

Attachment 1 WGN180433 [35541]

That, under sections 104, 104B, 105, 107 and 108 of the Resource Management Act 1991, Wellington Regional Council Biosecurity Department, be granted the following resource consent for a duration of 10 years:

To discharge the herbicide Haloxypop to water for the control of Manchurian Wild Rice in the Te Harekeke Wetland and Ngarara Stream at Pharazyn Estate, Waikanae.

Rule 2 Operative Regional Air Quality Management Plan Conditions

The conditions specified in Rule 2 of the operative Regional Air Quality Management Plan for the discharge of contaminants into air in connection with the aerial application of agrichemical sprays/powders, shall be adhered to until such time as the Proposed Natural Resources Plan is fully adopted and the Regional Air Quality Management Plan has been revoked. These conditions are set out below:

The persons responsible for the activity shall ensure that:

- (i) The pilot holds a current agrichemical rating (issued by the NZ Agrichemical Education Trust), and loaders and ground crew shall hold the Standard GROWSAFE Certificate (issued by the NZ Agrichemical Education Trust), endorsed "Aerial Application Ground Crew".
- (ii) Spray solutions are diluted, and sprays and powders are applied, strictly in accordance with the manufacturers' instructions and at concentrations not exceeding the manufacturers' label recommendations.
- (iii) No mixing or diluting of chemicals takes place within 20 metres of a surface water body, a bore, spring, tile drain or the coastal marine area, unless the mixing or diluting takes place on an impervious surface which is bunded to contain washdown water or spillages.
- (iv) No agrichemical sprays or powders are discharged over a catchment with surface water that is managed for water supply purposes as identified in any regional plan or proposed regional plan.
- (v) All practicable steps are taken to avoid release of agrichemical over other open surface water (see Definitions) or wetland of one hectare or more unless the agrichemical is registered for use over water bodies.
- (vi) Written notice (either direct notification to individual properties or public notification) is given to all adjacent properties, and places of common public assembly (e.g., schools, kindergartens, offices, etc.) located within 300 metres of the area to be sprayed or dusted with agrichemical powder.

Such notification is to take place prior to the spraying, not less than once a year, at the beginning of the year or spray season.

Such notification is unnecessary if owners or occupiers of adjacent properties or places of public assembly agree in writing that notification **is not** required.

Notice must be in the form of a property spray plan and include details of:

- (a) the property or part of property to be sprayed or dusted with powder;
 - (b) the periods (likely day(s), date(s) and time(s)) when the agricultural sprays or powders will be applied;
 - (c) the crops or vegetation to be sprayed and a list of chemicals (with brand names) to be used;
 - (d) any safety precautions for third parties, as noted in the most recent edition of the New Zealand Agricultural and Plant Protection Manual;
 - (e) a list of immediate neighbours, and their contact phone numbers;
 - (f) identification of sensitive areas (e.g., residential buildings, school buildings, amenity areas, public water supply catchments, water bodies, sensitive crops or farming systems, wetlands, public roads) and the strategies employed to avoid contamination of those areas;
 - (g) the name and contact phone number of those carrying out the agricultural application; and
 - (h) the equipment and method of application to be used.
- (vii) A spray diary showing how the spray plan was implemented is maintained, and available for inspection, containing:
- (a) date and time of spray/powder application;
 - (b) name and type of agricultural chemicals applied (including any additives);
 - (c) concentration and volume of spray/powder used ;
 - (d) weather conditions (including wind speed and direction);
 - (e) how notification requirements have been met; and
 - (f) details of any abnormal situation or incident, and any action taken, including any variations to the spray plan.
- (viii) The Wellington Regional Council is notified immediately in the case of any emergency release, or accidental discharge.
- (ix) Sprays and powders are applied in a manner which does not cause or is not likely to cause adverse effects beyond the boundary of the property.

General conditions

1. The location, design, implementation and operation of the works shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 30 April 2018.

For the avoidance of doubt, where information contained in the application is contrary to conditions of this consent, the conditions shall prevail.

Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

2. All aerial spraying permitted by this consent shall be carried out in accordance with the *Greater Wellington Regional Council Standard Operating Procedure: Management of Contracted Aerial Herbicide Application* (March 2015), unless otherwise agreed in writing by the Manager, Environmental Regulation.
3. The Manager, Environmental Regulation, Wellington Regional Council, and Te Atiawa Ki Whakarongotai (TAKW) shall be given a minimum of two working days (48 hours) notice prior to spraying commencing.

*Note: Notification to Wellington Regional Council **must be** emailed to notifications@gw.govt.nz. Please include the consent reference WGN180433 and the name and phone number of a contact person responsible for the proposed works. Notification to Te Atiawa Ki Whakarongotai can be emailed to taiao@teatiawakikipiti.co.nz*

4. The consent holder shall provide a copy of this consent and any documents referred to in this consent to all people undertaking the activity authorised by this consent prior to the works commencing.
5. A copy of this consent shall be kept on site at all times during the works and shall be made available to any Wellington Regional Council enforcement officer on request.
6. The discharge shall not cause any of the following effects in the Te Harakeke Swamp and Ngarara Stream:
 - Produce any conspicuous oil or grease films, scums or foams or floatable or suspended materials;
 - Any emission of objectionable odour;
 - The natural temperature of the water to change by more than 3°C;
 - The dissolved oxygen concentration to fall below 80% of the saturation concentration;
 - Any significant adverse effects on aquatic life;
 - The rendering of fresh water unsuitable for consumption by humans and farm animals; and
 - Any conspicuous change in colour or visual clarity.

