

## Appendix

### Auckland Council closing statement version on 4 September 2015

Council's proposed changes are shown in ~~strike through~~ and underline  
Black text changes record amendments proposed in Primary Evidence (either pre or post mediation)  
Green text changes record all amendments agreed to in mediation (those amendments not agreed to stay black)  
Red text changes record amendments proposed in rebuttal evidence  
Yellow highlighted text changes record amendments that are considered to be outside the scope of submissions.  
Blue text changes record amendments proposed post hearing (eg right of reply)  
Grey highlighted text changes records amendments that are consequential amendments from previous hearings/evidence.

#### 5.10 Agrichemicals and Vertebrate Toxic Agents (VTAs)

##### Background

Agrichemicals are used by most primary producers and in many domestic or amenity situations for weed, pest and disease control. When used correctly agrichemicals can make a positive contribution to sustainable land use. People can use agrichemicals provided they do not result in adverse effects on other people, the environment or property and are used safely and responsibly in accordance with best practice. The Unitary Plan's approach to the management of agrichemicals relies on the provisions of the New Zealand Standard for the Management of Agrichemicals (NZS 8409: 2004). Meeting the requirements of this standard will ensure best management approaches to the use, application, storage and disposal of agrichemicals.

VTAs are products that are designed to kill or control vertebrate pests such as rabbits and possums. For managing VTAs, best practice is set out in the HSNO requirements.

##### Objective

[rp]

1. Human health and the environment are protected from the adverse effects caused by the inappropriate application, handling, transport, storage or disposal of agrichemicals and VTAs.

Mike Harvey 24/3/2015 1:37 PM

**Comment [1]:** Submitter 5431-129 Hort.NZ

##### Policies

[rp]

1. Avoid significant adverse effects, and minimise other adverse effects on the environment from the use of agrichemicals and VTAs including off-target spray drift, handling, storage, transport or disposal by:

Mike Harvey 24/3/2015 1:37 PM

**Comment [2]:** Submitter 5431-131 Hort.NZ

a. managing their application to prevent adverse effects on or near sensitive areas, including:

Mike Harvey 24/3/2015 1:39 PM

**Comment [3]:** Submitter -233 Hort.NZ move to rules

i. dwellings

ii. education facilities

iii. marae and papakāinga

iv. hospitals and aged care facilities

~~v. amenity areas and public places~~

~~vi. sources of potable water including roof water collection~~

~~vii. non target crops, and flora and fauna sensitive to agrichemicals and VTAs~~

~~viii.v certified organic farms and farms applying for certification~~

~~ix. freshwater systems, CMA and SEAs~~

- b. using where practicable, the least toxic and volatile agrichemical or VTA with the most harmless adjuvant (substance used to improve their performance) suitable for the purpose
- c. applying agrichemicals and VTAs in accordance with the product's label, including specified rates of application
- d. using an application method that minimises spray drift, giving particular attention to the:
  - i. type of spray equipment used
  - ii. spray volume and droplet size
  - iii. direction of spraying
  - iv. height of release above the ground
  - v. weather conditions
  - vi. proximity to sensitive areas
  - vii. separation distances
- e. considering the benefits and costs of alternatives to the use of agrichemicals and VTAs for plant and animal protection.

~~2. Avoid adverse effects on human health and air, land, water, flora and fauna from off target spray drift or the application, handling, storage, transport or disposal of agrichemicals~~

Mike Harvey 24/3/2015 1:38 PM

**Comment [4]:** Submitter 5431-131 Hort.NZ

#### 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 Agrichemicals** includes agricultural compounds, but excludes fertilizers, vertebrate pest control products and oral nutrition compounds.

Mike Harvey 25/3/2015 5:06 PM  
**Comment [5]:** No submission style change

Vertebrate pest control products are referred to in **this the Unitary** 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.

Mike Harvey 25/3/2015 5:06 PM  
**Comment [6]:** No submission style change

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).

