

Draft Hawke's Bay Regional Pest Management Plan

Under the Biosecurity Act 1993

Staff Narrative Report

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Purpose of Report

By Minute 3, dated 10 September 2018, the Hearing Panel directed Council Staff to prepare a revised Proposal for the Hawke's Bay Regional Pest Management Plan (RPMP).

1. This revised Proposal is in the format of a draft Plan and the Proposal elements have been removed.
2. Staff have amended the document in response to the written submissions received (and noted in the Staff Report), discussions and evidence presented during the hearing.
3. Staff have prepared this report to accompany the draft RPMP to provide:
 - a a summary of the legal framework in the Biosecurity Act 1993 (the Act or BSA) for making a regional pest management plan;
 - b context and further information relating to the recommended changes. This report also discusses some pests/issues raised through the submission process but were not included in the draft plan.
4. Staff have also prepared an assessment of the draft Plan against the requirements of sections 73 and 74 of the BSA (Appendix A)

Introduction

The public hearing for the Proposed Hawke's Bay Regional Pest Management Plan was held on 5th, 6th and 9th July 2018, and 3 August 2018 at the Hawke's Bay Regional Council Chambers in Napier. Fourteen submitters spoke to their submissions. The following report outlines key changes made to the Plan as a result of this process.

Legal framework for making a regional pest management plan

A detailed outline of the planning and statutory background is provided in Part One of the Draft Regional Pest Management Plan (RPMP). The following summary provides a brief overview of the process for developing a Regional Pest Management Plan under the Biosecurity Act 1993 (the Act).

Hawke's Bay Regional Pest Management Plan

The purpose of a RPMP is to assist Hawke's Bay in carrying out its regional leadership role in accordance with section 12B of the Act to prevent, reduce, or eliminate adverse effects from harmful organisms that are present in New Zealand.

The draft RPMP has been produced as part of the review of the existing Hawke's Bay Regional Pest Management Strategy 2013 which will be revoked and replaced by the Hawke's Bay Regional Pest Management Plan in accordance with section 100D(7) of the Act.

Biosecurity Act 1993 and Biosecurity Law Reform Act 2012

The Biosecurity Law Reform Act 2012, together with the provisions of the National Policy Direction 2015 (NPD), introduced new requirements as to the content of regional pest management plans and the process by which they are developed. Accordingly, the draft RPMP has been developed in a manner consistent with the Act and the NPD.

Process for making a regional pest management plan

Part 5 of the Act 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 Act). These steps are set out in full in Appendix 4. A summary of the steps is set out in Table 1 below.

Table 1 Steps to make a regional pest management plan under the Biosecurity Act 1993

S70, First step	Plan is initiated by a proposal (s70 prescribes the matters that must be set out in the Proposal)	Completed by Hearing Panel by way of Minute 1
S71, Second step	Satisfaction on requirements (matters the Council must consider and be satisfied with when it approves the Proposal)	Completed by Hearing Panel by way of Minute 1
S72, Third step	Council is satisfied with consultation, or requires further consultation to be undertaken (for example through public notification of the Proposal)	Council meeting (24 April 2018)
S72, Third step	Hearing Panel is satisfied with consultation	Completed by Hearing Panel by way of Minute 3
S73, Fourth step	Approval of preparation of a plan and decision on the management agency	Completed by Hearing Panel by way of Minute 3
Final steps to be completed		
S74, Fifth step	Satisfaction on contents of the Plan and requirements	Will be completed though Report and Recommendations of the Hearing Panel after receipt of draft Plan
S75, Sixth step	Hearing Panel recommendations to Council on submissions and the Plan	By way of Hearing Panel Report and Recommendations of the Hearing Panel presented to Council
	Council makes decision on Plan	

Final steps to be completed

Fifth step

Following receipt of the draft Plan, the Hearing Panel will undertake the fifth step in the process which is to satisfy itself on the contents of the draft Plan under section 73 and the requirements of section 74 of the Act. The Hearing Panel will address these matters through the Report and Recommendations of the Hearing Panel.

Sixth step

Finally, the Hearing Panel will prepare a written report under section 75(1) of the Act setting out its reasons for accepting or rejecting submissions received on the PRPMP and its recommendations to the Council on the draft Plan (**Report and Recommendations of the Hearing Panel**). This report will be provided to the Council and the Council's decision on the Plan will be publicly notified in accordance with section 75(4) of the Act.

