

Amendment to Regional Pest Management Plan 2018

Minute of the Hearing Panel

Minute 2

To: Jono Underwood, Biosecurity Manager, Marlborough District Council

1. On 24 February 2020 the Hearing Panel for the Amendment to the Regional Pest Management Plan 2018 (the Panel) held a hearing at which six submitters appeared and presented to the Panel.
2. During the report writer's reply to the submitter's evidence, the Panel requested the report writer provide responses to the following requests.
 - (a) Clarification of how the RPMP applies to Crown land. Although it is explicit in the Act, how this could be more clear/prominent in the RPMP.
 - (b) How the handover process can be presented in the plan with particular regard given to how they could be incorporated into the rules and referenced in the appendices.
3. After the hearing, in its consideration of the evidence presented, the Panel raised further concerns regarding proposed amendments to the plan and now seek further clarification from the report writer. The issues related to imposition of the rules on private landowners in the High Risk Management Area and the implications the proposed changes to Rule 5.22.2.1 will have on Rule 5.22.2.3.

High Risk Management Area

4. The Panel recognised the request for relief to ensure the liability for conifer eradication in the High Risk Management Area (HRMA) did not devolve to the current private landowner until such time as a comprehensive National Wilding Conifer Control Programme (NWCCP) is undertaken.
5. The submitters, in evidence, noted the previous 'Catchment Control Area', which provided the necessary security to private landowners, was removed when the Regional Pest Management Plan was made operative on 1 October 2018.
6. Effectively, what the submitter seeks is an exemption from the provisions of the plan for a specific area. The Panel agreed that the implications of the rules could cause a significant and unjustified burden on the private landowners. However, it considered a framework to manage the exemption would also be suitable and this would include a review after five years, in consultation with the affected landowners and the removal of the exemption if the NWCCP is considered for the land.

7. The Panel request the report writer consider how such a request could be given effect to and provide provisional wording to do so.

Rule 5.22.2.1 and Rule 5.22.2.3

8. In the response to submissions, the report writer proposes the inclusion of new wording in the note under Rule 5.22.2.1 as follows:


For the purposes of Rule 5.22.2.1, control operation means an operation to remove pest conifers from the land to a point where infestations have been managed to a level where coning trees are at, or close to, zero density and there is also no seed rain that could cause unreasonable levels of re-infestation. Occupiers will be notified by the management agency should a control operation meet this threshold, triggering the obligation under Rule 5.22.2.1.

9. The Panel were concerned with the impact the wording 'at, or close to, zero density' could mean when applying Rule 5.22.2.3. The Panel provided an example to illustrate its concern, as follows:

A control operation could potentially occur on a property leaving one pest conifer behind. This would reach the threshold required, being the infestation managed to a close to zero density. On the adjacent property, Rule 5.22.2.3 would then apply requiring all conifers on the property to be destroyed within 200m of the boundary (Good Neighbour Rule). This causes a disparity in the clearance of pest conifers and, if the remaining tree continued to spread wildings a burden on the adjacent landowner that could be deemed unreasonable in the circumstances.

10. The Panel request the report writer consider the inconsistency in applying these rules.
11. The Hearing Panel wishes to have your responses as to possible recommended amendments available to it for its consideration by 17 March 2020.

Dated 11 March 2020



Councillor Cynthia Brooks

Chairperson