

Guide to agrichemical use in Resource Management Plans

Bay of Plenty Region

As at February 2023

STATUS

The Bay of Plenty Proposed Plan Change 13 (Air Quality) to the Regional Natural Resources Plan is operative, meaning no changes to the Plan can be made except through a publicly notified Plan Change.

NATURAL RESOURCES PLAN RULES¹

AQ R18. Agrichemical spraying – permitted

All discharges of contaminants to air from the use of agrichemicals must comply with following conditions:

- (1) **General use of agrichemicals**
 - (a) *The discharge must not be noxious or dangerous, offensive or objectionable beyond the boundary of the subject property, in any non-target water body or in any non-target watercourse listed in Schedule 3 of this regional plan.*
 - (b) *Where the use of the agrichemical is for the prevention, eradication or management of unwanted organisms or pests, the agrichemical must be used under the direction of the responsible authority under the Biosecurity Act 1993.*
 - (c) *Where the agrichemical is sprayed using drone application, the drone must not operate more than 5 metres above the tallest point of the target to be sprayed while agrichemicals are being distributed from the drone. If this condition cannot be complied with, the spray method is aerial application, and conditions relevant to aerial application must be complied with.*
 - (d) *Persons carrying out spraying with agrichemicals, other than the use of hand-held application methods, must hold a Growsafe certification or have a qualification that meets the requirements of Air-Sched 1.*
- (2) **Method of application of agrichemicals**
 - (a) *The discharge of contaminants into air from agrichemical spraying using hand-held non-motorised application methods is a permitted activity provided conditions 3(a) and 4(d) are complied with.*
 - (b) *Hand-held motorised application methods or application methods using a low pressure boom are permitted activities provided conditions 3(a), 3(d), 4(c) and 4(d) are complied with.*
 - (c) *Any other application method is a permitted activity provided conditions 3(a), 3(b), 3(c), 3(e), 4(a), 4(b), 4(c), 4(d), 5(a), 5(b), 5(c) and 5(d) are complied with.*
- (3) **Signage**

¹ Text in italics is extracted from relevant Plan with some minor changes/deletions for ease of reading. Highlights and text colour added. Items with definitions are underlined the first time they are used.

- (a) Where agrichemicals are sprayed on public amenity areas, signs must be displayed at every entrance where the public usually have entry to the area where the agrichemical is being sprayed (except where the entrance is from private property). Signs must clearly state:
- (i) 'CAUTION – SPRAYING IN PROGRESS' or similar wording
 - (ii) name and type of agrichemical used
 - (iii) start and end date for spray operations
 - (iv) name and phone number of the person carrying out the spraying
 - (v) that while signs are in place, it is not safe to enter.
- (b) Where agrichemicals are sprayed within 50 metres of a public amenity area (ground-based or drone application) or 200 metres (aerial application), signs must be prominently displayed on the boundary of the public amenity area and clearly state 'caution – spraying in progress' or similar wording.
- (c) Signs required by 3(a) or (b) should remain in place until all airborne spray has settled and the agrichemical has dried on its target surface. Signs must be removed within 5 days once the area is safe to re-enter.
- (d) Any vehicles being used to apply agrichemical spray on public amenity areas must display prominent signs front and back that clearly state 'CAUTION – SPRAYING IN PROGRESS' or similar wording.
- (e) Where agrichemicals are sprayed on private property signs stating 'CAUTION – SPRAYING IN PROGRESS' must be placed at the entrance to the property and be removed within 5 days from completion of spraying. In addition a sign must be displayed at the entrance of the property stating as a minimum the following:
- (i) the name of the agrichemical used
 - (ii) the date for commencement of spray operations
 - (iii) the date when it is safe to re-enter the property and that it is not safe to enter until this date
 - (iv) the name and phone number of the person carrying out the spraying.

(4) **Notification**

Where specified by condition (2) above, the following conditions apply:

- (a) The owner/occupier or agent must notify the occupier of any properties within 50 metres (ground-based or drone application) and 200 metres (aerial application) of where the agrichemical is being sprayed:

EITHER:

- (i) by notification, required no earlier than 72 hours, or 20 days for spraying carried out on plantation forestry or in a conservation area, and no later than 12 hours before the agrichemical spraying. Notification must include the following:
- address and location of proposed application
 - date/s of proposed application
 - name and type of agrichemical to be applied
 - name and phone number of person carrying out the spraying.

OR:

- (ii) according to a notification agreement with the occupier. The notification agreement must:
- contain (as a minimum) method of notification and minimum time for notification prior to spraying
 - be recorded in writing and signed by all parties
 - be reviewed and re-signed annually.