The rules in this section implement the objectives and policies in Chapter C and Section 5.10 **Agrichemicals and Vertebrate Toxic Agents (VTAs)**

Mike Harvey 25/3/2015 5:28 PM  
**Comment [7]:** Consequential to Topic 004 Linley Wilkinson's evidence, paragraph 12.5

#### 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
Domestic users <b>applications of agrichemicals to land:</b> for home and garden purposes	P
Domestic use of agrichemicals that do not comply with the permitted activity controls	RD
Non-domestic uses <b>applications of agrichemicals to land</b>	P
<b>Land based Application of VTAs</b>	P
<b>Aerial Application of VTAs</b>	P
Application of agrichemicals directly into or onto water	P
<b>Application of agrichemicals for Biosecurity purposes uses:</b> for the control of unwanted organisms under the Biosecurity Act 1993	P
Non domestic users <b>Applications of agrichemicals and of VTAs</b> that do not comply with permitted activity controls excluding aerial application in urban <b>areas</b>	RD

Mike Harvey 23/4/2015 3:56 PM  
**Comment [8]:** Changes to activity table - No submission, changes made to clarify the activity description and order of activities in table has been changed. Addition to "domestic uses" to clarify that they only need to comply with general controls.

Mike Harvey 25/3/2015 5:06 PM  
**Comment [9]:** No submission adds clarity to permitted activity controls also VTAs not considered to be agrichemicals

Mike Harvey 25/3/2015 5:06 PM  
**Comment [10]:** Submitter 6360-190

Urban aerial application of agrichemicals in urban areas for non-domestic uses	D
Uses/applications of agrichemicals not otherwise provided for	D

## 2. Permitted Activity Controls

### 2.1 General Controls – Domestic and non-domestic agrichemical use

The following controls apply to all permitted activities that discharge agrichemicals or VTAs to air and land including circumstances where the discharge may enter water or water.

1. The discharge must meet the general permitted activity controls listed below: of the air discharges section of the Unitary Plan. not result in:
  - a) any concentration of agrichemical beyond the boundary of the subject property or into water that is likely to cause, significant adverse effects on human health, ecosystems or property, or
  - b) any offensive or objectionable odour, dust, vapour, droplets, visible emissions or particulate beyond the boundary of the subject property.
2. All necessary steps are taken to avoid, remedy, or mitigate any possible adverse effects beyond the boundary of the property.
3. The discharge is not directly into water, including the CMA, a or a freshwater body unless the chemical is approved by EPA for use over or into water bodies.
4. The discharge is not directly onto or into water used for a potable water supply including roofs used for water collection.
5. There is no aerial spraying in urban areas.
6. The agrichemical is used according to controls applied by HSNO.
6. There must be no significant adverse effects from off target spray drift beyond the boundary of the property.
7. The application and application rate must not exceed that specified on the product label and the product is used in accordance with label requirements. The application rate is in accordance with the product label, manufacturer's recommendations, safety data sheets or a maximum application rate approved by the EPA.
8. Applicators must keep all GPS records of aerial applications of agrichemicals for at least three years and provide these to the council on request. The records must include the spray swaths and secondary flight paths.

Mike Harvey 25/3/2015 5:06 PM  
**Comment [11]:** No submission aligns control with rules

Mike Harvey 18/5/2015 3:36 PM  
**Comment [12]:**

Mike Harvey 23/4/2015 3:58 PM  
**Comment [13]:** No submission adds clarity for controls

Mike Harvey 25/3/2015 5:06 PM  
**Comment [14]:** Submitter 5431-232 Hort NZ

Mike Harvey 14/4/2015 2:23 PM  
**Comment [15]:** Submitter 6360-190 DoC

Mike Harvey 14/4/2015 2:24 PM  
**Comment [16]:** Submitter 6360-190

Mike Harvey 25/3/2015 5:08 PM  
**Comment [17]:** No submission – this is an effects assessment and not appropriate in controls

Mike Harvey 18/5/2015 3:23 PM  
**Comment [18]:** rebuttal

Mike Harvey 14/5/2015 12:36 PM  
**Comment [19]:** Out of scope Rebuttal evidence on advice of CAA

