

## Otago Regional Council's pest management regime

**Plant and animal pest species pose an ongoing threat in our regions. The Otago Regional Council is the authority responsible for management of pest species in Otago; addressing their effects on indigenous biodiversity, economic activities, and landscapes. Under the Biosecurity Act 1993, the ORC is required to provide regional leadership to prevent, reduce, or eliminate adverse effects resulting from pest species that are present in the region.**

### Otago Pest Management Plan (Plan)

Otago's landscape and climate support many plants and animals considered to be pests, including; weeds, vertebrate pests (e.g. rabbits), invertebrate pests (e.g. pathogenic pest diseases) and freshwater and marine pests.

The ORC's [Otago Pest Management Plan 2019-2029](#), together with its [Biosecurity Operational Management Plan](#) sets out its statutory and non-statutory tools to control pests.

The ORC's pest management approach is intended to support national objectives; including the New Zealand Wilding Conifer Management Strategy 2015-2030 which sets objectives to improve the management of wilding conifers at a national level, the New Zealand Biodiversity Action Plan 2016 and the Predator Free 2050 Programme, which set ambitious goals to manage the effects of pests (particularly animal predators) on indigenous biodiversity.

Many landowners may not be aware of the rules and regulations under the Plan which require them to control, and in some instances eradicate, certain pests. The Plan purports to take a regional approach to pest management, but it squarely puts the onus of implementation on individuals, with potentially significant consequences applying if compliance is not achieved.

### How the Pest Management Plan works

The Plan sets out a list of 49 identified plants and animals considered as problematic pests to Otago. It then sets a framework to either 'manage' or 'eradicate' such pests, including through imposing rules and enforcement powers on private and public land.

The Plan is extremely broad, in that it applies to 'occupiers' of land (not just owners) as well as covering all types of land in the Region (not just rural land). The Plan also covers roads, reserves, and rail corridors. The term "occupier" has a wide definition under the Act and includes:

- the person who physically occupies the place; and
- the owner of the place; and
- any agent, employee, or other person acting or apparently acting in the general management or control of the place

Occupiers must manage pests in accordance with the rules. If they fail to meet the rules' requirements, they may face legal action. For example, some rules specify that a contravention of the rule creates an offence under section 154N(19) of the Biosecurity Act. Occupiers (and other persons) must not sell, propagate, breed or distribute pests. An 'authorised person' (who is appointed under the Biosecurity Act by DOC or ORC) may enter and inspect any place, at any reasonable time, to:

- find out whether pests are on the property;
- manage pests; or

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- ensure the owner and/or occupier is complying with biosecurity law.

While an occupier may choose the methods they will use to control any pests, they must also comply with the requirements under other legislation (for example the RMA, the Hazardous Substances and New Organisms Act, and the Firearms Act)

Table 2 of the Plan sets out the identified list of pests. There are 30 listed plant species (including a variety of wilding pines, lupins and Old Man's Beard) and 11 listed animal pests (including feral cats, deer, rabbits and possum). Pest management approaches range from just monitoring at the lower end up to eradication, these include:

- Exclusion and surveillance – to prevent establishment (e.g. African feather grass);
- Attempted eradication – to reduce infestation and spread in the short term (e.g. wallabies and rooks);
- Progressive containment – containing or reducing geographic spread (e.g. wilding tree species, and Old Man's Beard);
- Sustained control – ongoing control to reduce impacts (e.g. rabbits, gorse and broom); and
- Site-led pest programme (where the ORC will support community and agency control as outlined in their management plans).

The approach deployed by the ORC in each case depends on the degree to which species are entrenched already in the Region. For each of the above programmes (and the pests associated with those) the Plan sets out a number of objectives, measures, and in some instances, rules, to achieve the programme. A range of species are required, by rules, to be 'eliminated' from land. In some instances, a 'Good Neighbour Rule' may also apply, which requires elimination of species from boundaries where control /

eradication programmes have previously been undertaken by a neighbour. Some examples of the rules are set out below. These do not cover all species listed in the Plan, and reference should be made to the full Plan for those concerned about regulation of pest species on their land.

### Old Man's Beard

All occupiers are required to eliminate Old Man's Beard infestations on their land, at all times. Additionally where a neighbour is eliminating Old Man's Beard infestations within 20m from a boundary, a landowner must also undertake elimination (upon receiving written direction from ORC). For the purpose of this rule, eliminate means the permanent preclusion of the plant's ability to set viable seed.<sup>1</sup>

### Wilding tree species

Occupiers must eliminate a range of wilding tree species on their property where:

- the wilding species are located within an area which has had control operations carried out to eliminate wilding conifers since January 2016; and
- the control operations were publicly funded (either in full or in part).

