

Guide to agrichemical use in Resource Management Plans

Northland Region

As at May 2023

STATUS

The proposed Northland Regional Plan was last updated in December 2022. It includes the provisions relating to agrichemicals which were resolved through the Environment Court. These provisions are now operative meaning no changes to them can be made except through a publicly notified Plan change.

NORTHLAND REGIONAL PLAN RULES¹

C.6.5 Agrichemicals and vertebrate toxic agents

C.6.5.1 Application of agrichemicals

The discharge of an agrichemical into air of onto or into land is a permitted activity, provided:

1. **for all methods** (including hand-held spraying, ground-based spraying and aerial application):
 - a) **the applicator must:**
 - i. **take all practicable steps to ensure that agrichemicals are used appropriately and accurately, and are confined to target application areas;**
 - ii. **take all practicable steps to ensure that no adverse effects occur beyond the application area; and**
 - iii. *ensure that relevant tolerable exposure limits (TEs) and environmental exposure limits (EELs) are not exceeded.*
 - b) *the discharge does not result in:*
 - i. *any noxious, dangerous, offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject property or in the coastal marine area, or*
 - ii. *damage to any spray-sensitive areas beyond the boundary of the subject property or in the coastal marine area, and*
 - c) *there is no direct discharge into or onto water, and*
 - d) **notification** is given, either:
 - i. *other than for spraying in plantation forestry where notification must be given at least 24 hours and no more than 60 working days before spraying commences, neighbouring properties receive notification no less than 24 hours and no more than three weeks before the spraying activity is to take place, as set out in the table below: 'Spraying notification requirements', or*
 - ii. *according to an alternative notification agreement, that meets the requirements set out in 'Spraying notification requirements'; and*
 - e) **if agrichemicals are applied within 100 metres of a public amenity area, prominent signs** are placed prior to the commencement of the spraying and remain in place until

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.

spraying is complete. The signs must include the contact details of the property owner or applicator, details of the chemical to be sprayed, the time period during which the spraying is likely to take place, indication of any specific hazards and the application method. A record of the signage undertaken must be kept and made available to the Regional Council on request, and

- f) for spraying by any method in public road corridors and rail corridors:
- i. other than for handheld spraying of roadside boundary fence lines adjacent to private land, a public notice must be placed in a newspaper, or a letter drop made to properties within 30 metres (or 200 metres for aerial application) from the area to be sprayed, at least seven days and not more than one month before spraying is to take place, and
 - ii. the signs, public notice and letter drop must include the contact details of the property owner or applicator, details of the chemical to be sprayed, the time period during which the spraying is likely to take place, and the application method, and
 - iii. vehicles used for spraying must display prominent signs (front and back) advising that spraying is in progress, and
 - iv. a record of the signage undertaken must be kept and made available to the Regional Council on request.

Spraying notification requirements

Spraying method	Properties to be notified	Notification requirements
<i>Hand-held spraying</i>	<i>Nil (unless a public amenity area or public road corridor or rail corridor under the specific requirements above).</i>	<i>Nil (unless a public amenity area or public road corridor or rail corridor under the specific requirements above).</i>
<i>Ground-based spraying</i>	<i>Any property with a spray-sensitive area within 50 metres of the spraying, including when spraying is taking place in public amenity areas, but excluding when spraying is taking place in a public road corridor or rail corridor.</i>	<i>Either</i> <i>1. Notification:</i> <i>a) is to be undertaken by the owner or occupier of the property where agrichemicals will be applied unless delegated to the applicator, management company, forest manager, or pack house operator, and</i> <i>b) is to be in writing (which can include email or other electronic means) or by telephone, and</i> <i>c) includes:</i> <i>i. the days and times during which the agrichemical application is likely to take place, including alternative days and times if the weather is unsuitable, and</i> <i>ii. the contact details of the owner or occupier of the property, or applicator, or management company forest manager, or packhouse operator, and</i>
<i>Aerial application</i>	<i>Any property with a spray-sensitive area within 200 metres of the spraying, including when spraying is taking place in public amenity areas, but excluding public road corridor or rail corridor.</i>	
<i>Granules, gels and agrichemical baits</i>	<i>Any property with a spray-sensitive area within 30 metres of the agrichemical application, including when agrichemical application is taking place in public amenity</i>	

