

The Proposed Auckland Unitary Plan (notified 30 September 2013)

4.9 Agrichemicals and Vertebrate Toxic Agents (VTAs)

Agrichemicals are any substance, whether inorganic or organic, man-made or naturally occurring, modified or in its original state, that is used in any agriculture, horticulture or related activity, to eradicate, modify or control flora and fauna. They includes agricultural compounds, but excludes fertilizers, vertebrate pest control products and oral nutrition compounds.

Vertebrate pest control products are referred to in this plan as Vertebrate Toxic Agents (VTAs), which are substances used to eradicate, modify or control vertebrate animals such as possums, mustelids, rats, rabbits and deer.

These rules are consistent with the requirements of specific standards and quality assurance systems including Growsafe® and the New Zealand Standard on the Management of Agrichemicals (NZS 8409: 2004).

1. Activity table

[rp]

The following table outlines the status for discharges of contaminants to air, land or water from the use of agrichemicals and VTAs.

Activity	All zones and management areas
Biosecurity uses: for the control of unwanted organisms under the Biosecurity Act 1993	P
Domestic uses: for home and garden purposes	P
Domestic use that do not comply with the permitted activity controls	RD
Non-domestic uses	P
Non-domestic uses that do not comply with permitted activity controls excluding urban aerial application	RD
Urban aerial application for non-domestic uses	D
Uses/applications not otherwise provided for	D

2. Controls

2.1 General - Domestic and non-domestic agrichemical use

1. The discharge meets the general permitted activity controls of the air discharges section of the Unitary Plan.
2. The discharge is not directly into water, including the CMA, a freshwater body or potable water supply including roofs used for water collection.
3. There is no aerial spraying in urban areas.
4. The agrichemical is used according to controls applied by HSNO.
5. There must be no significant adverse effects from off target spray drift beyond the boundary of the property.
6. The application rate must not exceed that specified on the product label and the product is used in accordance with label requirements.

2.2 Non-domestic agrichemical use

The Proposed Auckland Unitary Plan (notified 30 September 2013)

1. Industry best practice must be used, including:
 - a. the application of agrichemicals for non domestic uses must comply with the New Zealand Standard on the Management of Agrichemicals (NZS 8409:2004), including the following sections:
 - i. storage – Appendix L4
 - ii. use – Part 5.3
 - iii. disposal – Appendix S
 - iv. records – Appendix C9; and
 - b. following all instructions on the agrichemical label; and
 - c. being suitably qualified or accredited through quality assurance systems such as GROWSAFE® and AIRCARE™.
2. A spray plan is prepared annually for the area where the agrichemical will be applied. The following must be identified:
 - a. the sensitive areas that may be affected
 - b. any persons likely to be directly affected
 - c. the affected persons to be advised and provided with the spray plan at least 7 working days prior to the first application date. If spraying is in amenity areas or public places, as defined in New Zealand Standard on the Management of Agrichemicals (NZS 8409:2004), then advising adjoining neighbours is not required
3. Any person applying agrichemicals must be appropriately trained in agrichemical management, where:
 - a. any contractor applying the agrichemicals and undertaking ground based application, must hold either:
 - i. a Growsafe ® Registered Chemical Applicator's Certificate; or
 - ii. a Growsafe® Introductory Certificate and be under the direct supervision of a Growsafe® Registered Chemical Applicator
 - b. any contractor using aerial application must ensure that the:
 - i. pilot holds a Pilot's Agrichemical Rating issued by the Civil Aviation Authority under Civil Aviation Rule Part 61; and
 - ii. the aircraft company/organisation must have suitable accreditation for agrichemical application.
 - c. any person applying agrichemicals who is not an agrichemical contractor must hold either:
 - i. a Growsafe® Introductory Certificate; or
 - ii. be under the direct supervision of a person holding either a Growsafe® applied certificate or a registered chemical applicator's certificate.
4. All agrichemicals must be securely contained and stored in accordance with the requirements of the New Zealand Standard on Management of Agrichemicals (NZS 8409:2004, Appendix L4).
5. All mixing of agrichemicals must meet the requirements of the New Zealand Standard on Management of Agrichemicals (NZS 8409:2004, s.5.3.2). There must be no spillage into or onto soil or water.
6. Records must be kept in accordance with the requirements of the New Zealand Standard on Management of Agrichemicals (NZS 8409:2004, Appendix C9) and must be available to council on request.
7. For application in sensitive areas that are not public places, any person likely to be directly affected by the application and who has requested to be advised, must be advised either by:

The Proposed Auckland Unitary Plan (notified 30 September 2013)

- a. written, telephone or email notification of intent to spray at least 24 hours prior to the proposed application date, unless there is an alternative agreed timeframe between the parties, or
 - b. where practical, publicly notify, by a method such as the local newspaper or letter drop, at least seven working days prior to, but no more than one month before, the application date.
8. For application in sensitive areas that are amenity or public places as defined in New Zealand Standard on the Management of Agrichemicals (NZS 8409:2004):
- a. place a public notice in a local newspaper or letter drop in the area to be sprayed at least seven working days prior to the application date
 - b. place 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 rear of the vehicle advising that spraying is occurring.