Clearance is also required within 200m of an adjoining property boundary where control operations have been undertaken on that neighbouring property within 200m of the boundary, and since January 2016.<sup>2</sup>

These requirements require clearance prior to trees reaching cone bearing age.

### Gorse and Broom

All occupiers within the Gorse and Broom Free Areas (as shown in the plan below) shall eliminate all broom infestations on the land that they occupy. However this rule does not have legal effect until 31 October 2024. In

<sup>1</sup> Otago Pest Management Plan, Rule 6.3.2.6 – 6.3.2.7

<sup>2</sup> Otago Pest Management Plan, Rule 6.3.4.1 – 6.3.4.2

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the meantime, all occupiers outside of the Gorse and Broom Free Areas on rural zoned land shall eliminate broom and gorse infestations on their land within 10m of the property boundary where the adjoining property is eliminating broom infestations within 10m of that boundary.<sup>3</sup> Those Gorse and Broom Free areas include significant tracts of rural land across the Region.

### Rabbits

Rabbit control is measured using the McLean Scale, which is an 8 stage scale. Any occupier is required to control rabbit densities on land they occupy to at or below level 3 on that scale. This level requires:

*Odd rabbits seen; sign and some buck heaps showing up. Pellet heaps spaced 10 metres or more apart on average.*

Additionally, upon receipt of a written direction from ORC, an occupier must control feral rabbit densities on their land to at or below Level 3 on the Modified McLean Scale within 500m of the property boundary where the occupier of the adjoining property is also controlling feral rabbit densities at or below Level 3 on the Modified McLean Scale within 500m of that boundary<sup>4</sup>.

The McLean scale is quite difficult to interpret, and in our experience, many rural landowners (including public landowners such as DOC) would not comply with level 3. Level 4 for example, which would result in non-compliance with the above rules, only requires:

*Pockets of rabbits; sign and fresh burrows very noticeable. Pellet heaps spaced between 5 metres and 10 metres apart on average.*

### Consequences of rule breaches

Breaches of any of the above rules create an offence under s154N(19) of the Biosecurity Act, the penalties for which (upon conviction) could be up to \$5,000 fine for individuals or \$15,000 for corporations.

Part Three of the Pest Management Plan provides the Regional Council with a range powers, functions, and duties under the Act and in relation to implementing the Plan. Those include rights of inspection and entry to private property, powers to give directions, to enforce controls, issue exemptions, and recover costs.

### Biosecurity Operational Plan 2021-2022

In terms of the 2021-2022 work programme, one priority programme and four priority pests have been identified as a focus for the Biosecurity Operational Plan:

- Exclusion pest programme
- Feral rabbits
- Bennett's wallaby
- Wilding conifers
- Lagarosiphon

The Operational Plan states that there has been a significant increase in funding afforded to biosecurity activities under the 2021-31 Long Term Plan. The following points highlight areas of new work that are anticipated for 2022:

- Stepped up engagement and co-ordination with occupiers over feral rabbits, especially in peri-urban areas and lifestyle blocks.
- Increased compliance activities for rural properties regarding rabbits.
- Increased wilding conifer engagement, inspections and monitoring.
- Increasing wallaby surveillance and compliance, and liaison with neighbouring councils.
- Improved alignment of practice to improve the performance of activities in real time.
- Development of a meaningful partnership with Kāi

<sup>3</sup> Otago Pest Management Plan, Rule 6.4.3.1 – 6.4.3.4

<sup>4</sup> Otago Pest Management Plan, Rule 6.4.6.1 – 6.4.6.2

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## Otago Regional Council's pest management regime (Continued)

Tahu in order to connect regularly

- on biosecurity issues, to identify areas of importance to Kāi Tahu and actively
- promote collaborative action.
- Prioritisation of effort to better maximise biodiversity gains.
- Greater spread of activities across the region based on freshwater management units (**FMUs**).
- Streamlining operating procedures that allow for better use of Biosecurity Act powers.

Many may consider this new work plan a welcome change, given ORC has taken a hands-off approach to coordination and enforcement of pest management in the past. A number of recent media articles focussed on the 'return of a rabbit plague' to Otago, and left some primary sector members questioning whether the ORC's approach to rely on greater enforcement funding will work. Many calls have been made for more combined landowner programmes and a cohesive approach to sustained control across the Region, rather than focussing on rule-based enforcement. A number of landowners also share frustrations when their land adjoins publicly held land (such as through rivers and lakes) where control can be hard to achieve and monitor.

### Want to know more?

If you have any questions about these pest management plans and programmes, or other regulations referred to in this article, please contact our specialist [Environment, planning and natural resources team](#).