Rules to manage pests in the Proposed RPMP

Rules for progressive containment pests

<table>
<thead>
<tr>
<th>Rule</th>
<th>Description</th>
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<tbody>
<tr>
<td>Rule 1</td>
<td>The owner or person in charge of a craft moving within Bay of Plenty waters must ensure the hull is sufficiently cleaned and antifouled so that there is no more than a slime layer. This is to support the progressive containment of clubbed tunicate and Mediterranean fanworm.</td>
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<tr>
<td>Rule 2</td>
<td>All aquaculture ropes and floats used within Bay of Plenty waters must not have been used outside Bay of Plenty waters. This is to support the progressive containment of clubbed tunicate and Mediterranean fanworm.</td>
</tr>
</tbody>
</table>
| Rule 3 | Occupiers must destroy the following pests in areas where these pests are included as progressive containment pests:  
- Apple of Sodom (entire region)  
- Climbing spindleberry (Map 13)  
- Darwin’s barberry (Map 3)  
- Italian buckthorn (Map 7)  
- Lantana (Map 10)  
- Lodgepole Pine (entire region)  
- Old man’s beard (Map 14)  
- Spiny emex (entire region)  
- Variegated thistle (entire region)  
- Wild kiwifruit (Map 11)  
- Woolly nightshade (Map 12)  
  Unless a property specific Progressive Containment Pest Management Agreement has been agreed and signed between the occupier and the Council. |

Advisory Note: To manage progressive containment programme pests, Rules 6, 7 and 8 also apply.  
A breach of any rules for progressive containment programme pests creates an offence under section 154N (19) of the Act.
## Rules for progressive containment pests

### Explanation

Rules 1 and 2 will support the protection of productive and environmental values in the marine space by targeting the movement of vessels and marine industry equipment. The marine industry and craft ‘owners’ have a responsibility to take measures to avoid marine pest spread. These rules will support best practice codes within the marine industry.

Best Practice measures include:

- regularly cleaning and antifouling your vessel's hull and niche areas.
- ensure antifouling paint is in good condition and working effectively.
- cleaning hull and niche areas when your vessel has been stationary for periods of time.
- keeping biofouling management information in one place, like the vessel's logbook. This will help to show you have been managing your biofouling.

This rule aligns with the Ministry for Primary Industries Craft Risk Management Standard for Biofouling.

The Regional Coastal Environment Plan manages the establishment of new marine farms including consideration of pest spread and management.

Rule 3 requires the destruction of the listed plant species as this is the most effective way to contain and reduce the geographical distribution of these species. This Rule places pest management responsibility on occupiers. However, in some instances Progressive Containment Pest Management Agreements may offer a more pragmatic alternative approach and provide for joint pest management. These agreements may take into account:

- complexity and equitability issues associated with the history and timing of plant pest infestation and sources. For example, many original contorta sources are ‘legacy’ Crown plantings or historic shelter and amenity plantings and some wilding conifer sources have been legally established (under the RMA) with no legal obligation to manage wilding conifer spread.
- some pest infestations are due to the actions/inactions of previous occupiers.
- in some areas it may be unreasonable to expect adjoining landowners to control pests (e.g. steep topography).
- complex land ownership issues.

## Rules for sustained control pests

### Rule 4

In areas where the following pests are included as sustained control pests:

- Blackberry (entire region)
- Old man’s beard (Map 14)
- Ragwort (entire region)
- Gorse (entire region)

Occupiers must destroy these pests within 10 m of any property boundary where the adjoining occupier is also controlling blackberry, old man’s beard, ragwort and/or gorse within 10 m of the boundary.

**Rule 5**

In areas where the following pests are included as sustained control pests:
- Climbing spindle berry (Map 13)
- Lantana (Map 10)
- Woolly nightshade (Map 12)
- Wilding conifers (entire region)
- Wild ginger (entire region)
- Wild kiwifruit (Map 11)

Occupiers must destroy these pests:

Either

1. within 200 m of any property boundary where the adjoining occupier is also controlling climbing spindle berry, lantana, woolly nightshade, wilding conifers, wild ginger and/or wild kiwifruit within 200 m of the boundary.

Or

2. If required by a written direction from an authorised person.

**Advisory Note**

To manage sustained control programme pests, Rules 6, 7 and 8 also apply.

A breach of any rules for sustained control programme pests creates an offence under section 154N (19) of the Act.

**Explanation**

Rules 4 supports a good neighbour approach in that if one neighbour is actively managing a plant pest, their efforts should not be undermined by the inaction of their neighbours. These rules are not Good Neighbour rules under the Biosecurity Act and therefore do not bind the Crown. Council considers this rule is for boundary control purposes and would only act on a complaint from a compliant neighbour. Whilst seed dispersal mechanisms can include seed drop, bird and wind, the distance of 10 m reflects a primary pest spread dispersal mechanism for seed drop.

