudent that the species is put on the organisms of interest list, so that better information can be gathered on its prevalence and impact in the region.

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<sup>17</sup> Submission 40.1 Meridian Energy Limited

<sup>18</sup> Submissions 79.26-7 Christchurch City Council

<sup>19</sup> 42.1 Ashburton District Biodiversity Working Group, 88.2 Forest and Bird



### *Cotoneaster*

- [89] While two submitters sought that cotoneaster (*Cotoneaster spp*) be added as a pest<sup>20</sup>, we received very little information on this organism through evidence. Council officers advised that this organism is widespread throughout Canterbury and it would be difficult to achieve a sustained control objective.
- [90] We accept that it is appropriate for this species to be identified in the organisms of interest list.

### *Hawthorn, Chilean mayten, Chilean glory vine, pigs ear, cockatoo and willows*

- [91] Ms Alice Shanks and Mr Miles Giller, for the QEII National Trust, presented to us in relation to their submission, about the management of hawthorn (*Crataegus monogyna*), Chilean mayten (*Maytenus boaria*), Chilean glory vine (*Eccremocarpus scaber*), pigs ear (*Cotyledon orbiculata*), and cockatoos (*Cactua galerita*) on Banks Peninsula. We received a submission from Christchurch City Council in relation to Chilean mayten also.<sup>21</sup>
- [92] Council officers advised that there was insufficient information on these organisms to class them as pests with associated rules. However, officers recommended that all except for willows be added to the organisms of interest list.
- [93] We are cognisant of the need to manage these species, particularly Chilean mayten given its potential to spread in the New Zealand environment. We consider that it is appropriate that all but willow are placed on the organisms of interest list for further surveillance.

### *Feral pigs and deer*

- [94] We received two submissions in relation to feral pigs (*Sus scrofa*) in Canterbury.<sup>22</sup> Peter Handyside gave us a presentation of the issues their group of farmers and residents face at Conway Flat. In particular, we found the economic information in relation to cost for heli-hunting to be excellent context for understanding the issues associated with feral pigs and the cost that they place on the farmers and their willingness to control them.

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<sup>20</sup> Submissions 27.2 R E Taylor and 81.5 QEII National Trust

<sup>21</sup> Submission 79.32 Christchurch City Council

<sup>22</sup> Submissions 50.1 Conway Flat Biodiversity Group, 79.28 Christchurch City Council

- [95] We received one submission on feral deer (*Cervus elaphus*, *Dama dama*) from the Banks Peninsula Conservation Trust.
- [96] Council officers advised us in the staff narrative report, that feral pigs and deer can be controlled under the Wild Animal Control Act 1977. In relation to the Christchurch City Council's position regarding feral pigs on Banks Peninsula, the reporting officer advised that they had no information on the scale of the issue. Christchurch City Council did not present evidence on this matter. The Council considered that eradication of deer on Banks Peninsula was not achievable.
- [97] We have noted that the Council could review the need for a site-led process. Following directions we made, we note that the plan now more clearly sets out how this can be undertaken. We note that feral deer are identified as an organism of interest, and we consider that to be appropriate.

*Ragwort, nodding thistle and variegated thistle*

- [98] Federated Farmers opposed the removal of these species which previously appeared in the Regional Pest Management Strategy. It did not provide any further evidence on these species at the hearings.
- [99] Council officers noted that very low numbers of complaints are received in relation to these species and considered that these species are appropriately controlled by landowners, due to the adverse impacts of these on production values. Officers did not consider that continued regulation would be an efficient use of resources.
- [100] Given the lack of further evidence, we accept the Council officers' recommendation that the removal of these species can be managed by other means, and we do not include them in the RPMP.

*Velvet leaf*

- [101] Federated Farmers also sought the inclusion of velvet leaf (*Abutilon theophrasti*) in the RPMP as a pest for eradication.
- [102] We accept the Council officer's explanation that this is currently being managed under a national incursion response, led by the Ministry for Primary Industries ('MPI'), and that it is an Unwanted Organism. Not enough is known at this stage to include velvet leaf as an exclusion pest. The Council will continue to work in an incursion response capacity, alongside MPI, in relation to the management of velvet leaf.

