

Guide to agrichemical use in Resource Management Plans

Wellington Region

As at March 2023

STATUS

The Wellington Natural Resources Plan is Operative (pending final sign-off by the Minister). This means that the current version cannot be changed except through a publicly notified Plan Change.

NZS 8409:2004

NZS 8409 is used as the basis of defining required training and qualifications and for defining the requirements of the spray plan.

PLAN RULES¹

5.1.13 General conditions for the discharge of agrichemicals

General conditions for the discharge of **agrichemicals** into air, or onto or into land where it may enter water, or over or into water are that:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash **beyond the boundary of the property**, and
- (b) there is no discharge directly into the coastal marine area or a **surface water body**, unless the **agrichemical** is approved by the Environmental Protection Authority for use over or into water, and
- (c) there is **no discharge over or into water**:
 - (i) in a surface water community drinking water supply protection area as shown on Map 39, or
 - (ii) two kilometres upstream of a surface water intake for a group drinking water supply, and
 - (iii) the applicator shall notify every person taking water for potable supply within 1km downstream of the proposed discharge 12 hours before the discharge begins, and
- (d) the **agrichemical** is approved by the Environmental Protection Authority, and
- (e) the discharge shall be undertaken **in accordance with the directions on the agrichemical product label, the manufacturer's instructions and safety data sheets**, or as specifically approved by the Environmental Protection Authority, and
- (f) in **public places**, including alongside roadways,
 - (i) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash on **any property adjacent** to where the discharge originates, and
 - (ii) the applicator must display prominent **signage** advising that **agrichemical** spraying is taking place.

Note: Some substances require that a permission be sought from the Environmental Protection Authority under section 95A of the Hazardous Substances and New Organisms Act 1996.

Rule R36A: Handheld discharge of agrichemicals – permitted activity

The discharge of **agrichemicals** into air, or onto or into land where it may enter water, or over or into water, using a handheld and hand-pumped sprayer with a capacity of 20 litres or less is a permitted activity, provided the following condition is met:

- (a) the discharge of **agrichemicals** shall comply with the general conditions of Section 5.1.13.

¹ Text in italics is extract from relevant Plan. Highlights and text colour added.

Rule R36B: Motorised and aerial discharge of agrichemicals – permitted activity

The discharge of **agrichemicals** into air, or onto or into land where it may enter water, using a motorised sprayer or aerial discharge is a permitted activity, provided the following conditions are met:

- (a) the discharge of **agrichemicals** shall comply with the general conditions of Section 5.1.13, and
- (b) the applicator holds a **qualification** in accordance with section 5.3.6 and Appendix H5 of NZS 8409: 2004 Management of Agrichemicals, and
- (c) there is **no discharge into water** or, onto a roof used for rain water collection, and
- (d) aerial applicators must keep GPS records of aerial discharge of **agrichemicals** for at least three years and provide these to the Wellington Regional Council on request. The records must include the spray swath and secondary flight paths, and
- (e) where the discharge is in or **adjacent to a sensitive area**, the landowner of a **property**
 - (i) shall **prepare and follow a spray plan**, and
 - (ii) shall **notify** adjacent neighbours likely to be affected by the discharge of **agrichemicals**; and
 - (iii) shall notify, where the discharge is **onto or into water** affected by the discharge of agrichemicals, **notify the relevant iwi authority**; and
 - (iv) in relation to (i) to (iii) the landowner may contract out the responsibility to the applicator, and
- (f) the **spray plan** required under condition (e) shall be prepared in accordance with Appendix M4 of NZS 8409: 2004 Management of Agrichemicals, and
- (g) where the discharge of **agrichemicals** is in a **public place** the notification of all persons likely to be affected by the discharge of **agrichemicals** must be undertaken as follows:
 - (i) placing a **public notice** in a local newspaper or letter drop in the area to be sprayed at least seven working days prior to the discharge date, or
 - (ii) placing **signs** in the immediate vicinity of the spraying during the spray period and any required stand-down period afterwards, or where spraying is occurring on or alongside roads, any vehicle associated with the spraying must display a sign on the front and the rear of the vehicle advising that spraying is in occurring.

Note: For the purposes of (e)(iii) Wellington Regional Council maintains a list of the contact details for iwi authorities.

DEFINITIONS - See plan for full set of definitions.

Agrichemicals: Any substance, whether inorganic or organic, human-made or naturally occurring, modified or in its original state, that is used in agriculture, horticulture or related activity to eradicate, modify or control flora and fauna. It excludes fertilisers, vertebrate pest control products, ethylene dibromide, ethylene oxide, methyl bromide, hydrogen cyanide, phosphine or chloropicrin and oral nutrition compounds.

Sensitive area: A sensitive area includes the following: (a) dwelling house, or marae and (b) educational facilities, and (c) public places, and (d) surface water bodies and associated riparian vegetation, and (e) non-target plants, crops, and bee hives, which are sensitive to agrichemicals, and (f) organically certified properties, e.g. Bio-Gro, and (g) natural wetlands, outstanding water bodies listed in Schedule A and ecosystems and habitats with significant indigenous biodiversity values listed in Schedule F.

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.