2.3 Non-domestic agrichemical uses

1. A risk assessment prior to the application of agrichemical must be carried out to ensure adequate measures, including reference to the Drift Hazard Chart (Table G1) in the New Zealand Standard on the Management of Agrichemicals (NZS 8409:2004), are in place to avoid adverse effects on sensitive areas.
2. Agrichemicals shall only be applied when the wind direction is away from the sensitive area.
3. The application equipment must produce a spray quality no smaller than “coarse” according to the New Zealand Standard on the Management of Agrichemicals (NZS 8409:2004, Appendix Q).
4. The person applying the agrichemicals must demonstrate necessary steps are taken to avoid off-target spray drift with reference to the New Zealand Standard on the Management of Agrichemicals (NZS 8409:2004, Appendix G), and record each steps. Steps may include:
 - a. adding a spray drift reduction adjuvant to the spray
 - b. reducing the spray release height
 - c. increasing the droplet size (spray quality)
 - d. using spray modelling software.

2.4 Land-based application of VTAs

1. The application of VTAs must comply with all HSNO requirements.
2. There must be no discharge of VTAs beyond the boundary of the application area.
3. If the discharge of VTAs is occurring in an amenity area or public places, signs advising of the application must be placed in the immediate vicinity of the application during the period of application and any required stand down period afterwards and until all baits have been removed or become non-toxic.

2.5 Aerial application of VTAs

1. Best management practice must be followed to prevent the discharge of VTAs:
 - a. beyond the boundary of the property
 - b. within 10m of the bed of a river, lake, or a wetland of more than 1ha.
2. If there will be discharge of VTAs within 50m of a sensitive area the person responsible for the sensitive area and all adjacent land owners must be advised at least seven working days prior to, but no more than one month before, the application date. The following information must be provided:
 - a. the application date and duration

The Proposed Auckland Unitary Plan (notified 30 September 2013)

- b. the trade name and the chemical name of the vertebrate pest control product to be used
 - c. the method of application including whether the aircraft will be fixed wing or a helicopter
 - d. details of all safety precautions that will be taken
 - e. the name and contact phone number of those carrying out the application.
 - f. record must be kept and made available to council on request.
3. If the discharge of VTAs is occurring in an amenity area or public places, signs advising of the application must be placed in the immediate vicinity of the application during the period of application and any required stand down period afterwards and until all baits have been removed or become non-toxic.
 4. The pilot must hold a pilot's agrichemical rating issued by the Civil Aviation Authority under Civil Aviation Rule Part 61 and the aircraft company/organisation must have accreditation for VTAs.

Note

Best management practices may include the use of GPS technology, positive airflow indicators on boundaries or direct boundary supervision by qualified people. The use of VTAs is subject to specific requirements under HSNO and its regulations. Approval from the Medical Officer of Health and the Department of Conservation may also be required.

2.6 Agrichemical for biosecurity

1. The application of agrichemical for biosecurity purposes must be in accordance with the Biosecurity Act 1993.
2. In line with s. 7A(1) to (8) of the Biosecurity Act 1993 a copy of the public notice or declaration given by the responsible minister must be provided to the council at least 48 hours prior to any application occurring, and the council is advised of the following:
 - a. organism to be eradicated
 - b. principal actions that are to be taken in the attempt to eradicate the organism
 - c. geographical area of the intended application
 - d. duration of the application
 - e. name of the agrichemical to be used
 - f. rate and method of application
 - g. details of all safety precautions that will be taken
 - h. the name and contact phone number of those carrying out the application.

3. Assessment - Restricted discretionary activities

3.1 Matters of discretion

The council will restrict its discretion to the matters below for restricted discretionary activities:

1. Compliance with Auckland-wide Agrichemicals and VTs [Policy 1](#).
2. The location, nature, scale, timing, method and duration of the agrichemical application.
3. The nature of the areas sensitive to agrichemicals that may be affected.
4. Any beneficial effects of the agrichemical application.
5. Any effects on species which are not the target of the agrichemical application.

The Proposed Auckland Unitary Plan (notified 30 September 2013)

6. Any effects on water quality including potable water.
7. Adverse effects or risks to human health or public use of the area.
8. Reference to relevant national regulations, nationally accepted guidelines or codes of practice including compliance with the New Zealand Standard on Management of Agrichemicals (NZS 8409:2004).

3.2 Assessment criteria

The council will consider the relevant assessment criteria below for restricted discretionary activities.

1. Whether the proposed application of agrichemical will adequately avoid or minimise adverse effects (Refer Auckland-wide Agrichemicals and VTs [Policy 1](#)), including those associated with handling, storage, transport or disposal of agrichemicals on human health and air, land, water, flora and fauna.
2. Whether the agrichemical proposed is the least toxic and volatile agrichemicals are those using the most harmless adjuvant (substance used to improve agrichemical performance) suitable for the purpose (Refer Auckland-wide Agrichemicals and VTs [Policy 1-2](#)).
3. How the applicant has demonstrated compliance with manufacturers specifications (Refer Auckland-wide Agrichemicals and VTs [Policy 1](#)).
4. The likely effectiveness of the proposed application in adequately minimises spray drift (Refer Auckland-wide Agrichemicals and VTs [Policy 1](#)).
5. The likely effectiveness of other plant or animal management measures considered that that are alternative to agrichemicals (Refer Auckland-wide Agrichemicals and VTs [Policy 1](#)).

The Proposed Auckland Unitary Plan (notified 30 September 2013)