

## Suggested Conditions

- (1) *The location, design and implementation of the activity shall be carried out as described in the consent application, lodged with the Wellington Regional Council on 25 October 2002.*

*Note: Any change from the location, design concepts and parameters, and implementation may require a change in consent conditions under section 127 of the Resource Management Act 1991.*

- (2) *In terms of section 123(c) of the Resource Management Act 1991, the period for which this consent is granted is limited to five years from the date of commencement of this consent.*

- (3) *In terms of section 125 of the Resource Management Act 1991, the lapsing period for this consent is limited to five years from the date of commencement of this consent.*

- (4) *The Wellington Regional Council may review any or all of the conditions of this consent by giving notice of its intentions to do so under section 128 of the Resource Management Act 1991, at any time within six months of the first, and third anniversaries of the date of commencement of this consent for any of the following purposes:*

- *To deal with any adverse effect on the environment which may arise from the exercise of this permit and which are appropriate to deal with at a later stage.*
- *To review the adequacy of the monitoring requirements so as to incorporate into the permit any modification that may become necessary to deal with any adverse effects on the environment arising from the exercise of this permit.*
- *To alter the monitoring requirements in light of the results obtained from any previous monitoring.*
- *To consider any information that may come to light about the effects of the use of diquat, not considered as part of this application.*

- (5) *The Wellington Regional Council shall be entitled to recover from the consent holder the costs of the conduct of any review, calculated in accordance with and limited to that council's scale of charges in-force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.*

- (6) *The permit holder may apply, at any time, under section 127 of the Resource Management Act 1991, for the change or cancellation of any consent condition, other than that relating to the term of consent.*
- (7) *Diquat shall only be used when the following conditions are satisfied:*
- *Manual methods have failed to control weed growth in the Stream, and that this weed growth will result in an increased flood risk.*
  - *The permit holder has consulted with the Waiwhetu Stream Working Group at least 20 working days prior to any planned use of diquat and has taken full account of any views expressed by the group.*
  - *The permit holder shall specifically consult with Tangata Whenua of the area, represented by Te Runanganui O Taranaki Whanui Ki Te Upoko O Te Ika A Maui Inc. at least 20 working days prior to the proposed use of any diquat. The permit holder shall take full account of the views expressed by the group.*
- (8) *The permit holder shall report in writing to the Manager, Consents Management, Wellington Regional Council, annually as to the consultation activities undertaken. The permit holder shall forward a copy of the report to the Waiwhetu Stream Working Group Members.*

*Matters that shall be reported to the Group include:*

- *Review of the hand-clearing programme proposed by the Flood Protection Department.*
  - *Review of any proposed mechanical weed and silt removal considered necessary by the Flood Protection Department.*
  - *Consideration of the success of the hand-clearing of the aquatic weed.*
  - *Justification of the need to apply diquat to parts of the Waiwhetu Stream.*
  - *Present scientific information of the effects of diquat and its breakdown products.*
  - *Consideration of the scientific evidence regarding the effects of diquat.*
  - *Consideration of any alternative methods that could be used to remove Cape Pondweed.*
- (9) *The Manager, Consents Management, Wellington Regional Council, Te Runanganui O Taranaki Whanui Ki Te Upoko O Te Ika A Maui Inc., the Waiwhetu Stream Working Group and the Hutt City Council, shall be given a minimum of 48 notice in writing in advance of the use of diquat.*
- (10) *All operations involving the use of diquat shall be carried out in accordance with the manufacturer's recommendations and "NZS 8409:1999 Agrichemical Users Code of Practice".*
- (11) *Signs shall be erected along the Stream to notify the public that spraying of herbicide is being carried out. The signs shall be erected a minimum of two*

*working days prior to the activity and remain in place a minimum of five days after application.*