*Rock pigeons and Canada geese*

- [103] Christchurch International Airport Limited ('CIAL') and Air New Zealand Limited presented to us on the risk of particular bird species from aircraft birdstrike. This included oral presentations from Ms Kate McKenzie, a planner for CIAL, on the Canada goose (*Branta canadensis*) and rock pigeon (*Columba livia*) problem, their management, and habitat for the rock pigeons, flight paths and feeding patterns.
- [104] The Canada goose is a relatively large wading bird that is a hazard to aircraft, and also has an impact on production values (particularly around Te Waihora/Lake Ellesmere). In terms of risk to aircraft, a single bird can create a hazard. In relation to rock pigeons, the concern is largely flocking rock pigeons. Ms McKenzie described to us an example of where a plane was impacted by approximately six rock pigeons in flight.
- [105] Council officers stated that its position is that it would not be possible to achieve sustained control of rock pigeons due to their widespread and transient nature.
- [106] We accept that control of rock pigeons, given their transitory and widespread nature, is unlikely to be effective, as any controlled populations will just be further replaced from surrounding populations.
- [107] No specialist bird expertise was called to support CIAL's submission. It is therefore not clear what the costs of control are likely to be, or whether they are likely to be effective. No comment was made by CIAL on the workability of the interim draft.
- [108] We acknowledge that large flocks of pigeons in the flight path of the airport could pose a safety risk. However, we encourage exploration of non-regulatory approaches to rock pigeon control, including working with the local councils and landowners to undertake control works, including investigation into the use of OvoControl.
- [109] We do consider it appropriate that the Canada goose is added to the organisms of interest list.

### *Russell lupin*

- [110] Russell lupin (*Lupinus polyphyllus*) was a significant focus of the hearings. We received a number of submissions<sup>23</sup> and a wide range of helpful evidence on the impact of this species on Canterbury's braided river systems. This was strongly supported by evidence from LINZ and DOC, both of whom are major Crown landholders and land managers. We also acknowledge the other submitters who helpfully provided evidence of Russell lupins through their presentations. Federated Farmers were the only submitters to oppose their inclusion in the plan as a pest. However it's concern is understandable given the potential use of Russell lupin as a fodder crop and for its nitrogen fixing capability.
- [111] Council officers were initially neutral on the inclusion of Russell lupins into the plan. In particular, officers sought further information on the distribution and extent of Russell lupins.
- [112] We were left with little doubt that an approach is required to protect braided river ecosystems from the impact of wild Russell lupins, and directed that they be included. We find that there is a significant body of evidence that outlines the adverse impact of this species on braided rivers, which occurs by populating areas of low fertility gravels and stabilising them. The stabilisation of these areas leads to a reduction in open gravel nesting habitat for a number of rare, threatened and endangered bird species, and also provides shelter and cover for predators.
- [113] We also heard of other areas in the Canterbury Region, where Russell lupins do not yet exist.
- [114] We consider that while Russell lupins have a use for pastoral farming systems by providing nitrogen fixing capability in low fertility soils, the impact of the plant is such that it requires control.
- [115] As such, we consider it appropriate that wild Russell lupins be identified as a pest, and planted Russell lupins as a pest agent, throughout the region, and include it for sustained control. Accordingly, Objective 19 and plan Rules 6.4.22 and 6.4.24 have been recommended for inclusion in the plan. In particular, we consider that appropriate setbacks from waterways are also included, as contained in the RPMP attached to this decision. We suggest that the Council separately initiate an

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<sup>23</sup> Submissions 77.2, 77.7-12, 77.23 LINZ, 78.3, 78.5, 78.26-32 DOC, 88.3, 88.4 Forest and Bird, 7.1-7.3 Braid, 9.1 David Scott, 14.1 Gavin Loxton, 18.6 Hermann Frank, 29.3 Ted Howard, 35.3 Forest and Bird, 37.1-3 Max Crowe, 52.7 Nick Ledgard, 68.1-3 Jane Demeter

education and communications programme about the impact of Russell lupin, with a focus on waterways, in particular braided river systems and their tributaries. This needs to include LINZ and DOC, and engagement with Ngāi Tahu with regard to taonga species, and should also include contact with seed distributors.