## 2.2 Non-domestic agrichemical applications use

1. Industry best practice must be used, including:

a. the application of agrichemicals for non-domestic uses must comply with the following sections of 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 and/or have a ~~accredited through~~ quality ~~management assurance~~ systems ~~that has regular external audits 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:

3. Any person applying agrichemicals by a handheld application (a non-motorised sprayer carried on foot) must:

a. be under the supervision of person holding the minimum qualifications in appendix X and

Dana Danilova 14/4/2015 2:06 PM

**Comment [20]:** Consequential change from activity table.

Dana Danilova 14/4/2015 2:57 PM

**Comment [21]:** Submitter 5431-234

Mike Harvey 25/3/2015 5:33 PM

**Comment [22]:** Submitter 4236-15

- b. have received instruction on the New Zealand Standard Management of Agrichemicals NZS 8409:2004 from a person holding the minimum qualifications in appendix X.

Note: A Growsafe® Introductory Certificate is an example of a qualification that meets the supervision requirement in rule 2.2.3.b.

- 4. Any person applying agrichemicals who uses a motorised application method and is not an agrichemical contractor must:

- a. hold a qualification that meets the minimum qualification requirements in appendix X or
- b. be under the direct supervision of someone who holds a higher qualification meeting the requirements in appendix X.

Note: A Growsafe® Introductory Certificate is an example of a qualification that meets the minimum qualification requirement in rule 2.2.4.a. A Growsafe® Applied Certificate or Growsafe® Registered Chemical Applicators' Certificate are examples of qualifications that meet the supervision requirement in rule 2.2.4.b.

- 5. Any person undertaking ground based agrichemical application who is contracted to apply those agrichemicals must:

- a. hold a qualification that meets the requirements for contractors in appendix X or
- b. hold a qualification that meets the minimum qualification requirements in appendix X and be under the direct supervision of someone who holds a qualification that meets the requirements for contractors in appendix X.

Note: A Growsafe® Registered Chemical Applicators' Certificate is an example of a qualification that meets the requirement in rule 2.2.5.a and the supervision requirement in rule 2.2.5.b. A Growsafe® Introductory Certificate is an example of a qualification that meets the minimum qualification requirement in rule 2.2.5.b.

- 5a. Any person undertaking aerial agrichemical application must:

- a. ensure that the pilot holds a Pilot's Chemical Rating issued under Civil Aviation Rule Part 61; and
- b. ensure that the aircraft company/organisation has a quality management system that has regular external audits

Note: The accredited quality assurance systems provided by Growsafe® and Aircare® are examples of quality management systems with requirements for quality management plans and regular audits.

~~3. Any person who is contracted to apply agrichemicals and undertaking ground based application, must be: hold either:~~

~~i. Growsafe® Registered Chemical Applicator's Certificate; or~~

~~ii. a Growsafe® Introductory Certificate or an equivalent qualification and be under the direct supervision of a Growsafe® Registered Chemical Applicator;~~

~~4. Any person who is contracted to apply agrichemicals using aerial application must ensure that the:~~

~~i. pilot holds a Pilot's Agrichemical Chemical Rating issued by the Civil Aviation Authority under Civil Aviation Rule Part 61; and~~

~~ii. the aircraft company/organisation must have a quality management system that has regular external audit suitable accreditation for agrichemical application.~~

~~5. Any person applying agrichemicals who is not an agrichemical contractor must hold either:~~

~~i. Growsafe® Introductory Certificate; an equivalent qualification or~~

~~ii. be under the direct supervision of person holding either a Growsafe® applied certificate or a registered chemical applicator's certificate.~~

~~6. 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).~~

7. 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.

8. 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.

