

Guide to agrichemical use in Resource Management Plans

Horizons Region

As at June 2017

Disclaimer: This Guide is intended to assist users and applicators to understand the requirements relating to agrichemical use in the relevant regional plans in your Region. Every effort has been made to ensure the accuracy of this information but the responsibility for ensuring that the requirements of councils are met rests with the applicator and user of agrichemicals.

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1. Structure of plan requirements

Under the Horizons One Plan, the following two methods of agrichemical application are permitted activities ie you do not need a resource consent if you follow the rules:

- Rule 15-1 Small scale application of agrichemicals
- Rule 15-2 Widespread application of agrichemicals

The One Plan has two different sets of rules for agrichemical applications – one for each method of application. The rules provide for the discharge of agrichemicals into air, or onto or into land or water.

If the rules cannot be met, then a resource consent under Rule 15-3 will be required from the Council.

Rule 15.2 d) sets out the minimum information requirements for a spray plan that need to be met. These requirements are summarised in section 5 below.

Definitions

Key words are identified in this Guide by *italics* and their formal definitions from the Plan are listed in section 6 of this Guide. The definition of **hand held appliance** is particularly important as it determines which rule will apply.

Status of plan

The Horizons One Plan became operative in December 2014, meaning that the current version cannot be changed except through a publicly notified Plan Change.

2. Specific notes for users

Specified areas

Rule 15-1 and 15-2 require that there are no discharges of agrichemicals to threatened habitats, rare habitats or at-risk habitats unless it is for control of pest plants for the purposes of habitat

maintenance or enhancement. These habitats are identified through Schedule E in the Plan. A landowner and/or applicator should ensure that such areas are not included within the area where spraying will be undertaken. In particular, a contractor should seek confirmation from the landowner regarding these areas to ensure that there will not be a future liability on the contractor for spraying in such areas. Advice may need to be sought from Horizons as to the location of such sites through Schedule E of the Plan.

It should also be noted that the rules require that there be 'no discharges to water bodies'. The definition of water body is taken from the RMA, with the definitions of river, lake and wetland also relevant. Applicators should take care to identify such areas prior to undertaking applications.

NZS8409:2004

Rule 15-2 requires that the application is undertaken in accordance with the mandatory requirements in Sections 2 and 5 of NZS8409:2004 Management of Agrichemicals. Mandatory requirements are identified in NZS8409 as "shall" statements. Users will need to reference NZS8409:2004 and meet these requirements to be compliant with the rules for agrichemical use in the Horizons One Plan.

Vegetation clearance

Applicators should be aware that there are provisions in Chapter 12 of the Proposed One Plan regarding vegetation clearance, which includes vegetation clearance by spraying of both exotic and indigenous vegetation. The provisions are currently under appeal so may change. The current rule requires consent for vegetation clearance in a Hill Country Erosion Management Area where there is both a slope and area threshold. Before undertaking any vegetation clearance by spraying an applicator should ensure that the landowner has checked with Horizons as to whether consent is required or not.

Using this Guide

The summary tables below for each rule set out possible conditions that a Council may require in a permitted activity rule for agrichemical use. If a line is blank then it means that the Plan does not require anything on that issue.

3. Rule 15 -1: Small scale application of agrichemicals

Permitted activity conditions	What the rule requires
Type of use	The discharge of agrichemicals into air or onto land from the use of a hand-held appliance : <i>an application technique or method for agrichemical use where the application system is non-motorised and where spray is being applied that spray is directed only at the target species.</i>
Area of use 15-1 d)	Must be no discharge within any rare habitat, threatened habitat or at-risk habitat except for the purposes of habitat maintenance or enhancement (see note above).
Nature of applicator	
Certain agrichemicals	
Comply with manufacturer's instructions 15-1 a)	The discharge shall not contravene any requirement specified in the agrichemical manufacturer's instructions.
Drift beyond the boundary 15-1 b)	There must be no adverse effects from off-target spraydrift
Status of NZS8409 15-1 e)	Where the agrichemical is used on public land , the discharge shall comply with mandatory requirements set out in Sections 2 and 5 of the NZS 8409:2004 Management of Agrichemicals. (See note in 2 above).
Qualifications or training	
Notification	
Spray Plan	
Signage	
Records	
Public places or amenity areas or sensitive areas	
Storage	
Mixing sites	
Applications to or near water 15-1 c)	There must be no discharge into any water body .
Disposal	

