

23 March 2018

Marlborough District Council  
PO Box 443  
**BLLENHEIM 7240**

By email to: pestreview@marlborough.govt.nz

**SUBMISSION ON PUBLICLY NOTIFIED PLAN**  
**Proposed Marlborough Regional Pest Management Plan**

**NAME OF SUBMITTER:** KiwiRail Holdings Limited (KiwiRail)

**ADDRESS FOR SERVICE:** PO Box 593  
**WELLINGTON 6140**  
Attention: Rebecca Beals

**KiwiRail Submission on Proposed Marlborough Regional Pest Management Plan**

KiwiRail Holdings Limited (KiwiRail) is the State Owned Enterprise responsible for the management and operation of the national railway network. This includes managing railway infrastructure and land, as well as rail freight and passenger services within New Zealand. KiwiRail Holdings Limited is also the Requiring Authority for land designated "Railway Purposes" (or similar) in District Plans throughout New Zealand. The Main North Line (MNL) travels from Canterbury into the Marlborough Region and terminates at the InterIslander ferry terminal in Picton.

As we have previously commented rail operations face some unique challenges in respect to plant pest control. These include budget limitations, a network which is very inaccessible for work crews and equipment and therefore difficult to monitor regularly and, our corridor is often used by neighbours to dump weeds and plant pests.

KiwiRail's comments on the Proposed Marlborough Regional Pest Management Plan (Proposed Plan) are set out in the attached table. Insertions we wish to make are marked in **bold** and **underlined**, while recommended deletions are shown as ~~struck out~~ text.

KiwiRail wishes to speak to our submission, and are also happy to provide any further detail should this be required by Council in relation to the matters raised in this submission.

Regards,

A handwritten signature in blue ink, appearing to read 'Rebecca Beals'.

Rebecca Beals  
**RMA Team Leader**  
**KiwiRail**

Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
1.	4.3.1 Affected Parties: Occupiers	Support	<p>KiwiRail note the discussion that owners and occupiers cannot stop an authorised person from entering a site address biosecurity and pest matters.</p> <p>KiwiRail wish to ensure the Regional Council is aware that the rail land is not publicly accessible for health and safety reasons. KiwiRail operate access to the rail corridor via a permit to enter system, which is required to be obtained prior to access for inspection / pest management activities being undertaken. These can be obtained from here: <a href="http://www.kiwirail.co.nz/infrastructure/accessing-the-corridor.html">http://www.kiwirail.co.nz/infrastructure/accessing-the-corridor.html</a>. KiwiRail will support the Council in undertaking its Biosecurity Act responsibilities, however wish to ensure that Council staff do so safely when accessing the rail corridor.</p>	Retain as notified.
2.	Rules	Support	KiwiRail note the majority of rules require the land owner to advise Council within 5 working days of observation of certain identified pest species, with costs associated with addressing such observations falling to Council / DoC / MPI are identified under each rule. This is supported by KiwiRail.	Retain as notified.
3.	Rule 7.4.2.5 – Broom; Rule 7.8.2.1 – Chilean needle grass; Rule 7.18.2.1 – Gorse; Rule 7.24.2.1 – Nassella tussock;	Support	<p>KiwiRail support that an approved management plan can be put in place in relation to compliance with management of the pest species identified in these rules. While some of the rules relate to management zones through which the rail corridor passes (e.g. the Waima / Ure control zone for broom and gorse).</p> <p>KiwiRail anticipate relying on a Written Management Agreement process. KiwiRail is keen to work with the Council to develop pest management responses that are practical and capable of being undertaken within operational/financial parameters. KiwiRail therefore support the ability to prepare such an agreement. KiwiRail note above that the rail corridor is a unique environment that poses challenges for active pest management, however such an agreement process will give KiwiRail the opportunity to actively manage certain areas at any given time and review the agreement over time to ensure that the corridor is progressively managed in accordance with the Proposed Plan objectives.</p>	Retain as notified.
4.	Rule 7.10.2.1 – Kangaroo Grass	Seek Amendment	<p>As with the rules noted above, there is the option of providing a management plan that is approved by Council in relation to pest management. KiwiRail would like to see that a similar approach is taken to kangaroo grass as it is with Broom, Chilean needle grass and Gorse above, and therefore seek that Rule 7.19.2.1 be amended to be consistent.</p> <p>While the rail land is not explicitly within the mapped areas, the mapped area at Redwood Pass immediately adjoins the rail corridor as shown on Map 7 in the Proposed Plan, and therefore in anticipation that management of Kangaroo grass may be required in the future on rail land, KiwiRail would like to ensure that this can be included within the management plan framework.</p>	Amend to include the option of preparation of a management plan consistent with Rule 7.4.2.5.
5.	Rule 7.21.2.1	Seek Amendment	<p>The pest species identified as being at issue in this section of the Proposed Plan is the Mediterranean fanworm. KiwiRail agree with the direction that Council are proposing in terms of managing the pest species.</p> <p>Under the 'Explanation of the rules', the discussion states 'The purpose of Rule 7.21.2.1 is in accordance with section 73(5)(e) in it is prohibiting or regulating specific uses of goods that may propose the spread or survival of Mediterranean fanworm.' KiwiRail are unsure what goods are being</p>	<p>Amend rule to specifically relate to Mediterranean fanworm / provide clarity that applies to recreational vessels only.</p> <p>An option for wording may be:  <b>Rule 7.21.2.1</b>  <i>The owner or person in charge of a craft entering Marlborough, must ensure that the fouling on the hull and niche areas of the craft does not exceed 'light fouling'; unless:</i></p>