### ***Nassella tussock***

- [116] *Nassella tussock* (*Nassella trichotoma*) is an existing pest with a relatively strict regime for its management. We have addressed the issues raised in relation to the GNRs at [41], where the Council agreed to amend the good neighbour rule to 100 metres. We received a number of submissions on nassella tussock, mostly to do with individual situations and inspection deadlines.<sup>24</sup>
- [117] Rayonier sought specific exclusion in the rules for the removal of nassella within forestry plantations. Federated Farmers sought a consistent inspection deadline of 31 October. DOC and LINZ supported the provisions, with the exception of the GNR which is addressed at [41] above. Chris and Glenda Bennett sought a change to the inspection dates specific to their property on Leader Road East. Mr Turnbull presented to us on the situation with his particular property, and his desire to grub at a later date. He showed us examples of nassella tussock at different stages, noting how much easier it was to identify at a later date, but still prior to seeding. Mr McFadden spoke to us about his concern on behalf of the Rural Advocacy Network regarding the change of nassella from progressive containment to sustained control. His concern raised in his submission is that holding the line provides no incentive to landowners that have consistently poor levels of control on their properties.
- [118] Council officers noted that there are two dates for compliance to enable biosecurity officers to undertake inspections prior to seeding in mid-November, noting that 1450 properties are impacted. Taking into consideration the requirement for a large number of inspections, and submissions made on the dates, Council officers recommended revising the dates for inspections and criteria for the dates based on the size of the sites and percentage of the sites covered by hill country. A new map is included in the RPMP to show those areas.
- [119] We accept that two dates are appropriate, in order to manage the workload for staff. We are satisfied that all of the requests for changes in dates could be dealt with by

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<sup>24</sup> Submissions 25.4, 25.13 Rayonier Matariki Forests, 74.8 Federated Farmers, 32.1 Hurunui Nassella Tussock Liaison Committee, 33.1-3 Hugh Turnbull, 53.8-9 Rural Advocacy Network, 61.1 Chris and Glenda Bennett, 63.1 Stackhouse Farm Limited, 77.20 LINZ, 78.23-4 DOC, 82.2 MPI

way of an application for an exemption to the rules as provided for in the Act under s 78 BSA. This includes the situation for Mr Turnbull, and Rayonier in relation to its forests. We are satisfied that the provisions, as provided to us by the Council, are appropriate for the management of nassella tussock.

### **Chilean needle grass**

- [120] Chilean needle grass (*Nassella neesiana*), like nassella tussock, is another pest plant that has a significant impact on production values. The management of this species has been ongoing for some time.
- [121] We received a number of submissions in relation to it,<sup>25</sup> with comprehensive submissions from Marlborough District Council, who clearly see its management as a significant cross boundary issue. It had concerns regarding the obligations on landowners and the reliance on occupier management.
- [122] We also heard oral submissions from Mr Charles Wiffen on behalf of the Canterbury Chilean Needle Grass Pest Management Liaison Committee. Its concern was mostly in relation to funding, which we address later in this decision.
- [123] The submissions resulted in a review of the rules by Council officers, and insertion of a new rule 6.4.9, and revision of rule 6.4.8. The version put forward in response to submissions was adjusted in response to questions and directions from the Panel, and is included in the final version.

### **Gorse and broom**

- [124] The management of gorse (*Ulex europaeus*) and broom (*Cytisus scoparius*, *Teline monspessulana*, *C. multiflorus*, *Spartium junceum*) in Canterbury is a long-standing pest problem. Gorse and broom spread easily through the scattering of seeds and dispersal via water. Both species fix nitrogen, and gorse can in some circumstances provide a nursery canopy cover for the establishment of native vegetation.
- [125] We received a range of submissions in relation to the management of gorse and broom.<sup>26</sup> Most of the submissions focussed on the areal extent of scattered gorse

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<sup>25</sup> Submissions 20.6-10 Marlborough District Council, 44.1-8 Chilean Needle Grass National Steering Group, 85.4-6 New Zealand Defence Force

<sup>26</sup> Submissions 23.1 Tim Mueller, 90.2, 90.10, 90.16 Robert Johnston, 14.3 Gavin Loxton, 18.15-21 Hermann Frank, 25.5-6, 25.9-10 Rayonier Matariki Forests, 43.1 Rewi Couch, 52.4-6 Nick Ledgard, 53.10 Rural Advocacy Network, 55.2 Waiake Forestry Limited, 60.1, 60.5 Chris Bleasdale, 67.6 Selwyn District Council, 71.1 Peter Graham, 77.16, 77.19, 77.12 LINZ, 78.17, 78.19-22 DOC, 79.21 Christchurch City Council, 85.3 New Zealand Defence Force, 34.1-2 Apiculture New Zealand, 65.1-7, 66.1-2 Trees for Bees, 80.1 New Zealand Beekeeping Incorporated