9. In addition to the requirements for all applications, where the discharge will occur adjacent to sensitive areas identified in the spray plan then the controls 10 to 15 must also be undertaken. Sensitive areas include the following:

Mike Harvey 23/4/2015 3:55 PM

**Comment [23]:** No submission simplifies wording and adds clarity break 3 a,b,c into sections 3,4,5

Mike Harvey 14/5/2015 10:29 AM

**Comment [24]:** Rebuttal change

Mike Harvey 23/4/2015 3:55 PM

**Comment [25]:** No submission simplifies wording and adds clarity

Mike Harvey 14/5/2015 10:31 AM

**Comment [26]:** Rebuttal changes

Mike Harvey 23/4/2015 3:46 PM

**Comment [27]:** Repeats requirement in (2.2.1.a.i) above

Mike Harvey 25/3/2015 5:06 PM

**Comment [28]:** Submitter 5431 -233

- i. dwellings
- ii. education facilities
- iii. marae and papakāinga
- iv. hospitals and aged care facilities
- v. amenity areas and public places
- vi. sources of potable water including roof water collection
- vii. non target crops, flora and fauna (such as bees) sensitive to agrichemicals and VTAs
- viii. certified organic farms and farms applying for certification
- ix. freshwater systems, CMA and SEAs

10. ~~For~~ where the application is ~~in~~ adjacent to sensitive areas that are not public places, to any landowner or occupier of the sensitive area person likely to be directly affected by the application and who has requested to be advised, must be advised either by:

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.

11. ~~For~~ where the application is in or adjacent to sensitive areas that are amenity or public places as defined in New Zealand Standard on the Management of Agrichemicals (NZS 8409:2004):

a. 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 application date and

b. 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 rear of the vehicle advising that spraying is occurring.

### 2.3 Non-domestic agrichemical uses

12. 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.

13. Agrichemicals shall only be applied when the wind direction is away from the sensitive area.

14. 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).

Mike Harvey 25/3/2015 5:06 PM

**Comment [29]:** Aligns with intent of controls which are concerned with discharges adjacent to sensitive areas

Mike Harvey 23/4/2015 3:54 PM

**Comment [30]:** adds clarity

Mike Harvey 23/4/2015 3:59 PM

**Comment [31]:** Submitters 5431-236, 6360-196 seek the heading to be changed as its meaning was unclear replaced by new control 2.2.9



15. 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 property or 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.~~

Mike Harvey 23/4/2015 3:54 PM  
**Comment [32]:** Submitter 6360 197 – repeats HSNO

## 2.5 Aerial application of VTAs

1. The application of VTAs must comply with all HSNO requirements.
2. Best management practice must be followed to prevent the discharge of VTAs:
  - a. beyond the boundary of the property or application area
  - b. ~~within 10m of the bed of a river,~~ over lakes, or a wetlands of more than 1ha.
3. If there will be discharge of VTAs within 50m of a sensitive area (see section 2.2.9) the person responsible for the sensitive area ~~and all adjacent~~ (landowner) and any occupiers of the area 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 kept on record~~ **provided to occupiers and landowners:**
  - a. the application date and duration
  - 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

Mike Harvey 23/4/2015 4:07 PM  
**Comment [33]:** Submitter 6360-198 MoC suggested change for HSNO

Mike Harvey 22/4/2015 12:36 PM  
**Comment [34]:** Submitter 6363 -199 MoC

Mike Harvey 23/4/2015 3:54 PM  
**Comment [35]:** No submission –existing wording unclear

d. details of all safety precautions that will be taken

e. the name and contact phone number of those carrying out the application.

f. records must be **of consultation and information provided** must be kept and made available to council on request.

4. 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.

5. **The operators must keep all GPS records of aerial VTA applications for at least three years and provide these to the council on request. The records must include the spray swaths and secondary flight paths.**

6. The pilot must hold a Pilot's ~~agrichemical~~ **Chemical Rating** issued by the Civil Aviation Authority under Civil Aviation Rule Part 61 and the aircraft company/organisation must have a **quality management system that has regular external audits accreditation for VTAs.**

~~Note: Application of some VTA's may also require a Controlled Substance Licence issued by EPA.~~

#### 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.~~

**Permission is required from the Department of Conservation for any VTA operation that is undertaken on land administered or managed by the Department of Conservation.**

**Permission is required from Medical Officer of Health whenever certain VTAs are used or applied in a catchment area from which water is drawn for human consumption, or in any area where there is a risk to public health, for example in places where the public has access as of right (eg parks).**

## **2.6 The application of agrichemicals directly into or onto water**

1. The substances, including any adjuvants must be approved by EPA under HSNO for discharge directly into or onto water and the discharge must comply with all the requirements under the HSNO including the requirements covering the person in charge, training, signage, storage, emergency management.