- (b) **Details of notification** (including but not limited to date and time of notification, parties notified, method of notification) **must be recorded.**
 - (c) Where agrichemical spraying is being carried out by any person other than the owner/occupier or agent responsible for notification, the person carrying out the spraying must confirm that notification requirements have been met before spraying takes place.
 - (d) **Where agrichemicals are sprayed on public amenity areas or public roads, the owner/occupier or agent must publish on a publicly available website the agrichemical spraying** no earlier than 10 days, or 20 days for spraying carried out on plantation forestry or in a conservation area, and no later than 24 hours before the agrichemical spraying. Notification must include the following information:
 - (i) name and type of agrichemical used
 - (ii) start and end date for spray operations
 - (iii) contact details of the authority responsible for the spraying.
- (5) **Spray risk management plan**
 Where specified by condition (2) above, the following conditions apply:
- (a) **Prior to the agrichemical spraying, a spray risk management plan must be prepared and implemented by the owner/occupier or agent.**
 - (b) **The spray risk management plan must contain the following information:**
 - (i) a plan or map identifying the location of any sensitive areas within 50 metres of the land being sprayed by ground or drone-based application or within 200 metres of the land being sprayed by aerial application
 - (ii) areas to be sprayed, type of agrichemical likely to be used during the year and times of year that spraying is likely to occur
 - (iii) strategies used to avoid contamination of sensitive areas and public roads including consideration of factors listed in Table G1 of NZS 8409:2004
 - (iv) strategies to mitigate any spray drift caused by particular weather conditions
 - (v) strategies to manage any specific hazards associated with the agrichemical to be sprayed (eg. toxicity to bees).
 - (c) **The spray risk management plan must be reviewed and updated each year** that spraying will be carried out.
 - (d) **The spray risk management plan must be made available upon request** within 20 working days of such a request being made.

Advice Note: This rule manages the air discharge component of agrichemical use. Users must also comply with all other rules in this regional plan (see Discharges to Water and Land). Other matters that should be considered when using agrichemicals include: storage, transport, and disposal. Users (particularly large-scale) should also comply with the New Zealand Standard Management of Agrichemicals NZS 8409:2004.

AQ R25. Agrichemical spraying – controlled

The discharge of contaminants to air from the use of agrichemicals not otherwise permitted by AQ R15 is a controlled activity. The Regional Council reserves control over the following matters:

- (a) the location where spraying will take place, frequency of spraying, application method, and proximity of spraying to sensitive areas
- (b) measures to manage spray drift including setting conditions to ensure the discharge is not noxious or dangerous, offensive or objectionable, beyond the boundary of the subject property

- (c) measures to notify neighbouring properties that spraying will take place (including notification and signage)*
- (d) notification agreements with neighbours*
- (e) the preparation of and contents of a spray risk management plan*
- (f) duration of consent and consent condition review including the timing and purpose of the review.*

DEFINITION OF TERMS

Aerial application means any application of agrichemicals where the product is applied from an aircraft, including but not limited to planes, helicopters and drones.

Drone means an Unmanned Aerial Vehicle (UAV) or Remotely Piloted Aircraft System (RPAS).

Drone application means aerial application of agrichemicals using a drone.

Ground-based application means any application of agrichemicals from a source located on the ground.

Hand-held motorised application means an application method of agrichemicals where the applicator is held, and the agrichemicals applied, by hand, and where some part of the application method involves motorised pumping.

Hand-held non-motorised application means an application method of agrichemicals where the applicator is held, and the agrichemicals applied, by hand, and where no part of the application method involves motorised pumping.

Low pressure boom means any boom with the following design conditions:

- (a) the liquid pressure through the boom is less than 3 bar
- (b) the height of the discharge point on the boom is less than 1 metre from the ground
- (c) the nozzles point down
- (d) the nozzles are designed to create coarse droplets of greater than 250 microns in diameter.

Public amenity area means a public area where members of the public are likely to congregate for extended periods of time. This may include (but is not limited to): backcountry huts, barbeques, changing facilities, cycleways, outdoor sports facilities, parks and reserves, playgrounds and playground equipment, public toilets, seating and picnic tables, shelters, squares, and walkways.

Sensitive areas means an area that is particularly sensitive to adverse effects associated with air contaminant discharges either due to the vulnerability of the population or area exposed to the contaminant, or due to the potential for people to be exposed for prolonged periods and may include:

- (a) residential buildings and areas (including marae)
- (b) childcare centres, schools, educational facilities
- (c) hospitals, nursing homes, aged care facilities
- (d) offices, consulting rooms, gymnasiums, community centres
- (e) hotels, motels, caravan parks, camping areas, tourist accommodation
- (f) correctional facilities
- (g) public amenity areas
- (h) manufacturing or storage of food or beverages
- (i) manufacturing or storage of electronics
- (j) public water supply catchments and intakes
- (k) incompatible crops or farming systems (e.g. organic farms, greenhouses)
- (l) household water supplies (including roofs from which a water supply is obtained).

Subject property means the property where the discharge of contaminants to air originates.