and broom controls (where removal is required), after which the pest can be maintained as a block. We heard from Mr Peter Graham who spoke to us about farming on the Port Hills, and its application to his farming practice. He considered it appropriate that landowners be responsible for control within their property without the need for regulation. Mr Graham sought that the 50m<sup>2</sup> rule be deleted, with the focus of regulation placed on the boundary rules being strengthened. His concern was that the current framework was not practical on the ground, and that most landowners would be non-compliant with the rules from year to year. He was also concerned that a single set of rules did not recognise differences around the region. In terms of boundary rules, he responded to questions from Cr Cranwell that he considered that increasing the boundary rules to two or three helicopter boom widths would be better (approximately 20 metres).

- [126] The New Zealand Defence Force sought controls on clearance of gorse alongside streams, given their ability to be vectors for the passage of seeds. It wanted buffers along waterways to achieve this. DOC recognised the value of gorse as a nursery crop, noting that as native vegetation re-established, gorse would gradually disappear. DOC also sought recognition of Spanish broom. LINZ generally supported the provisions relating to the control of gorse and broom.
- [127] We also received a number of submissions regarding the impact of the management of gorse and broom and its impact on apiculture as a source of pollen protein for bees. We heard from Roger and Linda Bray on behalf of New Zealand Beekeeping Incorporated who described the value of gorse hedging in Canterbury, noting its anecdotal decline with the advent of dairying combined with its identification as a pest. Apiculture New Zealand sought controls on the application of sprays as part of pest management.
- [128] Council officers acknowledged the critical role of bees in the natural environment. However officers concerned that gorse and broom needs to be managed to mitigate adverse effects on production values in particular. Officers noted the ability to seek exemptions in relation to control in some circumstances and considered that both the areal extent of gorse and boundary rules to be appropriate as drafted.
- [129] We have carefully considered the submissions received. We are cognisant of the need to control gorse and broom in a manner that is effective, and that boundary GNRs are consistent with Clause 8 of the National Policy Direction for Pest Management 2015. We are comfortable, having considered the submissions and evidence, the response from Council officers in relation to them, and the consultation

that took place on gorse and broom, that the provisions as recommended to us are appropriate.

### **Wilding conifers**

- [130] Wilding conifers are a significant pest management issue for the Canterbury region and New Zealand. The spread of wilding conifers from established plantings via wind dispersal has resulted in these introduced species becoming significant biodiversity and production pests.
- [131] Wilding conifers, along with Russell lupins, were the key organisms that attracted a larger number of submissions on the RPMP.<sup>27</sup> The key issues raised in submissions related to boundary distances for the GNRs, management of conifers and wilding conifers in particular in relation to Castle Hill and Mt Lyford villages, and recognition of wilding conifers as a pest agent. MPI, who is also involved with wilding conifers nationally, provided helpful submissions and evidence through Ms Tamsin Page, that assisted us with understanding the issues with wilding management and the application of the rules. We received one submission and a presentation opposed to the wilding conifer controls from Mr Owen Springfield, who provided us with many examples of the positive effects arising from wilding spread, including provision of canopies for natives, amenity and carbon capture.
- [132] Mr James Baines and Mr Rick Hill presented on behalf of The Township Committee of Castle Hill Village. They described how, in relation to the management of wildings in the village, the critical issue was a social issue, not an ecological one. The original plan for the village included planting of exotic conifer species, including European larch (*Larix decidua*) and Douglas fir (*Pseudotsuga menziesii*). They discussed that the village should be able to manage conifers for progressive containment, not total eradication. They described how the reserve management plan required the upkeep of the existing plantings, and the phase out of contorta over time. The Committee sought its own GNR to be imbedded in its reserve management plan, rather than the RPMP. We received written submissions from Mr Douglas Simpson, landholder and the original developer of Mt Lyford Village. He noted in his written

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<sup>27</sup> Submissions 78.3, 78.10, DOC, 82.4 MPI, 6.7 Fraser Ross, 14.4 Gavin Loxton, 20.5 Marlborough District Council, 25.1-3 Rayonier Matariki Forests, 28.1 Maree Goldring, 38.2-5 Township Committee of Castle Hill Village, 39.1-2 Summit Road Society Inc, 48.1-9 WELRA, 51.1 Douglas Simpson, 52.1-3 Nick Ledgard, 53.16 Rural Advocacy Network, 67.3-4, 67.7-8 Selwyn District Council, 69.1-2, 69.4-6 The Mackenzie Basin Wilding Tree Trust, 74.1 Federated Farmers, 77.1, 77.3-6 LINZ, 78.9, 78.11-12, 78.37 DOC, 82.5-18 MPI, 88.8, 88.11 Forest and Bird, 91.1 Owen Springford, 92.3-7 Fiona McDonald.



submission that there are covenants for the village which includes both larch and Douglas fir, along with the presence of plantation forestry adjacent to the village.