	<p>areas, but excluding when public road corridor or rail corridor.</p>	<ul style="list-style-type: none"> iii. the details of agrichemicals being applied, and iv. indication of any specific hazards (including toxicity to bees), and v. the application method. <p>2. Alternative notification agreement:</p> <p>a) Notification is undertaken according to a notification agreement with the occupier. The notification agreement must:</p> <ul style="list-style-type: none"> i. contain (as a minimum) method of notification and minimum time for notification prior to spraying ii. be recorded in writing and signed by all parties iii. be reviewed and re-signed annually
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2. for ground-based spraying and aerial spraying:
- a) the activity is undertaken in accordance with the following sections of NZS 8409:2004 (Management of Agrichemicals):
 - i. Use – Part 5.3, and
 - ii. Storage – Appendix L4, and
 - iii. Disposal – Appendix S, and
 - iv. Records – Appendix C9, and
 - b) a spray plan must be prepared annually for the area where the agrichemical is to be applied, which shall be made available to the Council and the occupiers of spray-sensitive areas on request; and
 - c) where the activity is undertaken within 100 metres of a spray sensitive area (or 300 metres for aerial application):
 - i. every spray activity must be undertaken in accordance with a risk assessment, that is recorded in a spray diary or equivalent and made available to the Council and the occupiers of spray-sensitive areas on request;
 - ii. the risk assessment must be carried out prior to the application to determine the site characteristics on the day, particularly wind speed and wind direction, the level of risk present, and use of appropriate methods to address that risk. Where the risk of off target spray movement cannot be addressed, agrichemical application must not be undertaken;
 - iii. the applicator must re-evaluate the risk assessment during the spray application to assess whether the conditions have changed and ensure that the application methods and drift mitigations are still appropriate;
 - iv. the activity must be undertaken in accordance with the risk assessment, and the Spray Plan;
 - d) agrichemical application must not occur if:
 - i. wind speeds are greater than 5 m/s plus gusts and wind direction is towards a spray-sensitive area; or
 - ii. wind speeds are greater than 6 m/s plus gusts²; or

² Average wind speed including gusts must be less than 6m/s. Individual gusts may exceed this.

- ii. wind speeds are between 0 - 1 m/s and inversion conditions are present or likely to be present during application;
- e) the following spray buffer requirements must be met for ground-based application³:

Wind speed⁴	Buffer distance requirement	Additional requirements to be assessed
Any wind direction (not inversion conditions)		
0 - 1 m/s	<p>There is a <u>buffer</u> distance on all boundaries of the target application area of at least:</p> <p><i>Boom spraying</i></p> <ul style="list-style-type: none"> • 2 m with effective shelter, or • 10 m without effective shelter. <p><i>Airblast spraying</i></p> <ul style="list-style-type: none"> • 10 m with effective shelter, or • 30 m without effective shelter 	<ul style="list-style-type: none"> • The buffer distance to be observed on all boundaries of the target application area based on whether effective shelter is present • Height of spray release and risk of spray drift (for boom or blast spraying release should be no higher than 1 m below the top of the shelter to prevent spray drift) • Sensitivity of neighbours • Toxicity of spray • Use of agrichemical direct application methodology (e.g. shrouds)
Wind toward spray-sensitive area		
1 - 5 m/s	<p>There is a buffer distance on the downwind boundary of the target application area of at least:</p> <p><i>Boom spraying</i></p> <ul style="list-style-type: none"> • 2 m with effective shelter, or • 10 m without effective shelter. <p><i>Airblast spraying</i></p> <ul style="list-style-type: none"> • 10 m with effective shelter, or • 30 m without effective shelter 	<ul style="list-style-type: none"> • The buffer distance to be observed on the downwind boundary of the target application area based on whether effective shelter is present • Height of spray release and risk of spray drift (for boom or blast spraying release should be no higher than 1 m below the top of the shelter to prevent spray drift) • Spray quality • Sensitivity of neighbours • Toxicity of spray • Use of agrichemical direct application methodology (e.g. shrouds)
> 5 m/s	DO NOT SPRAY	
Wind away from spray-sensitive areas		
1-3 m/s	Nil	Nil
3 - 6 m/s	Nil	<ul style="list-style-type: none"> • Height of spray release and risk of spray drift (for boom or blast spraying release should be no higher than 1 m below the top of the shelter to prevent spray drift) • Spray quality • Sensitivity of neighbours • Toxicity of spray
> 6 m/s	DO NOT SPRAY	

³ See Table 12 of the Northland regional plan for aerial application.