Mike Harvey 23/4/2015 3:53 PM

**Comment [36]:** No submission –existing wording unclear

Mike Harvey 23/4/2015 4:08 PM

**Comment [37]:** Submitter 6360-198 MoC - repetition of HSNO

Mike Harvey 14/5/2015 12:38 PM

**Comment [38]:** Out of scope Rebuttal evidence control recommended by the CAA

Mike Harvey 25/3/2015 5:06 PM

**Comment [39]:** Submitter 6363-200

Lynette 16/4/2015 7:15 PM

**Comment [40]:** Horticulture NZ 5431-238

Mike Harvey 25/3/2015 5:06 PM

**Comment [41]:** Submitter 6363-200

Mike Harvey 23/4/2015 4:09 PM

**Comment [42]:** 6360- 201 MoC does not represent best practice

Mike Harvey 23/4/2015 3:51 PM

**Comment [43]:** More accurate version of deleted section of note above

Mike Harvey 23/4/2015 3:52 PM

**Comment [44]:** Submitter 6360-190,191 – consequential change

2. The person authorising the discharge direct to water shall notify:

a. Every person taking water for potable supply within 1km downstream of proposed discharge at least 12 hours prior to discharge occurring; and

b. Every resource consent holder for taking of water for public potable water supply purposes downstream of proposed discharge at least 1 week before commencing discharge.

3. Discharge of agrichemicals directly into or onto water must be undertaken by persons who:

a. hold a qualification that meets the requirements for contractors in appendix X with an NZCE certificate in agrichemicals in the aquatic strand or

b. hold a minimum qualification meeting the requirements in appendix X and be under the direct supervision of someone who hold a qualification that meets the requirements for contractors in appendix X with an NZCE certificate in agrichemicals in the aquatic strand.

Note: A Growsafe® Registered Chemical Applicators' Certificate is an example of a qualification that meets the requirement in rule 2.6.3.a and the supervision requirement in rule 2.6.3.b. A Growsafe® Introductory Certificate is an example of a qualification that meets the minimum qualification requirement in rule 2.6.3.b.

3a. For discharge of agrichemicals directly into or onto water by aerial application:

a. the pilot must hold a Pilot's Chemical Rating Certificate issued under Civil Aviation Rule Part 61 and

b. the application company/organisation must have a quality management system that has regular external audits

Note: The accredited quality assurance systems provided by Growsafe® and Aircare® are examples of quality management systems with requirements for quality management plans and regular audits.

~~3. Discharge of agrichemicals directly into or onto water can be carried out only by persons holding either:~~

~~a) a GROWSAFE Registered Chemical Applicators Certificate (National Certificate in Agrichemical Aquatic strand) or hold a GROWSAFE® Introductory Certificate agrichemical applicator and be under the direct supervision of a person holding a GROWSAFE Registered Chemical Applicator Certificate (National Certificate in Agrichemical Aquatic strand) agrichemical applicator (aquatic)~~

~~b) Aerial application—the pilot must hold a Pilot Chemical Rating Certificate issued under Civil Aviation Rule Part 61 and the application company must hold accreditation for activity~~

4. Where the discharge is occurring in a public place signs shall be placed within the immediate vicinity of the discharge prior to commencing and maintained until the discharge has ceased.

5. All users must keep records consistent with Appendix C9 of NZS8409:2004 Management of Agrichemicals as evidence and information that provides an authentic record to verify that the application of agrichemical(s) directly to water has been carried out in accordance with these provisions. Such records must be provided to the council when requested.

## **2.7 Agrichemical for Application of agrichemicals for Biosecurity purposes**

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 VTA's Policy 1.
2. The location, nature, scale, timing, method and duration of the agrichemical or VTA application.