[133] WELRA, represented by Mr Neil Walkinshaw, Mr Ray Goldring and Ms Jenny Ladley also presented to us. They considered that wilding conifers could be eradicated from an area more readily than other pests. They considered Douglas fir and larch to be the most prolific when it came to the spread of wildings. WELRA sought that the pest be classed for eradication rather than progressive containment. In terms of Castle Hill basin, they indicated approximately \$2 million has been spent on the management of wildings in the last 10 years. It is concerned that each year seed sources are left, the cost for control increases significantly.

[134] Ms Maree Goldring and Ms Fiona McDonald also presented their submissions to us at the hearing. They considered that it was important that lodgepole pine (*Pinus contorta*) be removed from the Castle Hill Village area immediately, rather than over a period of 10 years.

[135] Council officers recommended accepting many of the submissions in its version attached to the officer's report. Officers indicated, in response to a submission from MPI, that staff will seek to engage with key stakeholder groups to further develop a management framework for plantation forests that contribute to the control of the spread of wilding conifers, and included this in the RPMP. Following the hearing of submissions, and in consideration of the submissions from MPI, we directed Council officers to prepare a draft rule for consultation. This was for a pest agent rule for conifer species. Following feedback from parties in the second round of consultation via comments on technical and workability matters, this was refined. Council officers were also directed to prepare a cost benefit analysis on the use of a conifer pest agent rule.

[136] Having now considered the submissions, the evidence and oral submissions presented to us, and the cost benefit analysis provided, we are satisfied that the revised provisions as attached are appropriate.<sup>28</sup> The protection of areas that have been cleared or are clear of wilding pines is critical to both protect the investment in clearance projects, and to avoid future biodiversity and production impacts. Exemptions can be applied for, but we note that these need to be looked at very carefully in terms of the potential impacts these might have on existing clearance

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<sup>28</sup> Plan objective 4 and rules 6.3.1-4

projects and adjacent landowners and whether the relevant objectives of the RPMP would still be achieved.

***Bennett's wallaby***

- [137] Bennett's wallaby (*Macropus rufogriseus rufogriseus*) is an introduced browsing pest that is established and limited to certain areas in South Canterbury, although there are indications that individuals are crossing over to Otago. Wallabies are difficult to find and contain, and are a significant production and biodiversity pest.
- [138] All of the submissions sought a tightening of provisions.<sup>29</sup> Mr Rob Smith spoke to us on behalf of QEII National Trust and showed evidence of the impact wallaby browsing is having on the understory of native vegetation in the South Canterbury area. The Trust sought that the Regional Council take a lead and have the authority to co-ordinate wallaby control.
- [139] Cr Selwyn Price and Ms Val Clemens from the Ashburton District Biodiversity Working Group presented to us. They sought that implementation measures for control of wallabies be strengthened, including the establishment of a wallaby control entity.
- [140] Mr Walter Cameron presented to us in relation to Wainui Station. He noted the difficulty with undertaking effective control of wallabies unless all adjacent landowners undertake a co-ordinated effort. He sought provisions in the RPMP to ensure that where landowners do not join a co-ordinated effort, there is a regulatory response. He noted the grazing nature of wallabies reduces capacity for stock units on productive land.
- [141] We also heard from the Kurow Pest Liaison Committee, which was represented by Mr Peter Reid, Mr Ken Patterson, Mr John Abblen and Mr Mark Giles. They provided a clear picture of the difficulty of managing wallaby spread along the Waitaki River and over large areas.
- [142] Mr Scott McLean, Director of Environmental Monitoring for Otago Regional Council, spoke to us about the need to ensure that wallaby populations do not become established south of the Waitaki River and outside of the containment area. Its particular concern is around natural migration across the dams and bridges on the

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<sup>29</sup> Submissions 6.8 Fraser Ross, 17.1 QEII National Trust, 18.1314 Hermann Frank, 27.3 R E Taylor, 42.3-5 Ashburton District Biodiversity Working Group, 46.1-2 Wainui Station and Viewfield, 49.4 Kurow Pest Liaison Committee, 59.3 Timaru District Council, 77.13-15 LINZ, 78.14-16 DOC, 81.3 QEII National Trust, 82.3 MPI, 85.1-2, 85.7-10 NZDF, 88.9-10 Forest and Bird, 93.2-7

Waitaki. He noted the need for early intervention to ensure that progressive containment can be achieved. He considered that a requirement to report is required, and works well when supported by a communication plan.