4. Rule 15-2: Widespread application of agrichemicals

Permitted activity conditions	What the rule requires
Type of use	Widespread discharge of agrichemicals into air or onto land or into water is any application that is not handheld as defined in Rule 14-1.
Area of use 15-2 b)	Must be no discharge within any rare habitat, threatened habitat or at-risk habitat except for the purposes of habitat maintenance or enhancement. (See note above)
Nature of applicator	
Certain agrichemicals	
Comply with manufacturer's instructions 15-2 a)	The discharge shall not contravene any requirement specified in the agrichemical manufacturer's instructions.
Drift beyond the boundary 15-2 d)	As required in NZS8409:2004 in Sections 2.2, 2.4.2, 2.4.4, and 5.3.4.
Status of NZS8409 15-2 d)	The discharge shall be undertaken in accordance with all mandatory requirements, including notification requirements, set out in Sections 2 and 5 of the NZS 8409:2004 Management of Agrichemicals. (See note in 2 above)
Qualifications or training 15-2 e) and f)	<ol style="list-style-type: none"> 1. All persons doing ground application (except for contractors) GROWSAFE® Introductory Certificate or under direct supervision of person holding GROWSAFE® Applied certificate 2. Agrichemical contractor EITHER: GROWSAFE® Registered Chemical Applicators Certificate OR: GROWSAFE® Introductory Certificate and under direct supervision of GROWSAFE® Registered Chemical Applicator 3. Aerial application –Pilots Agrichemical Rating issued by CAA
Notification 15-2 d)	As required in NZS8409:2004 in Section 5.3.1 and Appendix M
Spray Plan 15-2 c)	Where the discharge is within 50 metres of a sensitive area – as in NZS8409:2004 – Appendix M – see below. The spray plan must be given to Horizons if requested. As required in NZS8409:2004 in Section 5.3.1 and Appendix M.
Signage 15-2 d)	As required in NZ8409:2004 5.3.3.1 and Appendix M.
Records	As required in NZ8409:2004 in Section 2.6.2. and 2.7.
Public places or amenity areas or sensitive areas 15-2 h)	The discharge shall not result in any agrchemical being deposited on any roof or other structure used as a catchment for water supply other than in accordance with condition (h) – applications to water.

Storage	As required in NZ8409:2004 in Appendix L.
Mixing sites	As required in NZ8409:2004 5.3.2 and in Appendix R.
Applications to or near water 15-2 i)	Where the discharge is into water for the purpose of eradicating, modifying or controlling unwanted aquatic plants: <ul style="list-style-type: none"> • only agrichemicals approved for aquatic use may be used • the application shall not exceed the quantity or concentration required for that purpose • the discharge shall not include disposal to water of any agrichemical • the discharger shall notify every person taking water for domestic supply within 1 km downstream of the proposed discharge, and every holder of a resource consent for the taking of water for public water supply purposes downstream of the proposed discharge at least one week before commencing the discharge.
Disposal	As required in NZ8409:2004 in Section 6 and Appendix S.

5. Spray Plan requirements

Rule 15-2 d) requires a spray plan in accordance with NZS8409:2004 Management of Agrichemicals to be completed where the application is within 50 metres of a sensitive area.

The requirements for a spray plan are set out in Appendix M4 NZS8409: 2004. A template for a Property Spray Plan based on Appendix M4 can be found on the GROWSAFE® website: www.growsafe.co.nz.

1. A plan or map detailing location of any **sensitive areas**
2. Crops to be sprayed
3. Types of agrichemicals that are likely to be used during the year and times of year that spraying is likely to occur
4. Strategies to be used to avoid spraydrift on sensitive areas – e.g. application techniques such as large droplet size, hand application, not spraying outside rows, turning machinery off when turning, having no-spray buffer zone areas, only spraying when the wind is in the specified direction, having personnel monitoring boundaries during the application, lists or people (and their contact phone number) who want to get a phone call just prior to any spraying, any other mutually agreed strategies to manage any risk.
5. Name of person carrying out agrichemical application and confirmation of their current qualifications
6. Particular weather conditions which may increase potential drift hazard
7. Indications of agrichemicals to be used that may present a specific hazard (e.g. bee toxicity).

6. Definitions

Agrichemical - any substance, whether inorganic or organic, man-made or naturally occurring, modified or in its original state, that is used to eradicate, modify or control flora and fauna. For the purposes of this plan, it includes agricultural compounds but excludes fertilisers, vertebrate pest control products and oral nutrition compounds.

At-risk habitat - an area determined to be an at-risk habitat in accordance with Schedule E and for the avoidance of doubt excludes any area in Table E.2.b)

Hand-held appliance, for the purposes of the rules regulating the discharge of agrichemicals and vertebrate pest control products, means an application technique or method for agrichemical or vertebrate pest control products, use where the application system is non-motorised and where spray is being applied that spray is directed only at the target species.

Property - one or more adjacent allotments that are in the same ownership. A legal road is considered a property for the purposes of this Plan.

Public land - land to which the public has free access at the time that an activity is undertaken.

Rare habitat - an area determined to be a rare habitat in accordance with Schedule E and for the avoidance of doubt excludes any area in Table E.2b)

Reasonable measures - as defined in Rule 15-2 i) for aerial applications may include the use of GPS technology, positive airflow indicators on boundaries or direct boundary supervision by qualified personnel.

Sensitive area – as defined in Policy 15-1e) – includes, but not limited to:

- Residential buildings
- Public place and amenity areas where people congregate
- Education facilities
- Public roads
- Surface water bodies
- Wahi tapu, marae and other sites of significance to hapu and iwi
- Domestic, commercial and public water supply catchments and intakes
- Rare habitats, threatened habitats and at-risk habitats
- Sensitive crops or farming systems (including certified organically farmed properties and greenhouses).

Spray drift - the airborne movement of any sprayed agrichemical as vapour, aerosol or droplets onto non-target areas.

Threatened habitat - an area determined to be a threatened habitat in accordance with Schedule E and for the avoidance of doubt excludes any area in Table E.2b)

Water -

- a) water in all its physical forms whether flowing or not and whether over or under the ground
- b) Includes fresh water, coastal water and geothermal water
- c) does not include water in any form while in any pipe, tank or cistern.

Water body - fresh water or geothermal water in a **river**, **lake**, stream, pond, **wetland**, or aquifer, or any part thereof, that is not located within the coastal marine area (RMA definition).

Note: The definition of water body is further defined in the definitions of river, lake and wetland:

- **River** - a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal)
- **Lake** - a body of fresh water which is entirely or nearly surrounded by land
- **Wetland** includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions