

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Phill Reid

FROM Tara Hurley

DATE 7 March 2018

SUBJECT NES-TF



This memorandum requests an update to Auckland Unitary Plan Operative in part

Reason for update Changes to the Unitary Plan to reflect the new National Environmental Standard for Telecommunication Facilities 2016.

Note: Section 44A of the Resource Management Act 1991 requires Council to amend the rules in a plan or proposed plan to amend the plan to include the new standard, without the normal required process of Schedule 1, and in accordance with the specification listed in the standard.

This memo outlines the changes required to the Unitary Plan Operative in part to reflect the NES-TF. The NES-TF is in effect from 1 January 2017.

Chapter	E – Auckland-wide										
Section	E26 Infrastructure										
Changes to text (shown in underline and strikethrough)	<p>E26.1.2 Other relevant regulatory requirements</p> <p>(1) ...</p> <p>(2) The requirements of the Resource Management (National Environmental Standards for Electricity Transmission Activities “NESETA”) Regulations 2009 apply directly to the operation, maintenance, upgrading, relocation or removal of transmission line(s) that were operating or able to be operated on or prior to 14 January 2010 and remain part of the National Grid. In the case of conflict with any other provision of this plan, including any provision in the activity table in this section, the NESETA provisions shall prevail.</p> <p>(3) The Resource Management (National Environmental Standards for Telecommunication Facilities “NESTF”) Regulations 2008 <u>2016</u> provide for:</p> <p>Table E26.2.3.1 Activity table – Network utilities and electricity generation – All zones and roads</p> <table border="1" data-bbox="507 1482 1380 1729"> <thead> <tr> <th colspan="4">Telecommunications</th> </tr> </thead> <tbody> <tr> <td>(A31)</td> <td>Antennas attached to a replacement utility structure that are subject to and do not comply with Regulation 7 <u>Regulations 28 and 29</u> of the NESTF</td> <td>C</td> <td>NA</td> </tr> </tbody> </table>			Telecommunications				(A31)	Antennas attached to a replacement utility structure that are subject to and do not comply with Regulation 7 <u>Regulations 28 and 29</u> of the NESTF	C	NA
Telecommunications											
(A31)	Antennas attached to a replacement utility structure that are subject to and do not comply with Regulation 7 <u>Regulations 28 and 29</u> of the NESTF	C	NA								
Changes to diagrams	None										
Changes to spatial data	None										
Attachments	None										

Prepared by:

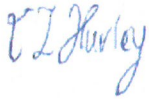
Tara Hurley

Entered by:

Planning Technician

Bronnie Styles

Signature:



Signature:



Reviewed by:

Steve van
Kampen
Team Leader
Auckland-wide
Planning



Signatures

Manager

Phill Reid
Auckland-wide



Signatures

E26. Infrastructure

[ENV-2016-AKL-000243: K Vernon] – Addition sought

E26.1. Introduction and other relevant regulatory requirements

E26.1.1. Introduction

Infrastructure is critical to the social, economic, and cultural well-being of people and communities and the quality of the environment. This section provides a framework for the development, operation, use, maintenance, repair, upgrading and removal of infrastructure.

As well as benefits infrastructure can have a range of adverse effects on the environment, visual amenity of an area, and public health and safety. The sensitivity of adjacent activities, particularly residential, to these effects can lead to complaints and ultimately constraints on the operation of infrastructure. Managing these reverse sensitivity effects is essential. Equally in some circumstances other activities and development need to be managed in a way that does not impede the operation of infrastructure.

Infrastructure is provided for on the basis of Auckland-wide provisions. Additional infrastructure provisions (zones, overlays and precincts), such as the National Grid Corridor Overlay, Auckland Airport Precinct and the Strategic Transport Corridor Zone are also provided throughout the plan and should be referred to where applicable. Designations may also provide for infrastructure.

The overlay and Auckland-wide provisions that are included in this section are set out in Table E26.1.1.1.

Table E26.1.1.1 Structure

Overlay or Auckland-wide provisions	E26 sub-section reference	Page number
Network utilities and electricity generation – All zones and roads	E26.2 Network utilities and electricity generation – All zones and roads	3
D9 Significant Ecological Areas Overlay E15 Vegetation management and biodiversity	E26.3 Network utilities and electricity generation – Vegetation management	30
D13 Notable Trees Overlay E16 Trees in open space zones E17 Trees in roads	E26.4 Network utilities and electricity generation – Trees in roads and open space zones and the Notable Trees Overlay	40
E11 Land disturbance – Regional E12 Land disturbance – District	E26.5 Network utilities and electricity generation – Earthworks all zones and roads E26.6 Network utilities and electricity generation – Earthworks overlays except	49 62

E26 Infrastructure

	Outstanding Natural Features Overlay E26.7 Network utilities and electricity Generation – Earthworks Outstanding Natural Features Overlay	76
D17 Historic Heritage Overlay	E26.8 Network utilities and electricity generation – Historic Heritage Overlay	84
D18 Special Character Areas Overlay – Residential and Business	E26.9 Network utilities and electricity generation – Special Character Areas Overlay – Residential and Business	90
D21 Sites and Places of Significance to Mana Whenua Overlay	E26.10 Network utilities and electricity generation – Sites and Places of Significance to Mana Whenua Overlay	95
D14 Volcanic Viewshafts and Height Sensitive Areas Overlay	E26.11 Network utilities and electricity generation – Volcanic Viewshafts and Height Sensitive Areas Overlay	98
D15 Ridgeline Protection Overlay D16 Local Public Views Overlay D19 Auckland War Memorial Museum Viewshaft Overlay	E26.12 Network utilities and electricity generation – Auckland War Memorial Museum Viewshaft, Local Public Views, Ridgelines Overlays	103
D10 Outstanding Natural Landscapes Overlay D11 Outstanding Natural Character and High Natural Character Overlay	E26.13 Network utilities and electricity generation – Outstanding Natural Landscapes Overlay (excluding outstanding natural features) and Outstanding Natural Character and High Natural Character Overlay	109
D10 Outstanding Natural Features Overlay	E26.14 Network utilities and electricity generation – Outstanding Natural Features Overlay (excluding outstanding natural landscapes)	114

E26.1.2. Other relevant regulatory requirements

- (1) Where relevant, the requirements of the National Code of Practice for Utility Operators' Access to Transport Corridors will apply to the placement, maintenance, improvement and removal of utility structures in the road, unformed road and Strategic Transport Corridor.
- (2) The requirements of the Resource Management (National Environmental Standards for Electricity Transmission Activities "NESETA") Regulations 2009 apply directly to the operation, maintenance, upgrading, relocation or removal of transmission line(s) that were operating or able to be operated on or prior to 14 January 2010 and remain part of the National Grid. In the case of conflict with any other provision of this plan, including any provision in the activity table in this section, the NESETA provisions shall prevail.

- (3) The Resource Management (National Environmental Standards for Telecommunication Facilities “NESTF”) Regulations 2016 provide for:
- (a) the planning and operation of a telecommunication facility such as a mobile phone transmitter, that generates radio frequency fields as a permitted activity provided it complies with the New Zealand Standard on Radiofrequency Fields Part 1: Maximum Exposure Levels 3 kHz to 300 GHz (NZS 2772.1: 1999);
 - (b) the installation of telecommunication equipment cabinets in the road reserve as a permitted activity, subject to specified limitations on their size and location;
 - (c) noise from telecommunication equipment cabinets located in the road reserve as a permitted activity, subject to the specified noise limits; and
 - (d) the installation or replacement of masts and antennas on existing structures in the road reserve as a permitted activity, subject to specified limitations on height and size.
- (4) Compliance with the NZECP 34:2001 is mandatory under the Electricity Act 1992. All activities regulated by the NZECP 34:2001, including any activities that are otherwise permitted by the Plan must comply with this regulation.
- (5) Connections to a network utility require approval of the relevant network utility operator and works within roads require approval of the relevant road controlling authority.

E26.2. Network utilities and electricity generation – All zones and roads

E26.2.1. Objectives [rp/dp]

- (1) The benefits of infrastructure are recognised.
- (2) The value of investment in infrastructure is recognised.
- (3) Safe, efficient and secure infrastructure is enabled, to service the needs of existing and authorised proposed subdivision, use and development.
- (4) Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled.
- (5) The resilience of infrastructure is improved and continuity of service is enabled.
- (6) Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.
- (7) The national significance of the National Grid is recognised and provided for and its effective development, operation, maintenance, repairs, upgrading and removal is enabled.
- (8) The use and development of renewable electricity generation is enabled.
- (9) The adverse effects of infrastructure are avoided, remedied or mitigated.

E26.2.2. Policies [rp/dp]

- (1) Recognise the social, economic, cultural and environmental benefits that infrastructure provides, including:
 - (a) enabling enhancement of the quality of life and standard of living for people and communities;
 - (b) providing for public health and safety;
 - (c) enabling the functioning of businesses;
 - (d) enabling economic growth;
 - (e) enabling growth and development;
 - (f) protecting and enhancing the environment;
 - (g) enabling the transportation of freight, goods, people; and
 - (h) enabling interaction and communication.
- (2) Provide for the development, operation, maintenance, repair, upgrade and removal of infrastructure throughout Auckland by recognising:
 - (a) functional and operational needs;
 - (b) location, route and design needs and constraints;
 - (c) the complexity and interconnectedness of infrastructure services;
 - (d) the benefits of infrastructure to communities with in Auckland and beyond;
 - (e) the need to quickly restore disrupted services; and
 - (f) its role in servicing existing, consented and planned development.

Adverse effects on infrastructure

- (3) Avoid where practicable, or otherwise remedy or mitigate adverse effects on infrastructure from subdivision, use and development, including reverse sensitivity effects, which may compromise the operation and capacity of existing, consented and planned infrastructure.

Adverse effects of infrastructure

- (4) Require the development, operation, maintenance, repair, upgrading and removal of infrastructure to avoid, remedy or mitigate adverse effects, including, on the:
 - (a) health, well-being and safety of people and communities, including nuisance from noise, vibration, dust and odour emissions and light spill;
 - (b) safe and efficient operation of other infrastructure;

E26 Infrastructure

- (c) amenity values of the streetscape and adjoining properties;
 - (d) environment from temporary and ongoing discharges; and
 - (e) values for which a site has been scheduled or incorporated in an overlay.
- (5) Consider the following matters when assessing the effects of infrastructure:
- (a) the degree to which the environment has already been modified;
 - (b) the nature, duration, timing and frequency of the adverse effects;
 - (c) the impact on the network and levels of service if the work is not undertaken;
 - (d) the need for the infrastructure in the context of the wider network; and
 - (e) the benefits provided by the infrastructure to the communities within Auckland and beyond.
- (6) Consider the following matters where new infrastructure or major upgrades to infrastructure are proposed within areas that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character:
- (a) the economic, cultural and social benefits derived from infrastructure and the adverse effects of not providing the infrastructure;
 - (b) whether the infrastructure has a functional or operational need to be located in or traverse the proposed location;
 - (c) the need for utility connections across or through such areas to enable an effective and efficient network;
 - (d) whether there are any practicable alternative locations, routes or designs, which would avoid, or reduce adverse effects on the values of those places, while having regard to E26.2.2(6)(a) - (c);
 - (e) the extent of existing adverse effects and potential cumulative adverse effects;
 - (f) how the proposed infrastructure contributes to the strategic form or function, or enables the planned growth and intensification, of Auckland;
 - (g) the type, scale and extent of adverse effects on the identified values of the area or feature, taking into account:
 - (i) scheduled sites and places of significance and value to Mana Whenua;
 - (ii) significant public open space areas, including harbours;
 - (iii) hilltops and high points that are publicly accessible scenic lookouts;

- (iv) high-use recreation areas;
 - (v) natural ecosystems and habitats; and
 - (vi) the extent to which the proposed infrastructure or upgrade can avoid adverse effects on the values of the area, and where these adverse effects cannot practicably be avoided, then the extent to which adverse effects on the values of the area can be appropriately remedied or mitigated.
- (h) whether adverse effects on the identified values of the area or feature must be avoided pursuant to any national policy statement, national environmental standard, or regional policy statement.
- (7) Enable the following activities within natural heritage, historic heritage, historic character and Mana Whenua cultural heritage overlays:
- (a) the use and operation of existing infrastructure; and
 - (b) the minor upgrading, maintenance and repair of existing infrastructure, while ensuring that the adverse effects on the values of the area are avoided and where those effects cannot practicably be avoided, minimise any such effects and ensure they are appropriately remedied or mitigated.
- (8) Encourage new linear infrastructure to be located in roads, and where practicable within the road reserve adjacent to the carriage way.

Undergrounding of infrastructure in urban areas

- (9) Require new or major upgrades to electricity and telecommunications lines to be located underground in urban areas unless:
- (a) there are significant operational, functional, technical or economic reasons that require an aboveground network; or
 - (b) the additional lines are part of minor upgrading to the network or are service connections.
- (10) Enable the coordinated undergrounding of existing electricity and telecommunications lines in the road, particularly where the opportunity exists when network improvements are undertaken.

New technologies

- (11) Provide flexibility for infrastructure operators to use new technological advances that:
- (a) improve access to, and efficient use of services;
 - (b) allow for the re-use of redundant services and structures where appropriate;
 - (c) result in environmental benefits and enhancements; and

- (d) utilise renewable sources.

Renewable electricity generation

- (12) Provide for renewable electricity generation activities to occur at different scales and from different sources, including small and community-scale renewable electricity generation activities.

National Grid

- (13) Have regard to the extent to which actual and potential effects have been avoided, remedied or mitigated by the route, site and method selected when assessing the development of the National Grid.

Road network

- (14) Require road network activities to:
- (a) avoid, remedy or mitigate adverse effects on residential or other sensitive activities, including effects of vibration, noise, glare and vehicle emissions;
 - (b) avoid, remedy or mitigate adverse effects on amenity values of adjoining properties and the streetscape; and
 - (c) maintain or enhance the safety and efficiency of the transport network.
- (15) Ensure roads are designed, located and constructed to:
- (a) provide for the needs of all road users and modes of transport;
 - (b) avoid, remedy or mitigate adverse effects on amenity values of adjoining properties;
 - (c) avoid, remedy or mitigate adverse construction effects including effects of vibration, noise, and dust;
 - (d) avoid, remedy or mitigate adverse operational effects particularly on residential or other sensitive activities, including effects of vibration, noise, glare and vehicle emissions;
 - (e) minimise severance effects and changes to drainage patterns; and
 - (f) maintain or enhance the safety and efficiency of the transport network.

E26.2.3. Activity table

Table E26.2.3.1 Activity table specifies the activity status of land use and development activities in all zones and roads pursuant to sections 9(2) and 9(3) of the Resource Management Act 1991.

- Network utilities include road network activities within the legal road and its formation width, unless otherwise stated in the activity table.

Table E26.2.3.1 Activity table - Network utilities and electricity generation – All zones and roads

E26 Infrastructure

Activity	Open space zones and the Special Purpose – Cemetery Zone	Centres zones, Business – Mixed Use Zone, Special Purpose – Airports and Airfields Zone, Special Purpose – Major Recreation Facility Zone, Special Purpose – Healthcare Facility and Hospital Zone, Business – Business Park Zone and Special Purpose – Tertiary Education Zone	Industrial zones and the Business – General Business Zone	Residential zones, Special Purpose – Māori Purpose Zone and Special Purpose – School Zone	Coastal – Marina Zone (land) and Coastal – Minor Port Zone (land)	Rural zones, Future Urban Zone and Special Purpose – Quarry Zone	Roads, unformed roads and the Strategic Transport Corridor Zone
General							
(A1)	Operation, maintenance and repair of network utilities and electricity generation facilities in existence on 30 September 2013 or which have been lawfully established or granted resource consent	P	P	P	P	P	P
(A2)	Minor infrastructure upgrading of network utilities	P	P	P	P	P	P
(A3)	Service connections	P	P	P	P	P	P
(A4)	Minor utility structure	P	P	P	P	P	P
(A5)	Electric vehicle charging stations	P	P	P	P	P	P
(A6)	Removal of network utilities and electricity generation facilities	P	P	P	P	P	P
(A7)	Ancillary telecommunication equipment/devices and networks for supporting the operation of a network utility and/or electricity generation facility, including but not limited to smart meters, antennae and aerials(excludes microwave and satellite dish aerials)	P	P	P	P	P	P
(A8)	Pipes and cables for the conveyance of water, wastewater, stormwater, electricity, gas and telecommunications that are attached to existing structures	P	P	P	P	P	P
(A9)	Pipe and cable bridges for the conveyance of water, wastewater, stormwater, electricity, gas and telecommunications	P	P	P	P	P	P
(A10)	Air quality and meteorological monitoring structures and devices	P	P	P	P	P	P
(A11)	Temporary network utilities operating for less than 12 months	P	P	P	P	P	P
(A12)	Temporary signage during the construction of network utilities and electricity generation facilities, which is in place for no longer than 12 months	P	P	P	P	P	P
(A13)	Diesel or petrol electricity generators used for the emergency backup of any activities in Table E26.2.3.1 Activity Table	P	P	P	P	P	P
(A14)	Network utilities and energy storage inside existing buildings used for network utilities.	P	P	P	P	P	P
(A15)	Network utilities and energy storage within buildings where the network utilities or energy storage services that building	P	P	P	P	P	P
(A16)	Network utilities and electricity generation facilities not listed in Table E26.2.3.1 Activity Table	D	D	D	D	D	D
Electricity transmission and distribution							
(A17)	Distribution substations	P	P	P	P	P	P

E26 Infrastructure

(A18)	Substations within new buildings *Centres zones and Business – Mixed Use Zone	NA	P	P	C	P	C	*RD#	RD#
(A19)	Substations within existing buildings	NA	P	P	P	P	P	P	P
(A20)	Substations within existing buildings that require an increase in building platform area or building height *Centres zones and Business – Mixed Use Zone	NA	P	P	C	P	C	*RD	RD
(A21)	Unenclosed Substations *Business – Heavy Industry Zone	NA	RD#	D	D	D	D	*RD	D
(A22)	Underground electricity lines	P	P	P	P	P	P	P	P
(A23)	Pole mounted transformer * within areas of the Road, Unformed Road and Strategic Transport Corridor this activity shall have the same status as the adjacent zone ** Industrial zones *** within the areas of the Roads and Unformed Roads and Strategic Transport Corridor Zone, in rural and coastal towns; and serviced and un-serviced villages.	*	P	P	RD P***	RD P**	RD		RD
(A24)	Overhead electricity lines up to and including 110kV * within areas of the Road, Unformed Road and Strategic Transport Corridor this activity shall have the same status as the adjacent zone; *2 Business – Heavy Industry Zone	*	P	P	D	RD P**	D		D P***
(A25)	Overhead electricity lines greater than 110kV * Business – Heavy Industry Zone	D	D	D	D	D	D	P*	D
Liquid fuels and gas transmission and distribution									
(A26)	Underground gas distribution regulator stations	P	P	P	P	P	P	P	P
(A27)	Aboveground gas distribution regulator stations	P	P	P	P	P	P	P	P
(A28)	Aboveground gas and petroleum product transmission regulator, valve, or pump stations * Business – Heavy Industrial Zone	D	D	D	D	D	D	RD*	D
(A29)	Underground gas distribution pipelines at a gauge pressure not exceeding 2000 kilopascals, including any aerial crossings of streams using bridges or any other structures, and ancillary underground equipment and fittings	P	P	P	P	P	P	P	P
(A30)	Underground gas and petroleum product transmission pipelines at a gauge pressure exceeding 2000 kilopascals including any aerial crossings of streams or other low lying areas using bridges or any other structures, and ancillary underground equipment and fittings	D	D	D	D	D	D	D	D
Telecommunications									
(A31)	Antennas attached to a replacement utility structure that are subject to and do not comply with Regulations 28 and 29 of the NESTF	C	NA						
(A32)	Antennas attached to retaining walls, tunnels, bridges and other structures (other than replacement utility structures under the NESTF) in the road, unformed Road and Strategic Transport Corridor Zone	P	NA						
(A33)	Antennas attached to a building and/or structure where the face of the antenna does not exceed 1.5m ² or 1.2m in diameter for dish antennas (excludes private television antennas and satellite dishes)	NA	P	P	RD	P	P		P
(A34)	Mast and attached antennas * within Business – Local Centre Zone and Business – Neighbourhood Centre Zone	RD# P**	P	P	D	P	P	RD*#	RD#

UNITARY PLAN UPDATE REQUEST MEMORANDUM**TO** Phill Reid**FROM** Debra Yan**DATE** 8/3/18**SUBJECT**

This memorandum requests an update to Auckland Unitary Plan Operative in part

Reason for update	New regulations on certain vertebrate toxic agents
Chapter	Chapter E Auckland-wide, Natural Resources
Section	E34, Appendix 17
Designation only	
Designation #	RA
Location:	N/A
Lapse Date	<i>If applicable</i>
Type of Designation	<i>Alteration / Removal / New</i>
Purpose	
Changes to text (shown in underline and strikethrough)	See Attachment 1
Changes to diagrams	N/A
Changes to spatial data	N/A
Attachments	Attachement 1

Prepared by:

Debra Yan - Principal Planner

Signature:

A handwritten signature in black ink, appearing to read 'Debra Yan'.

Text entered by:

Sophia Coulter - Planning Technician

Signature:

A handwritten signature in black ink, appearing to read 'Sophia Coulter'.

Manager: Steve Van Kampen – Auckland-wide
Team Leader

Signature

A handwritten signature in black ink, appearing to read 'Steve Van Kampen'.

Attachement 1

E34. Agrichemicals and vertebrate toxic agents

E34.1. Background

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. Agrichemicals include agricultural compounds, but excludes fertilizers, vertebrate pest control products and oral nutrition compounds.

Vertebrate pest control products are referred to in the Plan as vertebrate toxic agents, which are substances used to eradicate, modify or control vertebrate animals such as possums, mustelids, rats, rabbits and deer.

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 Plan's approach to the management of agrichemicals is consistent with the requirements of specific standards and quality assurance systems and relies on the provisions of the New Zealand Standard - 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.

Vertebrate toxic agents are products that are designed to kill or control vertebrate pests such as rabbits and possums. For managing vertebrate toxic agents, compliance with the requirements set by the Environment Protection Authority (EPA) is also necessary.

[Regulations to standardise and simplify the regulatory regime for vertebrate toxic agents were introduced on 20 February 2017. The regulations remove duplication between the RMA, the Hazardous Substances and New Organisms Act 1996, and the Agricultural Compounds and Veterinary Medicines Act 1997. Under the regulations, aerial or ground applications of brodifacoum, rotenone, or fluoroacetate to control vertebrate pests such as stoats, possums, rats and pest fish are exempt from Resource Management Act requirements.](#)

E34.2. Objective [rp]

- (1) Human health and the environment are protected from adverse effects caused by the inappropriate application, handling, transport, storage or disposal of agrichemicals and vertebrate toxic agents.

E34.3. Policy [rp]

- (1) Avoid significant adverse effects, and minimise other adverse effects on the environment from the use of agrichemicals and vertebrate toxic agents including off-target spray drift, handling, storage, transport or disposal by all of the following:
 - (a) managing their application to prevent adverse effects on or near sensitive areas;

- (b) using where practicable, the least toxic and volatile agrichemical or vertebrate toxic agents with the most harmless adjuvant (substance used to improve their performance) suitable for the purpose;
- (c) applying agrichemicals and vertebrate toxic agents 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 all of the following:
 - (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; and
 - (vii) separation distances; and
- (e) considering the benefits and costs of alternatives to the use of agrichemicals and vertebrate toxic agents for plant and animal protection.

(2) The aerial or ground applications of brodifacoum, rotenone, fluoroacetate, pre-feed or repellent to control vertebrate pests is exempt from RMA the controls as specified in the Resource Management (Exemption) Regulations 2017. This will create a more efficient regulatory framework by improving- the effectiveness of pest control by reducing the risk in errors in operations; the risk of operational delays leading to pest control operations being less effective in protecting biodiversity; and inconsistent rules between regions impacting on the effectiveness of multi-region operations.

E34.4. Activity table

Table E34.4.1 Activity table specifies the activity status of the discharge of contaminants into the air, onto or into land and/or into water from agrichemicals and vertebrate toxic agents pursuant to section 15 of the Resource Management Act 1991.

Table E34.4.1 Activity table

Activity		Activity status
(A1)	The discharge from domestic applications of agrichemicals onto or into land for home and garden purposes that comply with Standard E34.6.1.1	P
(A2)	The discharge from non-domestic applications of agrichemicals onto or into land that comply with Standard E34.6.1.1 and Standard E34.6.1.2	P
(A3)	The discharge from land based application of vertebrate toxic agents onto or into land or into water that comply with Standard E34.6.1.3	P
(A4)	The discharge from the aerial application of vertebrate toxic agents into the air, onto or into land and/ or into water that	P

	comply with Standard E34.6.1.4	
(A10)	<u>The discharge of brodifacoum for the purpose of killing vertebrate pests that comply with Standard E34.6.1.7</u>	<u>P</u>
(A11)	<u>The discharge of rotenone for the purpose of killing introduced fish that comply with Standard E34.6.1.8</u>	<u>P</u>
(A12)	<u>The discharge of sodium fluoroacetate for the purpose of killing vertebrate pests that comply with Standard E34.6.1.9</u>	<u>P</u>
(A13)	<u>The discharge of any pre-feed for the purpose of killing vertebrate pests that comply with Standard E34.6.1.10</u>	<u>P</u>
(A14)	<u>The discharge of a repellent for the purpose of killing vertebrate pests that comply Standard E34.6.1.11</u>	<u>P</u>
(A5)	The discharge from the application of agrichemicals directly into or onto water that comply with Standard E34.6.1.1 and Standard E34.6.1.5	P
(A6)	The discharge from the application of agrichemicals for biosecurity purposes into the air, onto or into land and/or into water that comply with Standard E34.6.1.1 and Standard E34.6.1.6	P
(A7)	The discharge from the application of agrichemicals and of vertebrate toxic agents that do not comply with Standard E34.6.1.1; Standard E34.6.1.2; Standard E34.6.1.3; Standard E34.6.1.4; Standard E34.6.1.5 or Standard E34.6.1.6	D
(A8)	The discharge from the aerial application of agrichemicals and vertebrate toxic agents in urban areas for non-domestic uses into the air, onto or into land and/or into water	D
(A9)	The discharge from the application of agrichemicals and vertebrate toxic agents not otherwise provided for	D

E34.5. Notification

- (1) Any application for resource consent for an activity listed in Table E34.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

E34.6. Standards

E34.6.1. Permitted activity standards

All activities listed as a permitted activity in Table E34.4.1 Activity table must comply with the following general and activity specific permitted activity standards- except aerial or ground applications of brodifacoum, rotenone, fluoroacetate, pre-feed or repellent to control vertebrate pests.

E34.6.1.1. General standards for all permitted activities that discharge agrichemicals into the air, onto or into land and/or into water

- (1) The following standards apply to all permitted activities that discharge agrichemicals to air and land and including circumstances when it may

enter water or water- except aerial or ground applications of brodifacoum, rotenone, fluoroacetate, pre-feed or repellent to control vertebrate pests.

- (2) The discharge must not result in:
 - (a) any concentration of agrichemical beyond the boundary of the site 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 site.
- (3) All necessary steps are taken to avoid, remedy, or mitigate any possible adverse effects beyond the boundary of the site.
- (4) The discharge is not directly into water, including the coastal marine area or a freshwater body, unless the chemical is approved by the Environmental Protection Authority for use over or into water bodies.
- (5) The discharge is not directly onto or into water used for a potable water supply including roofs used for water collection.
- (6) There is no aerial spraying in urban areas.
- (7) The agrichemical is used according to controls imposed by the Environmental Protection Authority.
- (8) The application rate is in accordance with the product label, manufacturer's recommendations, safety data sheets or a maximum application rate approved by the Environmental Protection Authority.
- (9) 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.

E34.6.1.2. The discharge from non-domestic applications of agrichemicals onto or into land

- (1) Industry best practice must be used, including:
 - (a) the application of agrichemicals for non-domestic uses must comply with all of the following sections of the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004):
 - (i) Safe Storage of Agrichemicals (Users) in Appendix L4;
 - (ii) Safe Use of Agrichemical Compounds and Plant Protection Products in Section 5.3;
 - (iii) Disposal of Agrichemicals and Containers (Normative) in Appendix S; and
 - (iv) Agrichemical Application Records Sheet in Appendix C9; and
 - (b) following all instructions on the agrichemical label; and

- (c) being suitably qualified and/or have a quality management systems that has regular external audits.
- (2) A spray plan must be prepared annually for the area where the agrichemical will be applied. All of the following must be identified:
- (a) the sensitive areas that may be affected;
 - (b) any persons likely to be directly affected; and
 - (c) the affected persons to be advised and provided with the spray plan at least seven working days prior to the first application date. If spraying is in amenity areas or public places, as defined in New Zealand Standard -Management of Agrichemicals (NZS 8409:2004), then advising adjoining neighbours is not required.
- (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 required in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents; and
 - (b) have received instruction on the New Zealand Standard - Management of Agrichemicals NZS 8409:2004 from a person holding the minimum qualifications in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents.
- (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 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents; or
 - (b) be under the direct supervision of someone who holds a higher qualification meeting the requirements in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents.
- (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 commercial contractors in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents; or
 - (b) hold a qualification that meets the minimum qualification requirements in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents and be under the direct supervision of someone who holds a qualification that meets the requirements for commercial contractors in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents.
- (6) 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.
- (7) All mixing of agrichemicals must meet the requirements of the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004, section 5.3.2 Handling and mixing agrichemicals). 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 - Management of Agrichemicals (NZS 8409:2004, Appendix C9 Agrichemical Application Record Sheet) and must be made 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 Standards 0.6.1.2(10) to 0.6.1.2(16) must also be undertaken. Sensitive areas include all of the following:
- (a) dwellings;
 - (b) education facilities;
 - (c) marae and papakāinga;
 - (d) hospitals and aged-care facilities;
 - (e) amenity areas and public places;
 - (f) sources of potable water including roof water collection;
 - (g) non-target crops, flora and fauna (such as bees) sensitive to agrichemicals and vertebrate toxic agents;
 - (h) certified organic farms and farms applying for certification; and
 - (i) freshwater systems, the coastal marine area and significant ecological areas as identified in the Significant Ecological Areas Overlay.
- (10) The landowner is responsible for notifying the application of agrichemicals where the application is adjacent to sensitive areas as outlined in Standard E34.6.1.2(9)(a) - (i) that are not public places, to any landowner or occupier of the sensitive area who has requested to be advised.
- (11) Any landowner or occupier of the sensitive area 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.

- (12) Where the application is in or adjacent to sensitive areas as outlined in Standard E34.6.1.2(9)(a) - (i) that are amenity or public places as defined in New Zealand Standard - Management of Agrichemicals (NZS 8409:2004) then the notification of all persons likely to be affected by the application of agrichemicals must be undertaken as follows:
- (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;
 - (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; and
 - (c) the landowner is responsible for notifying all persons likely to be affected by the application of agrichemicals; the landowner may contract out the responsibility for notification to the applicator.
- (13) A risk assessment prior to the application of agrichemical must be carried out to ensure adequate measures, including reference to Table G1 the Drift hazard guidance chart in the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004), are in place to avoid adverse effects on sensitive areas as outlined in Standard E34.6.1.2(9)(a) - (i).
- (14) Agrichemicals must only be applied when the wind direction is away from the sensitive area as outlined in Standard E34.6.1.2(9)(a) - (i).
- (15) The application equipment must produce a spray quality no smaller than "coarse" according to Appendix Q Application Equipment in the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004).
- (16) The person applying the agrichemicals must demonstrate necessary steps are taken to avoid off-target spray drift with reference to Appendix G Spray Draft Hazard and Weather Conditions (Informative) of the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004), and record each steps. Steps may include any of the following:
- (a) adding a spray-drift reduction adjuvant to the spray;
 - (b) reducing the spray release height;
 - (c) increasing the droplet size (spray quality); or
 - (d) using spray-modelling software.

E34.6.1.3. The discharge from land based application of vertebrate toxic agents onto or into land or into water

- (1) The application of vertebrate toxic agents must comply with all requirements for the use of the vertebrate toxic agent by the Environmental Protection Agency.
- (2) There must be no discharge of vertebrate toxic agents beyond the boundary of the property or application area.

E34.6.1.4. The discharge from the aerial application of vertebrate toxic agents into the air, onto or into land and/or into water

- (1) The application of vertebrate toxic agents must comply with all requirements for the use of it by the Environmental Protection Agency.
- (2) Best management practice must be followed to prevent the discharge of vertebrate toxic agents:
 - (a) beyond the boundary of the property or application area; and
 - (b) over lakes, or a wetland of greater than 1ha.
- (3) If there will be discharge of vertebrate toxic agents within 50m of a sensitive area as outlined in Standard E34.6.1.2(9)(a) - (i) the person responsible for the sensitive area (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. All of the following information must be 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;
 - (d) details of all safety precautions that will be taken; and
 - (e) the name and contact phone number of those carrying out the application.
- (4) Records of consultation and information provided must be kept and made available to Council on request.
- (5) The operators must keep all GPS records of aerial vertebrate toxic agent 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 Chemical Rating issued under Civil Aviation Rules Part 61 Pilot Licences and Ratings and the aircraft company/organisation must have a quality management system that has regular external audits.

Note 1

Best management practices may include the use of GPS technology or direct boundary supervision by qualified people.

Note 2

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

Note 3

Permission is required from the Medical Officer of Health whenever certain vertebrate toxic agents 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 (e.g. parks).

E34.6.1.7 The discharge of brodifacoum

- (1) The discharge of brodifacoum (as defined in the Resource Management (Exemption) Regulations 2017) is for the purpose of killing vertebrate pests.
- (2) The discharge of brodifacoum is into or onto any of the following land, or into any water or air above, on, or in that land:
 - (a) land protected by predator-proof fencing; or
 - (b) an island of New Zealand other than the North Island or South Island.
- (3) The person who discharges the brodifacoum complies with the conditions in Schedule 2 to the Resource Management (Exemption) Regulations 2017.

E34.6.1.8 The discharge of rotenone

- (1) The discharge of rotenone (as defined in the Resource Management (Exemption) Regulations 2017) is for the purpose of killing introduced fish.
- (2) The discharge is into a water body whose surface, during the discharge:
 - (a) is less than 1 hectare in area; and
 - (b) is not connected to a river or an artificial watercourse.
- (3) The person who discharges the rotenone is, or is acting for the Department of Conservation or the Ministry for Primary Industries.
- (4) The person who discharges the rotenone has first consulted the relevant Fish and Game Council about the discharge.
- (5) The person who discharges the rotenone complies with the conditions in Schedule 2 to the Resource Management (Exemption) Regulations 2017.

E34.6.1.9 The discharge of sodium fluoroacetate

- (1) The discharge of sodium fluoroacetate (as defined in the Resource Management (Exemption) Regulations 2017) is for the purpose of killing vertebrate pests.
- (2) The person who discharges the sodium fluoroacetate complies with the conditions in Schedule 2 to the Resource Management (Exemption) Regulations 2017.

E34.6.1.10 The discharge of any pre-feed

- (1) The discharge of any pre-feed (as defined in the Resource Management (Exemption) Regulations 2017) where the person who discharges the pre-feed complies with the conditions in Schedule 2 to the Resource Management (Exemption) Regulations 2017.

E34.6.1.11 The discharge of a repellent

- (1) The discharge of a repellent (as defined in the Resource Management (Exemption) Regulations 2017) where the person who discharges the repellent complies with the conditions in Schedule 2 to the Resource Management (Exemption) Regulations 2017.

E34.6.1.5. The discharge from the application of agrichemicals directly into or onto water

- (1) The substances, including any adjuvants, must be approved by the Environmental Protection Authority for discharge directly into or onto water and the discharge must comply with all the requirements made by the Environmental Protection Authority including the requirements covering the person in charge, training, signage, storage, emergency management.
- (2) The person undertaking the discharge direct to water must 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 one 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 commercial contractors in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents; or
 - (b) hold a minimum qualification meeting the requirements in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents and be under the direct supervision of someone who holds a qualification that meets the requirements for commercial contractors in Appendix 18 Qualifications required for the application of agrichemicals and vertebrate toxic agents.
- (4) For the 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 Pilot Licences and Ratings; and
 - (b) the application company/organisation must have a quality management system that has regular external audits.
- (5) Where the discharge is occurring in a public place, signs must be placed within the immediate vicinity of the discharge prior to commencing and maintained until the discharge has ceased.
- (6) All users must keep records consistent with Agrichemical Application Records Sheet in Appendix C9 of the New Zealand Standard - Management of Agrichemicals (NZS 8409:2004) as evidence and information that provides an authentic record to verify that the application of agrichemical(s) directly into or onto water has been carried out in accordance with these provisions. Such records must be provided to the Council when requested.

E34.6.1.6. The discharge from the application of agrichemicals for biosecurity purposes into the air, onto or into land and/or into water

- (1) The application of agrichemicals for biosecurity purposes must be in accordance with the Biosecurity Act 1993.
- (2) 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 all 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; and
 - (h) the name and contact phone number of those carrying out the application.

E34.7. Assessment – controlled activities

There are no controlled activities in this section.

E34.8. Assessment – restricted discretionary activities

There are no restricted discretionary activities in this section.

E34.9. Special information requirements

There are no special information requirements this section.

Appendix 17 Documents incorporated by reference

An indicative list of documents incorporated by reference into the Plan is set out below. Documents are listed under the heading of the section they are found in. References to Acts of parliament and national policy statements are not included.

...

E34 Agrichemicals and vertebrate toxic agents

New Zealand Standard - Management of Agrichemicals (NZS 8409: 2004)

E35 Rural production discharges

Dairy Effluent Storage Calculator for the Auckland Region 2012

The Fertiliser Association of New Zealand's Code of Practice for Nutrient Management (2013)

A Code of Practice for The Management of Greenhouse Nutrient Discharges Horticulture New Zealand (June 2007)

[Resource Management \(Exemption\) Regulations 2017 - Schedule 2 Conditions on exemptions](#)

...