Mike Harvey 25/3/2015 5:06 PM

**Comment [45]:** No submission change aligns the rules with controls

Mike Harvey 23/4/2015 3:53 PM

**Comment [46]:** 5431-231 Hort NZ

Mike Harvey 23/4/2015 4:11 PM

**Comment [47]:** Consequential change related rewording of rules in activity table applied to all matter of discretion

3. The nature of the areas sensitive to agrichemicals or VTAs that may be affected.
4. Any beneficial effects of the agrichemical or VTAs application.
5. Any effects on species which are not the target of the agrichemical or VTAs application.
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 Extent of compliance with 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 VTAs 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 VTAs Policy 1-2).
3. How the applicant has demonstrated compliance with manufacturers specifications (Refer Auckland-wide Agrichemicals and VTAs Policy 1).
4. The likely effectiveness of the proposed application in adequately minimises spray drift (Refer Auckland-wide Agrichemicals and VTAs 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 VTAs Policy 1).

Mike Harvey 25/3/2015 5:06 PM

**Comment [48]:** No submission – the term (reference to) does not imply any assessment action

## Appendix X

### Minimum qualification

Minimum qualification requirements are:

a. The training program and provider of such training should be regularly reviewed and appraised by an external party to ensure on going quality and relevance of training.

b. The minimum training program should include:

i. Knowing and being able to describe:

- The hazard classifications of agrichemicals to be used.
- The adverse effects that could be caused by the agrichemicals to be used.
- His or her obligations and liabilities under Acts of Parliament relative to the agrichemicals to be used and their use.
- Which regulations apply in respect of those agrichemicals, and where those regulations can be obtained (including the relevant chapters of the Auckland Unitary Plan).
- The content of NZS 8409: 2004 Management of Agrichemicals.
- The precautions required to prevent injury to a person or damage to the environment (including property).
- The procedures to adopt in an emergency involving the agrichemicals to be used.

ii. Knowing and being able to demonstrate:

- A working knowledge of the operating equipment (including protective equipment and clothing) necessary to manage the agrichemicals being used.

The GROWSAFE® Introductory Certificate meets these requirements.

### Higher qualification

higher qualification requirements are:

a. The training programme includes the minimum qualification requirements and the following:

- First aid, health and safety, and emergency response.
- HSNO Emergency Management and Preparedness procedures
- Risk management
- Planning agrichemical applications
- Environmental effects, including spray drift minimisation.
- Equipment calibration

- [Product label interpretation](#)
- [Protective equipment selection and use](#)[Knowing and being able to demonstrate:](#)
  - [Knowledge of agrichemicals, mode of action and use of additives and adjuvants](#)
  - [Knowledge of spray plans](#)
  - [Preparation and implementation of a health and safety plan for a workplace using agrichemicals](#)
  - [Calibration of one type of motorised equipment](#)

[c. Attainment of the following qualifications:](#)

- [NZQA unit standards \(15189, 21558, 21560, 21565\)](#)
- [An approved handler's certificate](#)

[d. The renewal of this qualification must include both theory and practical assessments](#)

[The Growsafe® Applied Certificate or a Growsafe® Registered Chemical Applicator Certificate meets these requirements.](#)

### **[Contractors](#)**

[Commercial contractor training requirements are:](#)

[a. The training programme includes the minimum qualification and higher qualification requirements and the following:](#)

- [Preparing, implementing and monitoring spray plans](#)
- [Supervision of staff and providing direction](#)
- [Management of agrichemical applications](#)
- [Managing safety of people and livestock](#)
- [Nozzle selection and drift reduction](#)
- [Notification requirements including signage](#)
- [Transport, storage and disposal of agrichemicals](#)
- [Selection, calibration and operation of application equipment for specific operations.](#)

[b. Attainment of the following:](#)

- [NZQA certificate in agrichemical application](#)
- [An approved handler's certificate](#)
- [A minimum of 200 hours of practical application experience](#)

[c. The renewal of this qualification must:](#)

- [i. include both theory and practical assessments](#)
- [ii. be subject to an on-site audit by an independent third party auditor](#)

iii. confirm that a review of the commercial contractor operations has been undertaken and

iv. confirm that the commercial contractor has undertaken continuing professional development.

A Growsafe® Registered Chemical Applicators Certificate meets these requirements.