*The signs will contain the following information:*

- *Warning*
  - *Date and time spraying is to commence*
  - *Spray Location*
  - *Date and time spraying is to finish*
- (12) *The permit holder shall exercise this consent in a manner which ensures the retention of sufficient aquatic macrophytes and riparian emergent vegetation to maintain habitat of fish and invertebrate species.*
- (13) *The application of diquat shall be carried out a maximum of twice per year during spring and autumn over a two week period.*
- (14) *The permit holder shall use the minimum amount of diquat necessary to reduce flood risk to an acceptable level. In any event the permit holder shall use a maximum of 60 litres of diquat gel spray per application.*
- (15) *Diquat is not sprayed in the Waiwhetu Stream if the dissolved oxygen content before spraying is below 7.0g/m<sup>3</sup>, which ensures that the waterbody is not under existing stress from deoxygenation.*
- (16) *For the purposes of measuring dissolved oxygen and temperature in the Stream, samples shall be taken from the sprayed section of Waiwhetu Stream within seven days of the application of diquat. The monitoring locations are specified in Appendix 4 of this report. Monitoring shall be undertaken by a “telarc” registered laboratory.*
- The results of the analysis shall be made available to the Manager, Consents Management, Wellington Regional Council, the Waiwhetu Stream Working Group and the Hutt City Council, within 4 weeks of the application of diquat.*
- (17) *The application of diquat shall be managed so that the maximum concentration in the Stream after application does not exceed 1.5g/m<sup>3</sup> active ingredient. This level shall be determined by four grab samples taken from the treated area, as per the Diquat Application Procedures lodged with the Consents Management Department, Wellington Regional Council, as Appendix 9.3 of the application.*
- (18) *The permit holder shall investigate other methods of controlling weed growth in the Waiwhetu Stream and shall advise the Manager, Consents Management, Wellington Regional Council, in writing of the outcome of these investigations six months prior to the expiry of this consent.*
- (19) *The permit holder shall keep a written record of all applications of diquat, including the dates of application and the amount applied, which shall be made available to the Manager, Consents Management, Wellington Regional Council upon request.*

## ***Reasons for Suggested Conditions***

**Conditions 1-6** have been recommended as standard conditions of consent to ensure that the applicant carries out the proposed works as applied for in their application, as well as setting out the term of consent, lapsing period for the consent, and review conditions.

**Condition 7** has been recommended to ensure that diquat is only applied when manual clearing fails and when the Waiwhetu Working Group and local iwi have been provided 20 days notice.

**Condition 8** has been recommended to ensure that the Waiwhetu Working Group are consulted on an ongoing basis. The condition also lists a number of issues to be raised at these meetings.

**Condition 9** ensures that the applicant notifies the Manager, Consents Management, Wellington Regional Council and Te Runanganui o Taranaki ki te Upoko o te Ika a Maui Inc. of commencement of works, so the consent can be monitored.

**Condition 10** ensures that operations are carried out in accordance with “NZS 8409:1999 Agricultural Users Code of Practice”.

**Condition 11** has been recommended to ensure that signs are erected along the Waiwhetu Stream to inform the public of the spraying programme.

**Condition 12** has been recommended to ensure the retention of sufficient macrophytes and riparian vegetation to maintain any existing fish life.

**Condition 13** ensures that the application of diquat is only carried out at a maximum of twice annually in spring and autumn. These are the most effective spraying times during the Cape Pondweed lifecycle.

**Condition 14** ensures that the applicant uses only the minimum amount of diquat required to be effective against the Cape Pondweed, which avoids over application of the herbicide.

**Condition 15** ensures that diquat shall be managed so that the dissolved oxygen content in the Stream is above 7.0 g/m<sup>3</sup> at all times in order to sustain biological life in the Stream.

**Condition 16** has been recommended to ensure that there is an effective sampling programme in place for monitoring dissolved oxygen and that the results are made available to the Manager, Consent Management, for review.

**Condition 17** ensures that the application rate of diquat is controlled to that the active ingredient in the water following each application, does not exceed 1.5g/m<sup>3</sup>.

*Note: Monitoring during the 1996 application showed water concentrations reached 0.7 g/m<sup>3</sup> (a.i.) on the day of application.*

***Condition 18** has been recommended to ensure that the applicant investigates other methods of weed control so that ongoing research is carried out before the expiry of this consent.*

***Condition 19** ensures that written records of the application dates and quantity applied are available to the Wellington Regional Council should they be required.*