[143] The New Zealand Defence Force did not present to us, but in its written submission and tabled letter, sought clarity around the GNR and a definition of what 'reasonable steps' meant which would result in a trigger for the GNR, and require control adjacent to a property boundary. In its submission, DOC sought inclusion of a 1 kilometre distance for the wallaby GNR.

[144] Council officers were generally satisfied that the version of provisions it included with the officer's report was appropriate for the management of wallabies. In response to submissions, officers noted that to reduce and prevent the spread of wallabies from the containment area, and to eliminate them outside of the containment area, requires greater effort than just rules in the RPMP alone. Officers re-affirmed the Council's commitment to working with the Otago Regional Council on this significant cross-boundary issue. Officers considered that approaches regarding reporting did not require a regulatory approach, given it was difficult to monitor non-compliance, and preferred a non-regulatory approach. Officers indicated that as part of its wider biosecurity programme, the establishment of a wallaby control unit would be investigated. Council officers also filed a supplementary report<sup>30</sup> seeking that Rule 6.4.3 be amended to include regulations to control the keeping, holding, enclosure or otherwise harbouring of wallabies within the Wallaby Containment Area.

[145] Having considered the submissions, we agree that working with the Otago Regional Council is critical in the management of this pest. We agree that inclusion of rules that require mandatory reporting are both difficult to enforce, and acknowledge Otago Regional Council's position that in Otago, this worked best when complemented by appropriate education. In response to Mr Cameron's submission, we recommend that the Council enable co-ordinated wallaby control programmes on a catchment basis, with powers of enforcement to ensure all land within a programme is treated for wallaby control (such as the use of a notice of direction). We agree with the Council that non-regulatory means may be the best approach for facilitating monitoring information. We directed the Council to clarify the meaning of 'reasonable steps' in relation to the boundary rule, so that this is measurable and enforceable. We otherwise agree that the provisions as provided to us in the final draft,

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<sup>30</sup> Supplementary staff report, 8 February 2018

incorporating the amendments sought in the supplementary staff report dated 8 February 2018, are appropriate, and will assist with the management of this pest species into the future.

### **Funding**

[146] Outside of specific pest provisions, funding remained the key matter that gave rise to submissions on the RPMP. The provisions as notified were complex, and led to a number of presentations to us regarding the degree to which identified pests were production pests, or biodiversity pests. The Council indicated early in the process that the funding provisions were being worked on, with a view to revising. This happened alongside the development of the Council's Long Term Plan.

[147] The funding provisions and explanations were significantly refined, resulting in a much cleaner and easily understood set of provisions that were submitted with the Draft Plan on 8 December 2017. We sought clarification from the council on the issue of the funding provisions.<sup>31</sup> Council officers responded with an amended set of provisions. The provisions are now proposed to be split into two clear sections. Inspection, monitoring, advocacy and investigation will be funded by a 50% targeted rate and 50% general rate for all pests. Control will be funded depending on whether the pest is a production pest (100% targeted rate or user charges), biodiversity pest (100% general rate), or both biodiversity and production pest (50% targeted rate, 50% general rate). Additional footnotes are included to table 37.

[148] We have considered the changes suggested by the Council officers, and consider that as amended, the costs fall appropriately depending on the nature of the pest, significantly simplify how activities will be funded, and clarifies responsibility for landowner costs.

### **ADDITIONAL STEPS TO SATISFY BSA REQUIREMENTS**

[149] We are satisfied, that on receipt of the cost benefit analyses for identification of conifer species and Russell lupins as a pest agent, and identification of wilding Russell lupins as a pest, that the provisions of the RPMP as set out in **Appendix 2** fulfils the requirements of s 71-74 of the BSA.