⁴ Average wind speed. Refer to Appendix H.10.1 for measurement of wind speed requirements.

- f) *the buffer distance requirements above do not apply to agrichemical application if the occupier of the spray-sensitive area has provided written approval for the type and method of agrichemical application; and*
 - i. *the written approval is re-signed annually; and*
 - ii. *the occupier is provided with a copy of the annual spray plan; and*
 - iii. *the written approval has not been withdrawn, withdrawal only being effective if three months' notice has been provided;*
 - g) *agrichemical application is undertaken in a fully enclosed environment that remains enclosed during and immediately after spraying (for example a greenhouse) is not subject to the requirements in 2) above.*
3. *for ground-based spraying:*
 - a) *an applicator who is a contractor holds a current Growsafe Registered Chemical Applicators Certificate (or equivalent), and*
 - b) *an applicator who is not a contractor holds a current Growsafe Standard Certificate (or its equivalent) or is under direct supervision of a person with a Growsafe Registered Chemical Applicators Certificate or Growsafe Advanced Certificate (or equivalent); and*
 4. *for aerial application:*
 - a) *an applicator holds a current Pilot Agrichemical Rating Certificate issued by the Civil Aviation Authority of New Zealand; and*
 5. *for agrichemicals containing 2,4-D:*
 - a) *the agrichemical is non-volatile or is slightly low volatile, or*
 - b) *application is by hand-held spraying, or*
 - c) *application by ground-based spraying or aerial spraying only occurs between 1 May and 31 August.*

C.6.5.2 Application of agrichemicals into water

The discharge of an agrichemical into water is a permitted activity provided a number of conditions are met. This is a specialised activity and the applicator must hold a specific aquatic application qualification. For full details of conditions, refer to the relevant rule (C.6.5.2) in the Northland regional plan.

DEFINITION OF TERMS

Aerial application: the application of a substance taking place from any aircraft, including remotely controlled aircraft.

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 or fauna, including agrichemical compounds, adjuvants (any substance designed to enhance the effectiveness, reduce drift or act as a synergist when added to any agrichemical application mixture) and animal remedies, but excluding fertilisers, vertebrate toxic agents and oral nutrition compounds.

Buffer: a specified horizontal distance from a downwind spray-sensitive area, measured from the downwind edge of the application area closest to the spray-sensitive area.

Contractor (in relation to agrichemical application): any person or organisation that, by agreement with the owner, occupier or manager of any land, applies or causes to be applied any agrichemical in an agricultural, horticultural or related situation for hire or reward. It does not include an employee of an owner, occupier or manager (whether a person or company).

Ground based spraying: any method of spray application using ground-based equipment but excluding hand-held spraying equipment.

Hand-held spraying: any spraying where the part of the spraying equipment that emits the agrichemical is held by the applicator and includes manual or motorised pumping methods. Such an application must be applied directly to the target species.

Property: One or more allotments contained in a single certificate of title. Also includes all adjoining land under the same ownership or management but contained in separate certificates of title.

Public amenity area: Includes any park or reserve and area set aside freely for public use (including a track, walkway, lookout, play area, picnic area, lawn, carpark, camping area or reserve where the public has unrestricted access), but excludes a road or rail reserve and any nature reserve, scientific reserve, or wildlife management area which require access permits.

Spray sensitive areas:

1. residential buildings and associated garden areas
2. schools, hospital buildings and care facilities and grounds
3. amenity areas where people congregate including parks and reserves
4. community buildings and grounds, including places of worship and marae
5. certified organic farms
6. orchards, crops and commercial growing areas
7. water bodies used for the supply of drinking water and for stock drinking
8. wetlands and significant areas of indigenous vegetation and habitats of indigenous fauna as defined in the Regional Policy Statement for Northland
9. roofing for the collection of drinking water
10. apiaries.