

Auckland Unitary Plan

Standard Conditions Manual

Myrtle Rust

Disclaimer

The information in this Standard Conditions Manual is, according to Auckland Council's best efforts, accurate at the time of publication. Auckland Council makes every reasonable effort to keep it current and accurate. However, users of the Conditions Manual are advised that:

- *Although the conditions are “standardised”, in the sense that they should be applied consistently where they are required, this does not mean that they should all be applied in every instance. Applicants need to consider the nature of the activity, and the characteristics of the site and its surroundings in considering whether to apply each and every condition.*
- *The standard conditions should be used with caution as a starting point from which appropriate conditions for the individual consent should be drafted to align with the requirements of ss108, 108AA and 220 of the Resource Management Act 1991.*
- *Further guidance as to whether to apply the conditions are included in the guidance notes that accompanies each condition.*
- *Users should take specific advice from qualified professional people before undertaking any action as a result of information obtained in this Standard Conditions Manual.*
- *Auckland Council does not accept any responsibility for, or liability whatsoever whether in contract, tort, equity or otherwise (including negligence) arising from the use of, or reliance on, this Standard Conditions Manual. This includes, without limitation, any liability arising from any error, or inadequacy, deficiency, flaw in or omission from the information provided.*

Introduction

The condition below “Certification of Myrtaceae species for planting” relates to the management of Myrtle rust (*Austropuccinia psidii*) which is a serious fungal disease that affects plants in the myrtle family (family Myrtaceae). The disease has recently (May 2017) been detected in a number of New Zealand locations for the first time.

Myrtle Rust and its management in the industry

Myrtle rust is found in many parts of the world including New Caledonia and all along Australia's eastern seaboard. Myrtle rust spores are microscopic and can easily spread across large distances by wind, or via insects, birds, people, or machinery. The spores are thought to be capable of crossing the Tasman Sea from Australia to New Zealand on wind currents.

The disease poses a severe threat to important native species including manuka and kanuka, which are commonly used in revegetation plantings, along with pohutukawa, various rata species and swamp maire. The disease also affects a range of exotic species such as eucalyptus, feijoa, guava and bottlebrushes.

The Ministry for Primary Industries (MPI) is the lead agency responsible for the response to myrtle rust. Under the Biosecurity Act, myrtle rust has legal status as a Notifiable and Unwanted Organism. Any suspect finds should be reported directly to MPI in the first instance (and copy to the Auckland Council Biosecurity Group). Further information on the disease, including how to recognise it and what to do if it is suspected, is on the MPI website:

<https://www.mpi.govt.nz/protection-and-response/responding/alerts/myrtle-rust/>

The NZ Plant Producers Incorporated (NZPPI) has developed a series of Myrtle Rust Risk Management Protocols for industry members to manage the risk of infection and spread of the disease. All nurseries must provide a Nursery Dispatch Protocol: Myrtle Rust with any consignment of Myrtaceae species to ensure standards and protocols have been met. The Nursery Dispatch Protocol: Myrtle Rust can be found on the NZPPI website www.nzppi.co.nz/myrtlerust. Additional information to manage risks for growing, transporting and planting Myrtaceae species can be found on the website.

The Council's obligations in relation to Myrtle Rust

Both the RMA and the Biosecurity Act have roles to play in the protection of indigenous biodiversity. Sections 30 and 31 of the RMA require the council to maintain indigenous biological diversity. The AUP (OP) contains objectives, policies and rules that aim to achieve that responsibility. The Council's obligation to maintain indigenous biological diversity requires it to manage the risk of infection and spread of Myrtle rust.

The risk of infection and spread of the disease can be managed through a condition about the use of the Myrtaceae species in planting. Conditions should be imposed on any planting proposed or required by resource consent to ensure that no adverse effects on ecological and biodiversity values occur.

Planting is usually required as mitigation when existing trees are removed or through indigenous revegetation planting for subdivision. Planting might have an amenity function or an ecological function. It is important to note that the success of the planting may be jeopardised by the disease and therefore the aim of the planting may not be able to be achieved if the planting fails. If the planting is, for example, to provide visual shelter or to enhance streetscape environment and that planting fails due to Myrtle rust, the outcomes sought by the conditions may not be met. Therefore both for amenity and ecological reasons it is important to impose the below condition.

Where your discretion is unfettered (discretionary or non-complying consents) you should be considering maintenance of indigenous biodiversity in your report. If your consent is a controlled activity or restricted discretionary activity you will have to look to the matters for control or discretion to see whether you can impose the below condition.

Relevant AUP(OP) objectives and policies

Vegetation management

Within chapter E15 Vegetation Management and biodiversity, all RDA activities have a matter for control relating to ecological values (E15.8.1(a)(i)). In addition, there is also a matter relating specifically to mitigation measures (such as planting) (E15.8.1(h)) which can be relied upon to impose the below conditions.

Vegetation management	Permitted	Controlled	Restricted Discretionary	Discretionary	Non complying
Auckland Wide	No control	No control	Conditions can be imposed	Conditions can be imposed	Conditions can be imposed

Subdivision

Subdivision both in urban (Chapter E38) and rural (Chapter E39) areas often involves vegetation protection or revegetation. Appendix 15 sets out the requirements for legal protection of SEAs and revegetation planting, including the requirement for ongoing and effective pest control (e.g. 15.4.2(f), 15.1(1)). Appendix 16 relates to rural subdivision and sets out indigenous planting plan requirements. Subdivision creating additional sites through protection of indigenous vegetation has specific standards that ensure that pest species are controlled and on-going maintenance of pests is achieved. This can appropriately include conditions about the spread of myrtle rust.

General Myrtle rust (*Austropuccinia psidii*) Conditions

Condition 1: Certification of Myrtaceae species for planting

Prior to any Myrtaceae species being delivered to the site, a signed Nursery Dispatch Protocol: Myrtle Rust [please use the latest version from www.nzppi.co.nz] that certifies that the plant producer has implemented the New Zealand Plant Producers Incorporated Myrtle Rust Nursery Management Protocol [please use the latest version from www.nzppi.co.nz] must be obtained by the consent holder. A copy of the Nursery Dispatch Protocol: Myrtle Rust must be provided to the Council within 5 days of being obtained.

Advice Note:

The New Zealand Plant Producers Incorporated has developed a framework of supply chain biosecurity protocols that will satisfy the above condition. A copy of the Nursery Dispatch Protocol: Myrtle Rust and the New Zealand Plant Producers Incorporated Myrtle Rust Nursery Management Protocol can be found at the website (<http://nzppi.co.nz>). The website explains that a Nursery Dispatch Protocol: Myrtle Rust signed by the plant provider will be proof that any Myrtaceae species have been grown and treated according to best practice protocols to reduce the spread of Myrtle rust.

Guidance Note:

This condition relates to the maintenance of biodiversity on site and the ability of the applicant to protect any mitigation planting. It should be imposed on all consents where planting is required by consent condition or where planting is required as part of the proposal. If the consent holder decides not to use Myrtaceae species this condition will not be overly onerous as it will not require any action and if they do decide to use Myrtaceae species this condition will ensure that the plants will not spread the disease. The advice note should always be included with the condition as it provides the website for the consent holder to access the Nursery Dispatch Protocol: Myrtle Rust and the protocols. This condition can apply to commercial or private/non-commercial nurseries. The protocols are easy to follow and any plant grower can sign the Nursery Dispatch Protocol: Myrtle Rust. You will need to check the New Zealand Plant Producers Incorporated website to confirm the latest version of the Nursery Dispatch Protocol: Myrtle Rust and insert reference to that in the condition.