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			<p>prohibited or regulated under this rule as notified, with it appearing to control the level of bio-fouling on marine vessels irrespective of the nature of the fouling.</p> <p>The issue KiwiRail wish to have Council address is that the rule proposed at 7.21.2.1 does not relate solely to the fanworm, requiring a response from parties that is greater than the Plan scope of management for that species. It is noted that rules 7.21.2.2 and 7.21.2.3 specifically identify the fanworm and therefore are more consistent with management of that specific pest species.</p> <p>While KiwiRail have a programmed inspection and cleaning regime for the Interislander vessels to address bio-fouling issues, KiwiRail seek that the rule wording be altered to be targeted at the specific pest that is the focus of the programme, or at recreational craft which are understood to be the focus of the intended rule, rather than a generic type bio-fouling rule which would be better suited as part of other management tools that Council have available to it.</p> <p>A potential option around clarification may be that the rule is directed to recreational vessels rather than commercial vessels that regular enter the Sounds, an option for which is that, consistent with the MEP, recognition is to vessels over 500 gross tonnes. Further restriction can be included in relation to regular travel movements between Wellington and Marlborough to ensure that other large vessels such as cruise ships are not captured by the exemption, in the event that Council intend this. Wording to reflect this is provided under the Relief Sought column, however KiwiRail accept that Council may wish to change this to suit the intention of the rule and whether any rule should not apply to more than just the Cook Strait ferry operators.</p> <p>While the option exists within the Biosecurity Act to apply for exemptions, there is no certainty that these would be granted, therefore certainty is sought in the rule wording in the first instance.</p>	<p>i) <i>The craft is required to enter Marlborough in an emergency relating to the safety of the craft and/or the health and safety of any person on the craft; <b>or</b></i></p> <p>ii) <b><u>The craft exceeds 500 gross registered tonnes and routinely travels between Wellington and Marlborough.</u></b></p> <p><i>'Light fouling' is defined as: small patches (up to 100 millimetres in diameter) of visible fouling, totalling less than 5% of the hull and niche areas. A slime layer and/or goose barnacles are allowable fouling.</i></p> <p><i>A breach of this rule will create an offence under section 154N(19) of the Biosecurity Act.</i></p>