Key changes incorporated into the draft Plan

Section 2.5 Relationship with Māori

Several submissions were received on Section 2.5 Relationship with Māori. Points raised included:

- moving this section further forward in the Plan
- a stronger commitment to work closer with tangata whenua engagement process and the potential use of Mana Whakahono a Rohe to assist
- further definitions to be added to the glossary
- amendments to figures within the Plan

In response, staff have moved Section 2.5 forward in the Plan to 1.5 and have amended the wording of this section, including a stronger commitment to work closer with Tangata Whenua.

In the 'staff response to questions issued in Minute 2' staff noted the Mana Whakahono a Rohe could provide the framework for achieving the commitment made in the amended Section 1.5 and has amended this section accordingly. Mana Whakahono provides an opportunity for Council and tangata whenua (through their iwi authority or hapū) to have a meaningful dialogue about their respective visions and objectives for an area. Parties can record in their Mana Whakahono how they could work together to achieve identified outcomes.

Figures 2 - 5 have also been amended and the following words added to the glossary:

- Mauri;
- Rohe;
- Tangata whenua;
- Taonga;
- Wai māori

The plan already includes the following definitions in the glossary: Kaitiaki, Kaitiakitanga, Mana whenua, Nga Whenua Rahui covenant and Wāhi tapu.

Plan headings have also been translated into Te Reo.

Term 'Unproductive Land'

It was raised that the terminology 'unproductive land' is not reflective of the true value of that land. Staff agree that the terminology "unproductive land", which was used in the explanation of land that is exempt from paying a targeted rate (land area of more than 200 hectares, of which more than 90% is covered in ungrazed indigenous vegetation), is not appropriate. This section was for the Proposal only and is not included in the Plan. Staff make the commitment to use the term 'ungrazed indigenous vegetation' in future reports as a replacement for 'unproductive'. The term 'unproductive' was used twice in the Plan.

Velvetleaf

A request was made to move velvetleaf from Progressive Containment to Eradication. Staff reiterate that successful eradication of velvetleaf both locally and nationally will be governed by the Ministry of Primary Industries as they are the lead agency for velvetleaf. This pest has been included in the Plan to equip the Council with the required powers under the Biosecurity Act 1993 to respond immediately in the event of new velvetleaf areas being discovered in the Hawke's Bay region, not to replace MPI as the lead management agency.

The Panel requested that further text be added to the Plan clearly outlining that Velvetleaf is subject to a national incursion response programme led by the Ministry of Primary Industries. Staff have included the following text:

'Although there are currently only two known populations of velvetleaf in the Hawke's Bay region, due to the current national distribution of velvetleaf, multiple vector pathways and the longevity of its seed, eradication is unlikely in the short to medium term. Successful eradication of velvetleaf needs to be coordinated nationally. Velvetleaf has been included in this Plan to equip Council with the required powers under the Biosecurity Act 1993 to respond immediately in the event of new velvetleaf areas being discovered in the Hawke's Bay region. Ministry for Primary Industries is the lead agency for the management of velvetleaf. It is not Council's intention to replace MPI as the lead agency.'

Biodiversity site criteria

A query was raised during the hearing process to clarify what classified as a 'site of ecological importance' within the site-led programme. Staff have amended the definition to make it clear that an area of ecological importance is either a:

- a. Ecosystem Prioritisation site (Hawke's Bay Regional Council);
- b. Recommended Areas for Protection (Department of Conservation); or
- c. Sites of Special Wildlife Interest (Department of Conservation).

Possum Good Neighbour Rule

A submission was made to increase the possum residual trap catch (RTC) requirement for the good neighbour rule from 4% to 5%. The Good Neighbour Rule requires land adjacent to properties within a Possum Control Area to maintain possum densities at or below a specific RTC requirement within a marginal strip no less than 500m. This includes Department of Conservation and forestry land.

Given possum migration from sites at or below 5% RTC would be very low and that an area much larger than 500m would need to be controlled to achieve a 5% RTC, staff consider that a 5% RTC requirement for the Good Neighbour Rule would not jeopardise the success of the programme. This was supported by the Hearing Panel and Plan Rule 15 has been updated to reflect this.