Operating conditions

7. The consent holder may discharge Haloxyfop in accordance with the application and in compliance with all conditions, within the following time restrictions:
 - The discharge(s) shall only occur between the months of December to May inclusive to exclude the peak fish migration and spawning periods;
 - There shall be no discharge of Haloxyfop when whitebait and elvers are present during the defined Department of Conservation local whitebait season for the region; and
 - There shall be no more than two discharges per year, with a minimum interval between them of 30 days.

8. All operations involving the use of Haloxyfop related to this consent shall be carried out strictly in accordance with the manufacturer's recommendations and 'NZS 8409:2004 Management of Agrichemicals' standards (i.e. Product label and specifications).

In particular:

 - The maximum discharge rate of Haloxyfop may not exceed 1 kg active ingredient per hectare sprayed; and
 - A minimum interval of 30 days shall occur between spraying operations of the same site.

9. Signs shall be erected at access points around the Te Harekeke Swamp and Ngarara Stream to notify the public that spraying of herbicide is being carried out. The signs shall be erected prior to the activity commencing and shall remain in place for a minimum of five days in a flowing waterbody and 21 days in a static waterbody, after the last discharge.

The signs shall contain, but not be limited to, the following information:

- Warning to the public that Haloxyfop is being discharged;
- Date and time Haloxyfop discharge is to commence;
- Location that the Haloxyfop discharge will occur;
- Date and approximate time Haloxyfop discharge is to finish; and
- Contact phone number for public enquires.

Monitoring of discharge

10. In the event of an accidental spill or uncontrolled discharge, the discharge of Haloxyfop shall cease immediately, and the consent holder shall contact both the Manager, Environmental Regulation, Wellington Regional Council (**Environmental Hotline 0800 496 734**) and Te Atiawa Ki Whakarongotai (04 293 1538) immediately. All other parties which provided written approval shall also be contacted immediately.

The discharge shall not re-commence until the written satisfaction of both the Manager, Environmental Regulation, Wellington Regional Council and Te Atiawa Ki Whakarongotai, is gained (email is considered sufficient).

11. The consent holder shall record, at each discharge of **Haloxypop**:
- The location of the discharge (NZMS 260);
 - The date of the discharge;
 - The time of the discharge;
 - The volume of concentrated Haloxypop mixed and discharged;
 - Any complaints made by members of the public;
 - Any incidents involving the spilling of Haloxypop to a water body; and
 - Any other relevant or unusual observations.

Commented [JM1]: Replaced from 'Gallant NF' (a tradename)

12. The consent holder shall sample the immediate area that Haloxypop is discharged to **immediately before and within 24-72 hours** after the discharge under the exercise of this consent. Details that shall be sampled and recorded **prior** to the discharge are:

Commented [JM2]: If we are to switch to longer term 'passive sampling devices' PSDs instead of the instant grab samples then these would be in place for a number of days prior – reword?

- **Environmental Exposures Limits (EEL) – level of Haloxypop in water pH;**
- **Dissolved Oxygen (DO); a Concentration of substance in sediment and**
- **Any other monitoring requirements by EPA Temperature (°C).**

Commented [JM3]: Previously read '30 minutes after'. Permission was given by Simon Hunt for this to be amended to 24-72hrs following discharge, to be included in the new consent. It is physically impossible to take the required samples within 30 minutes of the operation concluding.

Details that shall be sampled and recorded **after** the discharge are:

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- **Environmental Exposures Limits (EEL) – level of Haloxypop in water**
- **Concentration of substance in sediment**
- **Any other monitoring requirements by EPA, and**
 - **pH;**
 - **Dissolved Oxygen (DO);**
 - **Temperature; and**
- **Fish kills (count of dead fish).**

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13. The consent holder shall prepare a report detailing the records required by conditions 10 to 12 of this consent. The report shall be submitted to the Manager, Environmental Regulation, Wellington Regional Council by 30 June of each year. This report shall meet the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Commented [JM4]: These are our monitoring requirements from EPA (some of their requirements are still being defined hence the 'any other monitoring...').

Our previous consent had monitoring for DO and pH. EPA deems this unnecessary: "DO not considered appropriate due to site being degraded and flowing. pH monitoring is not required for haloxypop."

This report shall also be provided to Te Atiawa Ki Whakarongotai.

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Review conditions

14. The Wellington Regional Council may review any or all conditions of this consent by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, annually at any time within three months of the anniversary of this consent, for the purpose of:
- To deal with any adverse effect on the environment which may arise from the exercise of this consent 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 consent any modification that may become necessary to deal with any adverse effects on the environment arising from the exercise of this consent;

- c) To alter the monitoring requirements in light of the results obtained from any previous monitoring; or
- d) To enable consistency with the relevant Regional Plan(s) and/or with National Environmental Standards.