Like Rule 4, Rule 5 supports a good neighbour approach but the larger distance of 200 m reflects the primary pest spread dispersal mechanisms are more likely to be wind, bird and water. Whilst these dispersal mechanisms may spread pests up to several kilometres, Council thinks 200 m is a practical and pragmatic distance for a boundary control approach.

The second part of Rule 5 supports action if Council deems action is required. A need for action may be triggered by a significant increase in pest infestation and their impacts, an elevated risk of spread and/or complaints from compliant neighbours. Occupiers have certainty at the time of notification that any time in the future they may be required to manage the sustained control pests listed on land they occupy.
With regards to management of wilding conifers, Council will align its requirements for action with those being implemented through the New Zealand Wilding Conifer Management Strategy.

Sustained control pests that are not managed by Rules 4 and 5 are still subject to provisions in the Biosecurity Act as they are listed as pests in this RPMP and also managed through Rules 7, 8 and 9 of this RPMP.

<table>
<thead>
<tr>
<th>Rule</th>
<th>Generic Rule for pests listed in the Exclusion, Eradication, Progressive Containment or Sustained Control programmes of this RPMP</th>
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<tbody>
<tr>
<td>Rule 6</td>
<td>For all pests listed in the exclusion, eradication, progressive containment or sustained control programmes:</td>
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<td>1. No person shall move or interfere with any article or substance left in place by an authorised person for the purpose of monitoring, controlling, or eradicating a pest listed in this RPMP, and</td>
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<td></td>
<td>2. No person shall move, or allow to be moved, any live pest listed in this RPMP, or any machinery, vessel, organism or goods that are contaminated with any pest listed in this RPMP, and</td>
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<td></td>
<td>3. No person shall keep, plant, propagate, distribute or release any pest listed in this RPMP or assist in their maintenance including tending, feeding or sheltering them.</td>
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<td>This is to protect production, environmental and public values that can be adversely affected by pests.</td>
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<td>Rule 7</td>
<td>To avoid the spread of aquatic pests, the following provisions apply:</td>
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<td>1. No person shall leave boat trailers in any water body other than for the purposes of launching and/or retrieving boats.</td>
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<td>2. No person shall transport ballast water from any water body to any other location.</td>
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<td></td>
<td>3. All owners of vessels or craft entering any water body within the Bay of Plenty shall ensure their vessels or craft (including trailers) are free from freshwater pest fish and lake weed including fragments.</td>
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<td>This is to protect production, environmental and public values that can be adversely affected by aquatic pests.</td>
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<td>Rule 8</td>
<td>All persons must notify Council once they become aware they have received products contaminated by marine pests.</td>
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<tr>
<td>Rule 9</td>
<td>Occupiers shall destroy all wilding conifers on land they occupy, prior to cone bearing, if –</td>
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<td></td>
<td>1. The wilding conifers are located within an area which has had control operations carried out to destroy wilding conifers,</td>
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<td></td>
<td>2. The control operations were publicly funded (either in full or in part).</td>
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<td>This is to protect production, environment and public values that can be adversely affected by wilding conifers.</td>
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<td>Advisory Note</td>
<td>A breach of any rules for sustained control programme pests creates an offence under section 154N (19) of the Act.</td>
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| Explanation | These generic rules provide a starting point to manage pests in the region and will contribute to achieving the objectives in the RPMP by protecting public, environmental and production values from adverse effects.  

Rules 6 applies to all pests listed in this RPMP. This rule is a catchall rule that supports all the objectives and adverse effects outlined in this RPMP. It seeks to manage human actions that distribute, move and spread pests within the region. Rules 7(1) and 7(2) reinforce the intent of sections 52 and 53 in the Biosecurity Act. Rule 7(3) restricts human intervention that may support pest populations.  

Rule 7 focuses on the possible spread of aquatic plant pests and freshwater fish pests between our waterbodies especially our Rotorua lakes. It represents a pathway approach in that it focuses on a known pathway that spreads pests i.e. boats and trailers.  

Rule 8 supports Council led management of marine pests. If Council is made aware of the presence of a pest/contaminated product, then they can undertake appropriate management and disposal of pests and/or contaminated products.  

Rule 9 ensures that new infestations of wilding conifers are prevented at sites where wilding conifers have previously been destroyed through publicly funded control operations. The expectation is that funding is accepted with a level of occupier responsibility for future ‘maintenance’ control.  

Other rules in the RPMP apply to specific pests and their management.