Marine Pest Programme

Some submitters, including the Minister for Primary Industries, sought changes to Plan Rule 1 and the associated explanation, to closer align with the National Craft Risk Management Standards.

Staff have amended Plan Rule 1 and explanation, as per the staff response to submissions.

Yellow bristle grass

During the development of this Plan, pest plant staff discovered a population of yellow bristle grass in northern Hawkes Bay, primarily growing along roadside margins. It was confirmed as yellow bristle grass by the Plant Identification Service at Landcare Research on 27 March 2018. Given the current extent, number of potential vectors and limited control tools, staff believe eradication is not achievable. Eradication has not been attempted in any other region to date. However, powers under the Biosecurity Act are still required to manage this pest, particularly for vector management.

Yellow bristle grass has been moved to Sustained Control with the main focus being on preventing its spread and assisting the community in best practice management. It is estimated

this programme will cost \$10,000 per annum and will be sought through the 2019/2020 Annual Plan process.

Feral Goats

Although provisions for feral goats in the proposal were a significant step up from the previous Regional Pest Management Strategy, several submissions were received requesting further provisions be applied. The Hearing Panel directed staff to draft a Feral Goat Coordinated Management Area (CMA) programme, based on the same principles as the successful possum control programme.

This programme has been included in the draft Plan, including a new Feral Goat CMA Policy and associated good neighbour rule, including a 75% threshold for acceptance of a CMA.

Requests for additional pests

[54] The following species have been added to the Plan as Organisms of Interest:

- Darwin's ant
- Hare
- Horehound
- Lesser Calamint
- Pampas
- Pink ragwort

As directed by the Hearing Panel, Organisms of Interest have also been added to Section 7.1 Monitoring.

The following sets out some of the requests for additional pests, and how they have been approached in the draft Plan.

Old Man's Beard Programme

The Department of Conservation sought the inclusion of an old man's beard programme along the Kaweka and Ruahine Ranges to support their control work and to help protect the ranges from infestation. Staff believe there is merit in such a programme and as per Staff Response to Minute 2, drafted and costed such a programme, being a 500m buffer strip running adjacent to the Ruahine and Kaweka park DOC boundary. This programme also contains a Good Neighbour Rule.

This programme has been included in the draft Plan (6.4.3). The estimated cost for delivering this programme is \$32,500 per annum which will be sought through the 2019/2020 Annual Plan process.

Wilding Conifer Programme

Several submissions were received on Wilding Conifers, including by the Ministry for Primary Industries and the Department of Conservation. The Hearing Panel directed staff to draft a Wilding Conifer programme for potential inclusion in the Plan. Staff have included this programme in the draft Plan (6.3.11) with the following Plan rule:

Except where an occupier of land has entered into a Written Management Agreement approved by Hawke's Bay Regional Council, an occupier of land shall:

- I. destroy all contorta plants on their land prior to cone bearing; and*
- II. destroy all Scots pine, mountain pine and dwarf mountain pine on their land within the containment area defined in Figure 10 prior to cone bearing; and*
- III. destroy all wilding conifers present on land they occupy prior to cone bearing, if*
 - a. The wilding conifers are located within an area which has had control operations carried out to destroy wilding conifers or any other planted conifer species that were causing the spread of wilding conifers; and*
 - b. The control operations were publicly funded (either in full or in part).*

Staff support wilding conifer inclusion in the Plan and estimate the programme will cost \$30,000 per annum of which will be sought through the 2019/2020 Annual Plan process.

Hedgehogs

Multiple requests were made for the inclusion of hedgehogs as a Site-led pest. Hedgehogs are known to have negative impacts on biodiversity, particularly invertebrates, reptiles and ground nesting birds. Council staff support this inclusion and have included hedgehogs in the Site-led programme as directed by the Hearing Panel. A cost benefit analysis has been completed of which the benefits of the programme outweigh the costs.

Funding

The BSA requires that costs and benefits of implementing the Plan are analysed, and that the allocation of costs and funding is thoroughly examined. It also requires that for each subject there is likely to be adequate funding for the next 5 years (section 74(d)).

As discussed above, funding is required to deliver the additional programmes included in the Plan. The total quantum is \$72,500 of which will be sought through the 2019/2020 Annual Plan process through the Local Government (rating) Act 2002.