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<sup>31</sup> Minute 10, dated 14 December 2017

[150] In particular, we note that the response from Council officers in relation to Minute 7 outlining consultation regarding conifers in the Wilding Conifer Containment Area.<sup>32</sup> We adopt the Council officer's reasoning on that matter.

[151] This report forms part of the Council's decision-making requirements under s 75 BSA.

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<sup>32</sup> Environment Canterbury response to Minute 7 (undated)

## CONCLUSION AND RECOMMENDATIONS

[152] The Hearing Panel was delegated authority under:

- a. Sections 72 to 74 (excluding section 72(5)) and sections 100D(6)(b) of the Biosecurity Act 1993 ('BSA', 'the Act'), in respect of the Proposal; and
- b. Sections 75(1) and (2) of the BSA to prepare a written report on the Plan.

[153] We have considered and deliberated on the Proposal, the submissions lodged on it, the evidence and submissions presented at the hearing, together with the draft versions of the plan and reports provided by Council Officers. We are satisfied that the RPMP set out in Appendix 2 meets the requirements for a pest management plan under the BSA. The Panel accepts the assessment of the draft plan, that was provided by Council officers, against sections 73 and 74 of the Act. In particular it contains all of the matters required by section 73 of the Act and meets the requirements of section 74 of the Act, including:

- a. The plan is not inconsistent with the National Policy Direction, any other pest management plan or pathway management plan, any regional policy statement or regional plan, or any regulations (section 74(a));
- b. That for each subject of the plan, the benefits of the plan outweigh the costs, after taking account of the likely consequences of inaction or other sources of action (section 74(b));
- c. That for each subject of the plan, persons that are required, as a group, to meet directly the costs of implementing the plan accrue, as a group, benefits outweighing the costs, or contribute, as a group, to the creation, continuance or exacerbation of the problems proposed to be resolved by the plan (section 74(c));
- d. That for each subject there is likely to be adequate funding for the next 5 years (section 74(d)); and
- e. That each rule will assist in achieving the plan's objectives and will not trespass unduly on the rights of individuals (section 74(e)) .

[154] We have prepared this report in accordance with section 75 of the BSA and set out our reasons for accepting or rejection submissions in Appendix 1. We recommend that the Council adopt our written recommendations and report.

[155] In addition to our recommendations on the RPMP, we make the following suggestions to Council for actions outside of the statutory RPMP process:

- a. That the Council continue to engage with mana whenua on the development of site specific management outside of the regulatory process;
- b. That the Council undertake continued engagement with Otago Regional Council on non-regulatory approaches (such as communication and education) specifically for the management of Bennett's wallaby near the Otago/Canterbury regional boundary, and commence work to investigate establishment of a wallaby control unit;
- c. That the Council commence a programme for the investigation and monitoring of maritime organisms and development of a cross-agency working group to consider the potential for marine organisms that might be added to the RPMP by review;
- d. That emphasis is placed on the importance to promptly gather information on the following Organisms of Interest:
  - i. Sycamore;
  - ii. Chilean mayten; and
  - iii. Feral pigs and deer;
- e. That, through its wider biosecurity programme and in partnership with the community, work to exceed Objective 23 for feral goats;
- f. That the Council initiate an education and communications programme about the impact of Russell lupin, with a focus on waterways, in particular braided river systems and their tributaries, including contact with seed distributors;
- g. That a joint agency approach to management of Russell lupins in Canterbury's braided river systems is needed, including engagement with LINZ, DOC and Ngāi Tahu (particularly in relation to taonga species management in braided river systems);
- h. That Council staff engage with key stakeholder groups to further develop a management framework for plantation forests, that contributes to the control of the spread of wilding conifers; and

- i. That Council develop a clear process and communication plan for the public to assist with understanding how non-regulatory site-led programmes can be initiated and achieved.

**For the Hearing Panel:**




**Cr Tom Lambie**  
**Chair**



**Cr Iaeen Cranwell**  
**Panel member**



**Cr Cynthia Roberts**  
**Panel member**



**John Simmons**  
**Panel member**

**22 February 2018**

**APPENDICES**

- [1] Hearing Panel reasons for accepting or rejecting submissions
- [2] Canterbury Regional Pest Management Plan



**APPENDIX 1 - Hearing Panel recommendations on submissions  
(attached as a separate document)**

**APPENDIX 2 – Canterbury Regional Pest Management Plan  
(attached as a separate document)**

**APPENDIX 3 – Minutes of the Hearing Panel  
(attached as a separate document)**